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CHAPTER 49

Electric Storage Batteries

**SECTION 39‑49‑10.** “Rental battery” defined.

 As used in this chapter the words “rental battery” shall mean an electric storage battery loaned, rented or furnished for temporary use by any person engaged in the business of buying, selling, repairing or recharging electric storage batteries.

HISTORY: 1962 Code Section 66‑501; 1952 Code Section 66‑501; 1942 Code Section 1159; 1932 Code Section 1159; 1926 (34) 979; 1933 (38) 256; 1939 (41) 452.

**SECTION 39‑49‑20.** Identifying batteries as “rental.”

 Any such person may mark any such battery belonging to him with the word “rental” or any other word of similar meaning, printed or stamped upon or attached to such battery, together with such words as shall identify such battery as the property of the person so marking it. It shall be unlawful for any person to so mark any such battery which is not the property of such person.

HISTORY: 1962 Code Section 66‑502; 1952 Code Section 66‑502; 1942 Code Section 1159; 1932 Code Section 1159; 1926 (34) 979; 1933 (38) 256; 1939 (41) 452.

**SECTION 39‑49‑30.** Alteration of “rental” indicator shall be unlawful.

 It is unlawful for any person to remove, deface, alter or destroy the word “rental” on any rental battery or any other word, mark or character printed, painted or stamped upon or attached to any rental battery to identify it as belonging to or being the property of any person.

HISTORY: 1962 Code Section 66‑503; 1952 Code Section 66‑503; 1942 Code Section 1159; 1932 Code Section 1159; 1926 (34) 979; 1933 (38) 256; 1939 (41) 452.

**SECTION 39‑49‑40.** Unauthorized sale, delivery or rental of marked battery.

 It is unlawful for any person other than the owner thereof to sell, dispose of, deliver, rent or give to any other person any rental battery marked by the owner thereof as provided by Section 39‑49‑20.

HISTORY: 1962 Code Section 66‑504; 1952 Code Section 66‑504; 1942 Code Section 1159; 1932 Code Section 1159; 1926 (34) 979; 1933 (38) 256; 1939 (41) 452.

**SECTION 39‑49‑50.** Unlawful recharge or repair of marked battery of another.

 It is unlawful for any person engaged in the business of buying, selling, repairing or recharging electric storage batteries to recharge or repair any rental battery not owned by such person and marked by the owner thereof as provided by Section 39‑49‑20.

HISTORY: 1962 Code Section 66‑505; 1952 Code Section 66‑505; 1942 Code Section 1159; 1932 Code Section 1159; 1926 (34) 979; 1933 (38) 256; 1939 (41) 452.

**SECTION 39‑49‑60.** Unauthorized retention of marked battery of another; demand for possession.

 It is unlawful for any person to retain in his possession for a longer period than ten days, without the written consent of the owner, any rental battery marked as such by the owner, as provided by Section 39‑49‑20. Demand must be made on any person who so retains a rental battery in his possession at least five days before a prosecution can be instituted. Proof of a registered letter having been sent to the person so offending at his last known address shall be accepted as conclusive evidence of such demand.

HISTORY: 1962 Code Section 66‑506; 1952 Code Section 66‑506; 1942 Code Section 1159; 1932 Code Section 1159; 1926 (34) 979; 1933 (38) 256; 1939 (41) 452.

**SECTION 39‑49‑70.** Sale of rebuilt electric storage batteries not marked as “Rebuilt.”

 Whoever assembles or rebuilds an electric storage battery for use on automobiles, in whole or in part, out of secondhand or used material such as containers, separators, plates, groups or other battery parts and sells it or offers it for sale in the State without the word “Rebuilt” moulded into the side of the container in letters which are at least one inch high and five eighths of an inch wide shall be guilty of a misdemeanor.

HISTORY: 1962 Code Section 66‑507; 1952 Code Section 66‑507; 1942 Code Section 1159‑1; 1933 (38) 482.

**SECTION 39‑49‑80.** Penalties.

 Any person, including any officer, agent, employee or member of any firm or corporation violating any of the provisions of Sections 39‑49‑10 to 39‑49‑60 shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars or be imprisoned for a term not exceeding thirty days, at the discretion of the court.

HISTORY: 1962 Code Section 66‑508; 1952 Code Section 66‑508; 1942 Code Section 1159; 1932 Code Section 1159; 1926 (34) 979; 1933 (38) 256; 1939 (41) 452.