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I N   S E N A T E

June 25, 2010

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Introduced by Sen. THOMPSON -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to the number of reverse vending machines required for mandatory acceptance of empty beverage containers

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

1     Section 1. Paragraph (b) of subdivision 1 of section 27-1007 of the  
2     environmental conservation law, as added by section 4 of part SS of  
3     chapter 59 of the laws of 2009, is amended to read as follows:  
4     (b) Beginning March first, two thousand ten, a dealer whose place of  
5     business is part of a chain engaged in the same general field of busi-  
6     ness which operates ten or more units in this state under common owner-  
7     ship and whose business [exceeds] HAS AT LEAST: (i) forty thousand  
8     [square feet] but [is] less than sixty thousand square feet DEVOTED TO  
9     THE DISPLAY OF MERCHANDISE FOR SALE TO THE PUBLIC shall install and  
10    maintain at least [three] TWO reverse vending machines at the dealer's  
11    place of business; (ii) sixty thousand [square feet] but [is] less than  
12    eighty-five thousand square feet DEVOTED TO THE DISPLAY OF MERCHANDISE  
13    FOR SALE TO THE PUBLIC shall install and maintain at least [four] THREE  
14    reverse vending machines at the dealer's place of business; or (iii)  
15    eighty-five thousand square feet DEVOTED TO THE DISPLAY OF MERCHANDISE  
16    FOR SALE TO THE PUBLIC shall install and maintain at least [eight] FOUR  
17    reverse vending machines at the dealer's place of business[; provided,  
18    however, that the]. THE requirements of this paragraph to install and  
19    maintain reverse vending machines shall not apply to a dealer that: (I)  
20    sells only refrigerated beverage containers of twenty ounces or less  
21    where each beverage container is sold as an individual container that is  
22    not connected to or packaged with any other beverage container; (II)  
23    SELLS BEVERAGE CONTAINERS AND DEVOTES NO MORE THAN FIVE PERCENT OF ITS  
24    FLOOR SPACE TO THE DISPLAY AND SALE OF CONSUMER COMMODITIES, AS DEFINED  
25    IN SECTION TWO HUNDRED FOURTEEN-H OF THE AGRICULTURE AND MARKETS LAW; OR  
26    (III) OBTAINS A WAIVER FROM THE COMMISSIONER AUTHORIZING THE USE OF

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

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1 ALTERNATIVE TECHNOLOGY THAT DETERMINES IF THE CONTAINER IS REDEEMABLE,  
2 ACCUMULATES INFORMATION REGARDING CONTAINERS REDEEMED, AND ISSUES LEGAL  
3 TENDER, OR A SCRIP, RECEIPT, OR OTHER FORM OF CREDIT FOR THE REFUND  
4 VALUE, THAT CAN BE EXCHANGED FOR A PERIOD OF NOT LESS THAN SIXTY DAYS  
5 WITHOUT REQUIRING THE PURCHASE OF OTHER GOODS.  
6 S 2. This act shall take effect immediately.