

Senate Bill 515

Sponsored by Senator BENTZ (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows dealers required to accept and pay refund value of empty beverage containers to provide accounting mechanism by which persons may redeem refund value of beverage containers at later date.

A BILL FOR AN ACT

1
2 Relating to beverage containers; amending ORS 459A.710, 459A.712 and 459A.738.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 459A.710 is amended to read:

5 459A.710. Except as provided in ORS 459A.715:

6 (1)(a) Except as provided in paragraph (b) of this subsection, a dealer may not refuse to accept
7 from any person any empty beverage containers that contained the kind of beverage sold by the
8 dealer, or refuse to pay to that person the refund value of a beverage container as established by
9 ORS 459A.705.

10 (b) A dealer that occupies a space of less than 5,000 square feet in a single area may refuse to
11 accept from any person any empty beverage containers of the kind, size and brand that the dealer
12 does not sell.

13 **(2) A dealer may provide an accounting mechanism by which a person may redeem the**
14 **refund value of beverage containers at a later date.**

15 [(2)] **(3)** A distributor or importer may not refuse to accept from a dealer any empty beverage
16 containers of the kind, size and brand sold by the distributor or importer, or refuse to pay the dealer
17 the refund value of a beverage container as established by ORS 459A.705.

18 [(3)] **(4)** The manufacturer, distributor or importer of any beverage sold in this state shall ensure
19 that all dealers or redemption centers in this state that redeem beverage containers are paid the
20 refund value for those beverage containers and that those beverage containers are collected from
21 the dealer or redemption center in a timely manner.

22 **SECTION 2.** ORS 459A.738 is amended to read:

23 459A.738. (1) For each beverage container redemption center, the Oregon Liquor Control Com-
24 mission shall specify up to two convenience zones. The first convenience zone shall be the sector
25 within a radius of not more than two miles around the beverage container redemption center. The
26 second convenience zone shall be the sector beginning at the border of the first convenience zone
27 and continuing to a radius of not more than three and one-half miles around the beverage container
28 redemption center. The convenience zones shall be based to the greatest extent practicable upon the
29 proposals submitted as part of the application for approval of the redemption center under ORS
30 459A.735.

31 (2) All dealers doing business within the first convenience zone that occupy a space of 5,000 or

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 more square feet in a single area may participate in, be served by and be charged the cost of par-
2 ticipation in the beverage container redemption center and, if such a dealer participates in, is served
3 by and pays the cost of participation in the redemption center, the dealer may, notwithstanding any
4 other provision of ORS 459A.700 to 459A.740, refuse to accept and to pay the refund value of empty
5 beverage containers.

6 (3) All dealers doing business within the second convenience zone that occupy a space of 5,000
7 or more square feet in a single area may participate in, be served by and be charged the cost of
8 participation in the beverage container redemption center and, if such a dealer participates in, is
9 served by and pays the cost of participation in the redemption center, the dealer may,
10 notwithstanding any other provision of ORS 459A.700 to 459A.740[.]:

11 (a) Refuse to accept and to pay the refund value of more than 24 individual empty beverage
12 containers returned by any one person during one day; **and**

13 (b) **Provide an accounting mechanism by which a person may redeem the refund value**
14 **of beverage containers at a later date.**

15 (4) All dealers doing business within either convenience zone that occupy a space of less than
16 5,000 square feet in a single area may, notwithstanding any other provision of ORS 459A.700 to
17 459A.740[.]:

18 (a) Refuse to accept and to pay the refund value of more than 24 individual empty beverage
19 containers returned by any one person during one day; **and**

20 (b) **Provide an accounting mechanism by which a person may redeem the refund value**
21 **of beverage containers at a later date.**

22 (5)(a) Any dealer doing business in either convenience zone that occupies a space of 5,000 or
23 more square feet in a single area that does not participate in, and is not served by, the beverage
24 container redemption center may not refuse to accept and to pay the refund value of up to 350 in-
25 dividual empty beverage containers, as established by ORS 459A.705, returned by any one person
26 during one day and must, beginning on the date that the redemption center begins accepting
27 beverage containers, provide services equivalent to those provided by the redemption center under
28 ORS 459A.737 (2), including hand counting and drop off service.

29 (b) In addition to complying with the requirements specified in paragraph (a) of this subsection,
30 a dealer described in paragraph (a) of this subsection must:

31 (A) Post in each area where beverage containers are received a clearly visible and legible sign
32 that contains the list of services that must be provided by the dealer; and

33 (B) Provide two automated reverse vending machines capable of processing metal, plastic and
34 glass beverage containers, or one automated reverse vending machine capable of processing metal,
35 plastic and glass beverage containers for each 500,000 beverage containers sold by the dealer in the
36 previous calendar year, whichever is greater.

37 (c) **A dealer described in paragraph (a) of this subsection may provide an accounting**
38 **mechanism by which a person may redeem the refund value of beverage containers at a later**
39 **date.**

40 [(c)(A)] (d)(A) The provisions of paragraphs (a) and (b) of this subsection do not apply to a
41 dealer described in paragraph (a) of this subsection if the dealer sold fewer than 100,000 beverage
42 containers in the previous calendar year. To be eligible for the exemption under this paragraph, a
43 dealer described in paragraph (a) of this subsection must report to the commission the number of
44 beverage containers sold by the dealer in the previous calendar year.

45 (B) The report required under this paragraph must be submitted by a dealer:

1 (i) Except as provided in subsection (6) of this section, no later than 60 days after issuance of
2 the notice required under ORS 459A.735 (4); and

3 (ii) No later than January 1 of each calendar year following the year that the notice under ORS
4 459A.735 (4) was issued and for which the dealer intends to claim the exemption.

5 [(d)] (e) The commission shall ensure compliance with this subsection by a dealer described in
6 paragraph (a) of this subsection that is not subject to an exemption under paragraph [(c)] (d) of this
7 subsection.

8 (6) A dealer that plans to begin doing business in either convenience zone after the date that
9 the beverage container redemption center associated with the convenience zone begins accepting
10 beverage containers shall, not less than 60 days prior to the date that the dealer begins doing
11 business:

12 (a) Provide notice to the commission explaining whether the dealer will or will not participate
13 in, be served by and pay the cost of participation in the redemption center; and

14 (b) If the dealer will not participate in the redemption center and will claim an exemption under
15 subsection [(5)(c)] (5)(d) of this section, provide documentation of compliance with the requirements
16 for nonparticipating dealers under this section and an estimate of the number of beverage containers
17 that the dealer expects to sell during the first calendar year that the dealer does business in the
18 convenience zone.

19 (7) The provisions of subsections (2) to (6) of this section do not apply to any dealer for which
20 the driving distance from the place of business of the dealer to the beverage container redemption
21 center, calculated using the shortest route, is more than two times the radius specified for the sec-
22 ond convenience zone or, if only one convenience zone is specified by the commission, two times the
23 radius specified for that convenience zone.

24 (8) Not more than 60 days after issuance of notice from the commission under ORS 459A.735 (4),
25 a dealer shall provide the commission with written documentation confirming compliance with each
26 of the requirements of this section that are applicable to the dealer receiving notice.

27 **SECTION 3.** ORS 459A.712 is amended to read:

28 459A.712. Any manufacturer, distributor or importer that fails to pay to a dealer or redemption
29 center the refund value of beverage containers and to collect beverage containers as required by
30 ORS 459A.710 [(3)] (4) is liable to the dealer or redemption center for treble the unpaid refund value
31 and treble the collection costs incurred by the dealer or redemption center for any beverage con-
32 tainers that were not collected as required.

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