

2009-2010 Regular Sessions

I N S E N A T E

January 18, 2009

Introduced by Sen. MARCELLINO -- 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 granting the director of a municipality the power to enforce the redemption of beverage containers at redemption centers

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

1 Section 1. Section 27-1013 of the environmental conservation law, as
2 amended by chapter 149 of the laws of 1983, is amended to read as
3 follows:
4 S 27-1013. Redemption centers.
5 The commissioner is hereby empowered to promulgate rules and regu-
6 lations governing (1) the circumstances in which dealers and distribu-
7 tors, individually or collectively, are required to accept the return of
8 empty beverage containers, and make payment therefor; (2) the sorting of
9 the containers which a distributor may require of dealers and redemption
10 centers; (3) the pick up of returned beverage containers by distribu-
11 tors, including the party to whom such expense is to be charged, the
12 frequency of such pick ups and the payment for refunds and handling fees
13 thereon; (4) the right of dealers to restrict or limit the number of
14 containers redeemed, the rules for redemption at the dealers' place of
15 business, and the redemption of containers from a beverage for which
16 sales have been discontinued, and to issue permits to persons, firms or
17 corporations which establish redemption centers, subject to applicable
18 provisions of local and state laws, at which redeemers and dealers may
19 return empty beverage containers and receive payment of the refund value
20 of such beverage containers. No dealer or distributor, as defined in
21 section 27-1003 OF THIS TITLE, shall be required to obtain a permit to
22 operate a redemption center at the same location as the dealer's or
23 distributor's place of business. Operators of such redemption centers

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

LBD02716-01-9

1 shall receive payment of the refund value of each beverage container
2 from the appropriate manufacturer or distributor as provided under
3 sections 27-1007 and 27-1009 of this title. THE DIRECTOR OF A MUNICI-
4 PALITY SHALL HAVE THE SAME POWERS AS ENVIRONMENTAL CONSERVATION OFFICERS
5 UNDER THIS TITLE TO ENFORCE THE PROVISIONS OF THIS SECTION AND ALL RULES
6 AND REGULATIONS PROMULGATED BY THE COMMISSIONER TO ENFORCE THIS SECTION.
7 S 2. This act shall take effect on the ninetieth day after it shall
8 have become a law; provided, however, that the addition, amendment
9 and/or repeal of any rule or regulation necessary for the implementation
10 of this act on its effective date are authorized and directed to be made
11 and completed on or before such effective date.