

(g) Where there has been a recent attempt by the manufacturer to repair a consumer's vehicle, but no response has yet been received by the informal dispute mechanism from the consumer as to whether the repairs were successfully completed, the parties must be given the opportunity to present any additional information regarding the manufacturer's recent repair attempt before any final decision is rendered by the informal dispute settlement mechanism. This provision shall not prejudice a consumer's rights under this section.

(h) If the manufacturer knows that a technical service bulletin directly applies to the specific mechanical problem being disputed by the consumer, then the manufacturer shall provide the technical service bulletin to the consumer at reasonable cost. The mechanism shall review any such technical service bulletins submitted by either party.

(i) A consumer may be charged a fee to participate in an informal dispute settlement mechanism required by this section, but the fee may not exceed the conciliation court filing fee in the county where the arbitration is conducted.

(j) Any party to the dispute has the right to be represented by an attorney in an informal dispute settlement mechanism.

(k) The informal dispute settlement mechanism has all the evidence-gathering powers granted an arbitrator under section 572.14.

(l) A decision issued in an informal dispute settlement mechanism required by this section may be in writing and signed.

Presented to the governor April 3, 1990

Signed by the governor April 6, 1990, 11:03 a.m.

CHAPTER 409—H.F.No. 1921

An act relating to waste; prohibiting the placement of certain dry cell batteries in mixed municipal solid waste; requiring labeling of certain batteries by electrode content; establishing maximum content levels of mercury in batteries; requiring that batteries in certain consumer products be easily removable; providing penalties; proposing coding for new law in Minnesota Statutes, chapters 115A and 325E.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [115A.9155] DISPOSAL OF CERTAIN DRY CELL BATTERIES.

Subdivision 1. PROHIBITION. A person may not place in mixed municipal solid waste a dry cell battery containing mercuric oxide electrode, silver

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oxide electrode, nickel-cadmium, or sealed lead-acid that was purchased for use or used by a government agency, or an industrial, communications, or medical facility.

Subd. 2. MANUFACTURER RESPONSIBILITY. (a) A manufacturer of batteries subject to subdivision 1 shall:

(1) ensure that a system for the proper collection, transportation, and processing of waste batteries exists for purchasers in Minnesota; and

(2) clearly inform each purchaser of the prohibition on disposal of waste batteries and of the system or systems for proper collection, transportation, and processing of waste batteries available to the purchaser.

(b) To ensure that a system for the proper collection, transportation, and processing of waste batteries exists, a manufacturer shall:

(1) identify collectors, transporters, and processors for the waste batteries and contract or otherwise expressly agree with a person or persons for the proper collection, transportation, and processing of the waste batteries; or

(2) accept waste batteries returned to its manufacturing facility.

(c) A manufacturer shall ensure that the cost of proper collection, transportation, and processing of the waste batteries is included in the sales transaction or agreement between the manufacturer and any purchaser.

(d) A manufacturer that has complied with this subdivision is not liable under subdivision 1 for improper disposal by a person other than the manufacturer of waste batteries.

Sec. 2. [325E.125] GENERAL AND SPECIAL PURPOSE BATTERY REQUIREMENTS.

Subdivision 1. IDENTIFICATION. The manufacturer of a button cell battery that is to be sold in this state shall ensure that each battery is clearly identifiable as to the type of electrode used in the battery.

Subd. 2. MERCURY CONTENT. (a) A manufacturer may not sell, distribute, or offer for sale in this state an alkaline manganese battery that contains more than .30 percent mercury by weight, or after February 1, 1992, 0.025 percent mercury by weight.

(b) On application by a manufacturer, the commissioner of the pollution control agency may exempt a specific type of battery from the requirements of paragraph (a) if there is no battery meeting the requirements that can be reasonably substituted for the battery for which the exemption is sought. The manufacturer of a battery exempted by the commissioner under this paragraph is subject to the requirements of section 1, subdivision 2.

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(c) Notwithstanding paragraph (a), a manufacturer may not sell, distribute, or offer for sale in this state after January 1, 1992, a button cell alkaline manganese battery that contains more than 25 milligrams of mercury.

Subd. 3. RECHARGEABLE TOOLS AND APPLIANCES. (a) A manufacturer may not sell, distribute, or offer for sale in this state a rechargeable consumer product unless:

(1) the battery can be easily removed by the consumer or is contained in a battery pack that is separate from the product and can be easily removed; and

(2) the product and the battery are both labeled in a manner that is clearly visible to the consumer indicating that the battery must be recycled or disposed of properly and the battery must be clearly identifiable as to the type of electrode used in the battery.

(b) "Rechargeable consumer product" as used in this subdivision means any product that contains a rechargeable battery and is primarily used or purchased to be used for personal, family, or household purposes.

(c) On application by a manufacturer, the commissioner of the pollution control agency may exempt a rechargeable consumer product from the requirements of paragraph (a) if:

(1) the product cannot be reasonably redesigned and manufactured to comply with the requirements prior to the effective date of this section;

(2) the redesign of the product to comply with the requirements would result in significant danger to public health and safety; or

(3) the type of electrode used in the battery poses no unreasonable hazards when placed in and processed or disposed of as part of mixed municipal solid waste.

(d) An exemption granted by the commissioner of the pollution control agency under paragraph (c), clause (1), must be limited to a maximum of two years and may be renewed.

Sec. 3. [325E.1251] PENALTY.

Violation of sections 1 and 2 is a misdemeanor. A manufacturer who violates section 1 or 2 is also subject to a minimum fine of \$100 per violation.

Sec. 4. APPLICATION; EFFECTIVE DATES.

Section 1 is effective August 1, 1990.

Section 2, subdivisions 1 and 2, are effective January 1, 1991, and apply to batteries manufactured on or after that date.

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Section 2, subdivision 3, is effective July 1, 1993, and applies to rechargeable consumer products manufactured on or after that date.

Notwithstanding section 2, a retailer may sell alkaline manganese batteries from the retailer's stock existing on the effective dates for the two levels of mercury in section 2, subdivision 2, and rechargeable consumer products from the retailer's stock existing on the effective date of section 2, subdivision 3.

Presented to the governor April 3, 1990

Signed by the governor April 5, 1990, 9:17 p.m.

CHAPTER 410—H.F.No. 2059

An act relating to education; designating the commissioner of transportation as agent for the Mid-American Aviation Resource Consortium; permitting special school district No. 1 to remodel the Aviation Training Center with federal funds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. AIR TRAFFIC CONTROL TRAINING.

The commissioner of transportation is the state agent for the Mid-American Aviation Resource Consortium. The commissioner may receive federal money due the consortium for air traffic control training. Federal money received is appropriated to the commissioner, who may pay it to the state board of vocational technical education, to remodel space as necessary to provide instruction of air traffic controllers in the Aviation Training Center at Flying Cloud Airport, as well as to provide the instruction. The total cost of the remodeling project may not be more than \$800,000, to be paid entirely from federal money.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day following final enactment.

Presented to the governor April 3, 1990

Signed by the governor April 4, 1990, 10:00 p.m.

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