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

2531

2013-2014 Regular Sessions

I N A S S E M B L Y

January 16, 2013

Introduced by M. of A. CRESPO -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law, in relation to prohibiting exclusive vending and minimum purchase provisions in contracts involving the lease of reverse vending machines

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

Section 1. The general business law is amended by adding a new section 396-uu to read as follows:

S 396-UU. REVERSE VENDING MACHINES. 1. DEFINITIONS. AS USED IN THIS SECTION:

A. "REVERSE VENDING MACHINE" MEANS AN AUTOMATED DEVICE THAT USES A LASER SCANNER, MICROPROCESSOR, OR OTHER TECHNOLOGY TO ACCURATELY RECOGNIZE THE UNIVERSAL PRODUCT CODE (UPC) ON CONTAINERS TO DETERMINE IF THE CONTAINER IS REDEEMABLE AND ACCUMULATES INFORMATION REGARDING CONTAINERS REDEEMED, INCLUDING THE NUMBER OF SUCH CONTAINERS REDEEMED, THEREBY ENABLING THE REVERSE VENDING MACHINE TO ACCEPT CONTAINERS FROM REDEEMERS AND TO ISSUE A SCRIP OR RECEIPT FOR THEIR REFUND VALUE.

B. "PERSON" MEANS ANY INDIVIDUAL, FIRM, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY.

C. "CONSUMER" MEANS ANY PERSON WHO ENTERS INTO A CONTRACT WITH A DEALER OR MANUFACTURER FOR THE LEASE OF A REVERSE VENDING MACHINE.

D. "DEALER" OR "MANUFACTURER" MEANS ANY PERSON WHO ENGAGES IN THE BUSINESS OF LEASING REVERSE VENDING MACHINES AND COLLECTING, SORTING AND OBTAINING THE REFUND VALUE OF EMPTY BEVERAGE CONTAINERS.

E. "REDEMPTION CENTER" MEANS ANY PERSON OFFERING TO PAY THE REFUND VALUE OF EMPTY BEVERAGE CONTAINERS, OR ANY PERSON WHO CONTRACTS WITH ONE OR MORE DEALERS OR MANUFACTURERS TO COLLECT, SORT AND OBTAIN THE REFUND VALUE OF EMPTY BEVERAGE CONTAINERS AND DETERMINE HANDLING FEES OF EMPTY BEVERAGE CONTAINERS.

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

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2. ANY DEALER OR MANUFACTURER LEASING REVERSE VENDING MACHINES TO CONSUMERS OR REDEMPTION CENTERS SHALL BE PROHIBITED FROM INCLUDING EXCLUSIVE VENDOR AND MINIMUM PURCHASE PROVISIONS IN LEASING CONTRACTS THAT REQUIRE THE CONSUMER OR REDEMPTION CENTER TO EXCLUSIVELY UTILIZE THE SERVICES OF SUCH DEALER OR MANUFACTURER TO COLLECT, SORT AND OBTAIN THE REFUND VALUE OF EMPTY BEVERAGE CONTAINERS AND DETERMINE THE HANDLING FEES OF EMPTY BEVERAGE CONTAINERS.

S 2. This act shall take effect immediately.