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

844

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:

Section 1. Section 27-1013 of the environmental conservation law, as amended by chapter 149 of the laws of 1983, is amended to read as follows:

S 27-1013. Redemption centers.

The commissioner is hereby empowered to promulgate rules and regulations governing (1) the circumstances in which dealers and distributors, individually or collectively, are required to accept the return of empty beverage containers, and make payment therefor; (2) the sorting of the containers which a distributor may require of dealers and redemption centers; (3) the pick up of returned beverage containers by distributors, including the party to whom such expense is to be charged, the frequency of such pick ups and the payment for refunds and handling fees thereon; (4) the right of dealers to restrict or limit the number of containers redeemed, the rules for redemption at the dealers' place of business, and the redemption of containers from a beverage for which sales have been discontinued, and to issue permits to persons, firms or corporations which establish redemption centers, subject to applicable provisions of local and state laws, at which redeemers and dealers may return empty beverage containers and receive payment of the refund value of such beverage containers. No dealer or distributor, as defined in section 27-1003 OF THIS TITLE, shall be required to obtain a permit to operate a redemption center at the same location as the dealer's or 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.

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shall receive payment of the refund value of each beverage container from the appropriate manufacturer or distributor as provided under sections 27-1007 and 27-1009 of this title. THE DIRECTOR OF A MUNICIPALITY SHALL HAVE THE SAME POWERS AS ENVIRONMENTAL CONSERVATION OFFICERS UNDER THIS TITLE TO ENFORCE THE PROVISIONS OF THIS SECTION AND ALL RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER TO ENFORCE THIS SECTION.

S 2. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.