

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. DINOWITZ, ENGLEBRIGHT, KELLNER -- Multi-Sponsored
by -- M. of A. BRENNAN, COLTON, ORTIZ -- read once and referred 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 27-1013 of the environmental conservation law, as
2 amended by section 9 of part SS of chapter 59 of the laws of 2009, is
3 amended to read as 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 deposit initiator or distributor may require of
10 dealers and redemption centers; (3) the collection of returned beverage
11 containers by deposit initiators or distributors, including the party to
12 whom such expense is to be charged, the frequency of such pick ups and
13 the payment for refunds and handling fees thereon; (4) the right of
14 dealers to restrict or limit the number of containers redeemed, the
15 rules for redemption at the dealers' place of business, and the redemp-
16 tion of containers from a beverage for which sales have been discontin-
17 ued, and to issue permits to persons, firms or corporations which estab-
18 lish redemption centers, subject to applicable provisions of local and
19 state laws, at which redeemers and dealers may return empty beverage
20 containers and receive payment of the refund value of such beverage
21 containers. No dealer or distributor, as defined in section 27-1003 of
22 this title, shall be required to obtain a permit to operate a redemption

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

LBD04331-01-1

1 center at the same location as the dealer's or distributor's place of
2 business. Operators of such redemption centers shall receive payment of
3 the refund value of each beverage container from the appropriate deposit
4 initiator or distributor as provided under section 27-1007 of this
5 title. THE DIRECTOR OF A MUNICIPALITY SHALL HAVE THE SAME POWERS AS
6 ENVIRONMENTAL CONSERVATION OFFICERS UNDER THIS TITLE TO ENFORCE THE
7 PROVISIONS OF THIS SECTION AND ALL RULES AND REGULATIONS PROMULGATED BY
8 THE COMMISSIONER TO ENFORCE THIS SECTION.

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