

6469

2015-2016 Regular Sessions

I N A S S E M B L Y

March 25, 2015

Introduced by M. of A. ENGLEBRIGHT, TITONE, GUNTHER -- Multi-Sponsored
by -- M. of A. HOOPER, THIELE -- read once and referred to the Commit-
tee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to
authorizing and directing the commissioner of environmental conserva-
tion 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 27-1003 of the environmental conservation law is
2 amended by adding a new subdivision 12-a to read as follows:
3 12-A. "IN-HOME REVERSE VENDING MACHINE" MEANS A REVERSE VENDING
4 MACHINE PLACED IN THE RESIDENCE OR BUSINESS OF A CONSUMER WHICH ISSUES A
5 SCRIP OR RECEIPT TO SUCH CONSUMER FOR THE REFUND VALUE OF ALL BEVERAGE
6 CONTAINERS TO BE PAID BY A REDEMPTION CENTER.
7 S 2. Section 27-1013 of the environmental conservation law, as amended
8 by section 7 of part F of chapter 58 of the laws of 2013, is amended to
9 read as follows:
10 S 27-1013. Redemption centers AND IN-HOME REVERSE VENDING MACHINES.
11 1. The commissioner is hereby empowered to promulgate rules and regu-
12 lations governing (a) the circumstances in which deposit initiators,
13 dealers and distributors, individually or collectively, are required to
14 accept the return of empty beverage containers, including beverage
15 containers processed through reverse vending machines and make payment
16 therefor; (b) the sorting of the containers which a deposit initiator or
17 distributor may require of dealers and redemption centers; (c) the
18 collection of returned beverage containers by deposit initiators or
19 distributors, including the party to whom such expense is to be charged,
20 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.

LBD10085-01-5

1 fees thereon; (d) the right of dealers to restrict or limit the number
2 of containers redeemed, the rules for redemption at the dealers' place
3 of business, and the redemption of containers from a beverage for which
4 sales have been discontinued; (e) to issue registrations to persons,
5 firms or corporations which establish redemption centers, subject to
6 applicable provisions of local and state laws, at which redeemers and
7 dealers may return empty beverage containers and receive payment of the
8 refund value of such beverage containers. Such registrations shall be
9 issued at no cost. Should the department require by regulations adopted
10 pursuant to this paragraph that redemption centers must obtain a regis-
11 tration as a condition of operation, any redemption center in business
12 as of March first, two thousand thirteen that previously provided the
13 department with the notification information required by regulations in
14 effect as of such date may continue to operate as if the department had
15 issued such redemption center a registration required by regulations
16 adopted under this paragraph; provided, however, that such redemption
17 center shall provide the department with any other information required
18 by regulations adopted pursuant to this paragraph. The department may,
19 after due notice and opportunity of hearing, pursuant to the provisions
20 of section 71-1709 of this chapter, deny an application or revoke a
21 registration. In determining whether or not to revoke a registration the
22 commissioner shall at a minimum, take into consideration the compliance
23 history of a violator, good faith efforts of a violator to comply, any
24 economic benefit from noncompliance and whether the violation was proce-
25 dural in nature. The commissioner's determination to revoke a registra-
26 tion is subject to review under article seventy-eight of the civil prac-
27 tice law and rules; [and] (f) the operation of mobile redemption centers
28 in order to ensure that to the best extent practicable containers are
29 not proffered for redemption to a deposit initiator or distributor
30 outside of the geographic area where such deposit initiator sells
31 containers and initiates deposits; AND (G) TERMS OF CONTRACTS PROVIDING
32 FOR THE PAYMENT BY REDEMPTION CENTERS OF THE REFUND VALUE OF BEVERAGE
33 CONTAINERS DEPOSITED IN IN-HOME REVERSE VENDING MACHINES AND THE
34 COLLECTION OF SUCH DEPOSITED CONTAINERS BY REDEMPTION CENTERS.

35 2. The department may require a redemption center to obtain a permit,
36 as an alternative to registration if such center is located at the same
37 facility or site as another solid waste management facility otherwise
38 subject to the requirements of title seven of this article or the regu-
39 lations promulgated pursuant thereto.

40 3. No dealer or distributor, as defined in section 27-1003 of this
41 title, shall be required to obtain a permit to operate a redemption
42 center at the same location as the dealer's or distributor's place of
43 business. Operators of such redemption centers shall receive payment of
44 the refund value of each beverage container from the appropriate deposit
45 initiator or distributor as provided under section 27-1007 of this
46 title.

47 4. Each dealer and redemption center shall require any person tender-
48 ing for redemption more than two thousand five hundred containers at one
49 time to such dealer or redemption center to provide such person's name
50 and address and the license plate of the vehicle used to transport the
51 containers, or, in the case of an agent or employee of a not-for-profit
52 corporation, a sales tax exemption certificate. The dealer or redemption
53 center redeeming the beverage containers shall keep the information on
54 file for a minimum of twelve months and provide same to the department
55 upon request.

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

6 S 3. (a) The commissioner of environmental conservation shall solicit
7 and any person may submit to such commissioner a design for an effi-
8 cient, accurate, reliable and easy to use in-home reverse vending
9 machine, as defined in subdivision 12-a of section 27-1003 of the envi-
10 ronmental conservation law. The commissioner of environmental conserva-
11 tion shall establish and publish standards for the design of reverse
12 vending machines to be used in this state.

13 (b) On or before January 1, 2017, the commissioner of environmental
14 conservation shall from the designs and prototype in-home reverse vend-
15 ing machines submitted to him or her, determine which design or proto-
16 type thereof is the best design and most closely meets the standards
17 therefor. The designer or inventor of the best design or prototype shall
18 be awarded a grant of one hundred twenty thousand dollars. Notwithstand-
19 ing any other provision of law to the contrary, such grant shall be paid
20 from the solid waste account of the environmental protection fund.

21 S 4. This act shall take effect immediately.