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

5499

2011-2012 Regular Sessions

I N A S S E M B L Y

February 22, 2011

Introduced by M. of A. ENGLEBRIGHT, TITONE, CASTRO, GUNTHER -- Multi-Sponsored by -- M. of A. BOYLAND, HOOPER, JACOBS, MENG, THIELE, WEISENBERG -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to authorizing and directing the commissioner of environmental conservation to establish rules and regulations for in-home reverse vending machines; and directing such commissioner to determine the best design for such in-home machines and providing for the payment of a grant to the designer or inventor thereof

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 12-a to read as follows:

12-A. "IN-HOME REVERSE VENDING MACHINE" MEANS A REVERSE VENDING MACHINE PLACED IN THE RESIDENCE OR BUSINESS OF A CONSUMER WHICH ISSUES A SCRIP OR RECEIPT TO SUCH CONSUMER FOR THE REFUND VALUE OF ALL BEVERAGE CONTAINERS TO BE PAID BY A REDEMPTION CENTER.

S 2. Section 27-1013 of the environmental conservation law, as amended by section 9 of part SS of chapter 59 of the laws of 2009, is amended to read as follows:

S 27-1013. Redemption centers AND IN-HOME REVERSE VENDING MACHINES.

1. The commissioner is hereby empowered to promulgate rules and regulations governing [(1)] (A) 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)] (B) the sorting of the containers which a deposit initiator or distributor may require of dealers and redemption centers; [(3)] (C) the collection of returned beverage containers by deposit initiators or 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

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

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fees thereon; [(4)] (D) 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; AND (E) TERMS OF CONTRACTS PROVIDING FOR THE PAYMENT BY REDEMPTION CENTERS OF THE REFUND VALUE OF BEVERAGE CONTAINERS DEPOSITED IN IN-HOME REVERSE VENDING MACHINES AND THE COLLECTION OF SUCH DEPOSITED CONTAINERS BY REDEMPTION CENTERS. 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 shall receive payment of the refund value of each beverage container from the appropriate deposit initiator or distributor as provided under section 27-1007 of this title.

2. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS GOVERNING THE DESIGN, OPERATION AND AVAILABILITY OF IN-HOME REVERSE VENDING MACHINES. FURTHERMORE, THE COMMISSIONER SHALL SUBMIT TO THE LEGISLATURE SUCH LEGISLATIVE PROPOSALS AS HE OR SHE SHALL DEEM NECESSARY FOR THE REGULATION AND USE OF IN-HOME REVERSE VENDING MACHINES.

S 3. (a) The commissioner of environmental conservation shall solicit and any person may submit to such commissioner a design for an efficient, accurate, reliable and easy to use in-home reverse vending machine, as defined in subdivision 12-a of section 27-1003 of the environmental conservation law. The commissioner shall establish and publish standards for the design of reverse vending machines to be used in this state.

(b) On or before January 1, 2013, the commissioner shall from the designs and prototype in-home reverse vending machines submitted to him or her, determine which design or prototype thereof is the best design and most closely meets the standards therefor. The designer or inventor of the best design or prototype shall be awarded a grant of one hundred twenty thousand dollars. Notwithstanding any other provision of law to the contrary, such grant shall be paid from the solid waste account of the environmental protection fund.

S 4. This act shall take effect immediately.