

Senate Bill 93

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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**.

Provides that beverage container redemption centers are not recycling depots for purposes of certain recycling laws.

Adds requirement to findings by Oregon Liquor Control Commission in its order approving redemption center.

A BILL FOR AN ACT

Relating to beverage container redemption centers; amending ORS 459A.735 and 459A.738.

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

SECTION 1. ORS 459A.735 is amended to read:

459A.735. (1) To facilitate the return of empty beverage containers and to serve dealers of beverages, any person may establish a redemption center, subject to the approval of the Oregon Liquor Control Commission, at which any person may return empty beverage containers and receive payment of the refund value of such beverage containers.

(2) Application for approval of a redemption center shall be filed with the commission. The application shall state the name and address of the person responsible for the establishment and operation of the redemption center, the kind of beverage containers that will be accepted at the redemption center, the names and addresses of the dealers to be served by the redemption center and proposals for up to two convenience zones described in ORS 459A.738. The application shall include such additional information as the commission may require.

(3) The commission shall approve a redemption center if it finds the redemption center will provide a convenient service to persons for the return of empty beverage containers. The order of the commission approving a redemption center shall state:

(a) The location of the convenience zones specified by the commission under ORS 459A.738 (1);

(b) The dealers within the convenience zones to be served by the redemption center;

(c) The dealers within the convenience zones not to be served by or not participating in the redemption center;

(d) The services to be provided by the redemption center and the equivalent services required to be provided under ORS 459A.738 (5) by a dealer that does not participate in, and is not served by, the redemption center;

(e) The kind of empty beverage containers that the redemption center must accept; *[and]*

(f) Whether the redemption center will be located in an area zoned for commercial use under state statute or local ordinance, or will be located in an area that will provide more convenient service given the proximity of the location to the dealers within the convenience zones to be served by the redemption center; and

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 [(f)] (g) Such other provisions to ensure the redemption center will provide a convenient service
2 to the public as the commission may determine.

3 **(4) A redemption center approved by the commission under this section is not a recycling**
4 **depot for purposes of ORS 90.318, 459A.007, 459A.010, 459A.050 or 459A.080.**

5 [(4)(a)] (5)(a) No later than five days after approving a redemption center under subsection (3)
6 of this section, the commission shall provide written notice to each dealer that is identified in the
7 order approving the redemption center as a dealer within the convenience zones not to be served
8 by or not participating in the redemption center.

9 (b) The notice required under this subsection shall include:

10 (A) All information required to be in the order approving the redemption center under sub-
11 section (3) of this section; and

12 (B) Notice of the provisions of ORS 459A.738 that are applicable to the dealer receiving the
13 notice.

14 [(5)] (6) The commission may review at any time approval of a redemption center. After written
15 notice to the person responsible for the establishment and operation of the redemption center, and
16 to the dealers served by the redemption center, the commission may, after hearing, withdraw ap-
17 proval of a redemption center if the commission finds there has not been compliance with its order
18 approving the redemption center, or if the redemption center no longer provides a convenient ser-
19 vice to the public.

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

21 459A.738. (1) For each beverage container redemption center, the Oregon Liquor Control Com-
22 mission shall specify up to two convenience zones. The first convenience zone shall be the sector
23 within a radius of not more than two miles around the beverage container redemption center. The
24 second convenience zone shall be the sector beginning at the border of the first convenience zone
25 and continuing to a radius of not more than three and one-half miles around the beverage container
26 redemption center. The convenience zones shall be based to the greatest extent practicable upon the
27 proposals submitted as part of the application for approval of the redemption center under ORS
28 459A.735.

29 (2) All dealers doing business within the first convenience zone that occupy a space of 5,000 or
30 more square feet in a single area may participate in, be served by and be charged the cost of par-
31 ticipation in the beverage container redemption center and, if such a dealer participates in, is served
32 by and pays the cost of participation in the redemption center, the dealer may, notwithstanding any
33 other provision of ORS 459A.700 to 459A.740, refuse to accept and to pay the refund value of empty
34 beverage containers.

35 (3) All dealers doing business within the second convenience zone that occupy a space of 5,000
36 or more square feet in a single area may participate in, be served by and be charged the cost of
37 participation in the beverage container redemption center and, if such a dealer participates in, is
38 served by and pays the cost of participation in the redemption center, the dealer may,
39 notwithstanding any other provision of ORS 459A.700 to 459A.740, refuse to accept and to pay the
40 refund value of more than 24 individual empty beverage containers returned by any one person
41 during one day.

42 (4) All dealers doing business within either convenience zone that occupy a space of less than
43 5,000 square feet in a single area may, notwithstanding any other provision of ORS 459A.700 to
44 459A.740, refuse to accept and to pay the refund value of more than 24 individual empty beverage
45 containers returned by any one person during one day.

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

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

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

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

16 (c)(A) The provisions of paragraphs (a) and (b) of this subsection do not apply to a dealer de-
17 scribed in paragraph (a) of this subsection if the dealer sold fewer than 100,000 beverage containers
18 in the previous calendar year. To be eligible for the exemption under this paragraph, a dealer de-
19 scribed in paragraph (a) of this subsection must report to the commission the number of beverage
20 containers sold by the dealer in the previous calendar year.

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

22 (i) Except as provided in subsection (6) of this section, no later than 60 days after issuance of
23 the notice required under ORS 459A.735 [(4)] (5); and

24 (ii) No later than January 1 of each calendar year following the year that the notice under ORS
25 459A.735 [(4)] (5) was issued and for which the dealer intends to claim the exemption.

26 (d) The commission shall ensure compliance with this subsection by a dealer described in para-
27 graph (a) of this subsection that is not subject to an exemption under paragraph (c) of this sub-
28 section.

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

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

35 (b) If the dealer will not participate in the redemption center and will claim an exemption under
36 subsection (5)(c) of this section, provide documentation of compliance with the requirements for
37 nonparticipating dealers under this section and an estimate of the number of beverage containers
38 that the dealer expects to sell during the first calendar year that the dealer does business in the
39 convenience zone.

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

45 (8) Not more than 60 days after issuance of notice from the commission under ORS 459A.735

1 [(4)] (5), a dealer shall provide the commission with written documentation confirming compliance
2 with each of the requirements of this section that are applicable to the dealer receiving notice.
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