

Initiative Measure No. 1353 filed March 25,

2014

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: I-2830.1/14

ATTY/TYPIST: JA:eab

BRIEF DESCRIPTION:

Initiative Measure No. 1353

filed March 25, 2014

AN ACT Relating to providing incentives for the collection and recycling of beverage containers; and adding a new chapter to Title 70 RCW.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** INTENT. Beverage containers that are not recycled contribute to unnecessary waste, including wasted raw materials such as glass, metals, and petroleum products, which take up scarce landfill space. Requiring a deposit on all beverage containers will provide a necessary incentive for the collection and recycling of such containers. The collection and recycling of raw materials is an economically efficient and environmentally benign action to reduce waste and increase available landfill space, collect reusable resources, encourage innovation of those resources, and improve the sustainability of Washington state.

NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Beverage" includes beer or other malt beverages, wine, liquors, water and flavored water, mineral waters, soda water and similar carbonated soft drinks in liquid form, sports drinks, coffees, teas, juices, and other beverages intended for human consumption.

(2)(a) "Beverage container" means the individual, separate, sealed glass, metal, or plastic bottle or can containing a beverage in a quantity less than or equal to three fluid liters.

(b) "Beverage container" does not include cartons, foil pouches, and drink boxes.

(3) "Board" means the liquor control board.

(4) "Dealer" includes:

(a) Every person, firm, or corporation who engages in the sale of beverages in beverage containers to a consumer; or

(b) A redemption center approved under section 8 of this act.

(5) "Distributor" includes any person, firm, or corporation who engages in the sale or offer for sale of beverages in beverage containers to a dealer.

(6) "Importer" includes any dealer or manufacturer who directly imports beverage containers into this state.

(7) "Manufacturer" means every person bottling, canning, or otherwise filling beverage containers for sale to distributors, importers, or dealers.

(8) "Place of business" means the location at which a dealer sells or offers for sale beverages in beverage containers to consumers.

(9) "Redemption center" means any person offering to pay the refund value of an empty beverage container to a person or any person who contracts with one or more dealers or distributors to collect, sort, and obtain the refund value and handling fee of empty beverage containers for, or on behalf of, such a dealer or distributor.

(10) "Use or consumption" means the exercise of any right or power incident to the ownership thereof, other than the sale or the keeping or retention of a beverage for the purposes of sale.

(11) "Water and flavored water" means any beverage identified through the use of letters, words, or symbols on its product label as a type of water.

NEW SECTION. **Sec. 3.** DEPOSIT REQUIRED. No person, firm, or corporation may sell or offer for sale a beverage container in this state unless the deposit on the beverage container has a refund value of not less than five cents, which is clearly indicated on the beverage container as provided in section 7 of this act.

NEW SECTION. **Sec. 4.** REDEMPTION. Except as provided in section 6 of this act:

(1) A dealer must accept at his or her place of business from any person any empty beverage container that contained a type of beverage sold by the dealer and must pay to that person the refund value of each beverage container as provided in section 3 of this act.

(2) A distributor or importer may not refuse to accept from a dealer any empty beverage containers of the kind, size, and brands sold by the distributor or importer or refuse to pay the dealer the refund value of a beverage.

(3) The manufacturer, distributor, or importer of any beverage sold must ensure that all dealers and redemption centers that redeem beverage containers are paid the refund value for those beverage containers and that those beverage containers are collected from the dealer or redemption center at reasonable times and intervals, as determined by rule by the board.

NEW SECTION. **Sec. 5.** PENALTY FOR NONCOMPLIANCE. Any manufacturer, distributor, and importer that fails to pay a dealer or redemption center the refund value of beverage containers and to collect beverage containers as required under section 4 of this act is liable to the dealer or redemption center for treble the unpaid refund value and treble the collection costs incurred by the dealer or redemption center for any beverage containers that were not collected as required.

NEW SECTION. **Sec. 6.** EXCEPTIONS. (1) A dealer may refuse to accept from any person, and a distributor or importer may refuse to accept from a dealer, any empty beverage container that does not state on the beverage container the refund value.

(2)(a) A dealer may refuse to accept and to pay the refund value of:

(i) Any beverage container visibly containing or contaminated by a substance other than water, residue of the original contents, or ordinary dust;

(ii)(A) More than one hundred forty-four individual beverage containers returned by any one person during one day, if the dealer occupies a space of five thousand or more square feet in a single area; or

(B) More than fifty individual beverage containers returned by any one person during one day, if the dealer occupies a space of less than five thousand square feet in a single area; or

(iii) Any beverage container that is damaged to the extent that the brand appearing on the container cannot be identified;

(b)(i) In order to refuse containers under this section, if a dealer occupies a space of five thousand or more square feet in a single area, the dealer must post in each area where containers are received a clearly visible and legible sign containing the following information:

"NOTICE

Washington state law allows a dealer to refuse to accept: Beverage containers visibly containing or contaminated by a substance other than water, residue of the original contents, or ordinary dust; more than one hundred forty-four individual beverage containers from any one person during one day; or beverage containers that are damaged to the extent that the brand appearing on the container cannot be identified."

(ii) In order to refuse containers under this section, if a dealer occupies a space of less than five thousand square feet in a single area, the dealer must post in each area where containers are received a clearly visible and legible sign containing the following information:

"NOTICE

Washington state law allows a dealer to refuse to accept: Beverage containers visibly containing or contaminated by a substance other than water, residue of the original contents, or ordinary dust; more than fifty individual beverage containers from any one person during one day; or beverage containers that are damaged to the extent that the brand appearing on the container cannot be identified."

NEW SECTION. **Sec. 7.** MARKING REQUIRED. Every beverage container sold or offered for sale in this state by a distributor or dealer must clearly indicate by permanently marking, embossing, or stamping the container, or by printing as part of the product label, or other method securely affixing to the beverage container, the refund value of the container.

NEW SECTION. **Sec. 8.** REDEMPTION CENTERS. (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 board, at which any person may return empty beverage containers and receive payment of the refund value of the beverage containers.

(2) Application for approval of a redemption center must be filed with the board. The application must include:

(a) The name and address of the person responsible for the establishment and operation of the redemption center;

(b) The kind of beverage containers that will be accepted at the redemption center;

(c) The names and addresses of the dealers to be served by the redemption center; and

(d) Any additional information as the board may require.

(3) The board must approve a redemption center if it finds the redemption center will provide convenient service to persons for the return of empty beverage containers. The order of the board approving a redemption center must state the dealers to be served by the redemption center and the kind of empty beverage containers that the redemption center must accept. The order may contain other provisions to ensure the redemption center will provide a convenient service to the public as the board may determine.

(4) The board may review approval of a redemption center at any time. After written notice to the person responsible for the establishment and operation of the redemption center, and to the dealers served by the redemption center, the board may withdraw approval of a redemption center if the board finds there has not been compliance with the board's order approving the redemption center or if the redemption center no longer provides a convenient service to the public.

NEW SECTION. **Sec. 9.** RULE-MAKING AUTHORITY. In addition to the authority granted to the board under this chapter, the board may establish rules necessary and appropriate for the administration of this chapter.

NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act constitute a new chapter in Title 70 RCW.