S T A T E O F N E W Y O R K

247

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. FUSCHILLO -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to reverse vending machines

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 27-1003 of the environmental conservation law is amended by adding a new subdivision 9-a to read as follows:

9-A. "REVERSE VENDING MACHINE" MEANS AN AUTOMATED DEVICE THAT USES A LASER SCANNER, MICROPROCESSOR, OR OTHER TECHNOLOGY TO ACCURATELY RECOGNIZE THE UNIVERSAL PRODUCT CODE (UPC) ON CONTAINERS TO DETERMINE IF THE CONTAINER IS REDEEMABLE AND ACCUMULATES INFORMATION REGARDING CONTAINERS REDEEMED, INCLUDING THE NUMBER OF SUCH CONTAINERS REDEEMED, THEREBY ENABLING THE REVERSE VENDING MACHINE TO ACCEPT CONTAINERS FROM REDEEMERS AND TO ISSUE A SCRIP OR RECEIPT FOR THEIR REFUND VALUE.

S 2. Subdivision 1 of section 27-1007 of the environmental conservation law, as added by chapter 200 of the laws of 1982, is amended to read as follows:

1. (A) A dealer shall accept at his OR HER place of business from a redeemer any empty beverage containers of the design, shape, size, color, composition and brand sold by the dealer, and shall pay to the redeemer the refund value of each such beverage container as established by section 27-1005 of this title.

(B) A DEPOSIT INITIATOR SHALL ACCEPT THE ACCOUNTING OF DEPOSITS UTILIZED BY THE DEALER.

(C) (I) A DEALER WHOSE PLACE OF BUSINESS IS PART OF A CHAIN ENGAGED IN THE SAME GENERAL FIELD OF BUSINESS WHICH OPERATES TEN OR MORE UNITS IN THIS STATE UNDER COMMON OWNERSHIP AND WHOSE BUSINESS IS FORTY THOUSAND THROUGH SIXTY THOUSAND SQUARE FEET SHALL INSTALL AND MAINTAIN AT LEAST THREE REVERSE VENDING MACHINES AT THE DEALER'S PLACE OF BUSINESS; (II) A

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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DEALER WHOSE PLACE OF BUSINESS IS PART OF A CHAIN ENGAGED IN THE SAME GENERAL FIELD OF BUSINESS WHICH OPERATES TEN OR MORE UNITS IN THIS STATE UNDER COMMON OWNERSHIP AND WHOSE BUSINESS EXCEEDS SIXTY THOUSAND SQUARE FEET SHALL INSTALL AND MAINTAIN AT LEAST FOUR REVERSE VENDING MACHINES AT THE DEALER'S PLACE OF BUSINESS; (III) A DEALER WHOSE PLACE OF BUSINESS IS PART OF A CHAIN ENGAGED IN THE SAME GENERAL FIELD OF BUSINESS WHICH OPERATES TEN OR MORE UNITS IN THIS STATE UNDER COMMON OWNERSHIP AND WHOSE BUSINESS EXCEEDS EIGHTY-FIVE THOUSAND SQUARE FEET SHALL INSTALL AND MAINTAIN AT LEAST EIGHT REVERSE VENDING MACHINES AT THE DEALER'S PLACE OF BUSINESS. PROVIDED HOWEVER, THAT THIS PARAGRAPH SHALL NOT APPLY TO A DEALER THAT SELLS ONLY REFRIGERATED BEVERAGE CONTAINERS LESS THAN SIXTEEN OUNCES WHERE EACH BEVERAGE CONTAINER IS SOLD AS AN INDIVIDUAL CONTAINER THAT IS NOT CONNECTED TO OR PACKAGED WITH ANY OTHER BEVERAGE CONTAINER.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.