

3502

2013-2014 Regular Sessions

I N S E N A T E

February 5, 2013

Introduced by Sen. GALLIVAN -- 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 mandatory acceptance of empty beverage containers

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

1 Section 1. Paragraph (a) of subdivision 1 and subdivision 2 of section
2 27-1007 of the environmental conservation law, as added by section 4 of
3 part SS of chapter 59 of the laws of 2009, are amended to read as
4 follows:

5 (a) A dealer shall accept at his or her place of business, PROVIDED
6 THAT SUCH PLACE OF BUSINESS IS NOT LESS THAN TWO THOUSAND SQUARE FEET,
7 from a redeemer any empty beverage containers of the design, shape,
8 size, color, composition and brand sold or offered for sale by the deal-
9 er, and shall pay to the redeemer the refund value of each such beverage
10 container as established in section 27-1005 of this title. Redemptions
11 of refund value must be in legal tender, or a scrip or receipt from a
12 reverse vending machine, provided that the scrip or receipt can be
13 exchanged for legal tender for a period of not less than sixty days
14 without requiring the purchase of other goods. The use or presence of a
15 reverse vending machine shall not relieve a dealer of any obligations
16 imposed pursuant to this section. If a dealer utilizes a reverse vending
17 machine to redeem containers, the dealer shall provide redemption of
18 beverage containers when the reverse vending machine is full, broken,
19 under repair or does not accept a type of beverage container sold or
20 offered for sale by such dealer and may not limit the hours or days of
21 redemption except as provided by subdivision three of this section.

22 2. A dealer shall post a conspicuous sign, at the point of sale, that
23 states:

24 "NEW YORK BOTTLE BILL OF RIGHTS

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

LBD08619-01-3

1 STATE LAW REQUIRES US TO REDEEM EMPTY RETURNABLE BEVERAGE CONTAINERS OF
2 THE SAME TYPE AND BRAND THAT WE SELL OR OFFER FOR SALE

3 YOU HAVE CERTAIN RIGHTS UNDER THE NEW YORK STATE RETURNABLE CONTAINER
4 ACT:

5 THE RIGHT to return your empties for refund to any dealer who sells
6 the same brand, type and size, whether you bought the beverage from the
7 dealer or not, PROVIDED SUCH DEALER'S PLACE OF BUSINESS IS LARGER THAN
8 TWO THOUSAND SQUARE FEET. It is illegal to return containers for refund
9 that you did not pay a deposit on in New York state.

10 THE RIGHT to get your deposit refund in cash, without proof of
11 purchase.

12 THE RIGHT to return your empties any day, any hour, except for the
13 first and last hour of the dealer's business day (empty containers may
14 be redeemed at any time in 24-hour stores).

15 THE RIGHT to return your containers if they are empty and intact.
16 Washing containers is not required by law, but is strongly recommended
17 to maintain sanitary conditions.

18 The New York state returnable container act can be enforced by the New
19 York state department of environmental conservation, the New York state
20 department of agriculture and markets, the New York state department of
21 taxation and finance, the New York state attorney general and/or by your
22 local government."

23 Such sign must be no less than eight inches by ten inches in size and
24 have lettering a minimum of one quarter inch high, and of a color which
25 contrasts with the background. The department shall maintain a toll free
26 telephone number for a "bottle bill complaint line" that shall be avail-
27 able from 9:00 a.m. to 5:00 p.m. each business day to receive reports of
28 violations of this title. The telephone number shall be listed on any
29 sign required by this section.

30 S 2. This act shall take effect immediately.