

136--A

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 OR
7 SUCH PLACE OF BUSINESS IS NOT LESS THAN FIVE THOUSAND SQUARE FEET WHEN
8 LICENSED UNDER ARTICLE TWENTY-C OF THE AGRICULTURE AND MARKETS LAW OR
9 THAT SUCH PLACE OF BUSINESS IS NOT LOCATED IN A CITY WITH A POPULATION
10 OF ONE MILLION OR MORE, from a redeemer any empty beverage containers of
11 the design, shape, size, color, composition and brand sold or offered
12 for sale by the dealer, and shall pay to the redeemer the refund value
13 of each such beverage container as established in section 27-1005 of
14 this title. Redemptions of refund value must be in legal tender, or a
15 scrip or receipt from a reverse vending machine, provided that the scrip
16 or receipt can be exchanged for legal tender for a period of not less
17 than sixty days without requiring the purchase of other goods. The use
18 or presence of a reverse vending machine shall not relieve a dealer of
19 any obligations imposed pursuant to this section. If a dealer utilizes a
20 reverse vending machine to redeem containers, the dealer shall provide
21 redemption of beverage containers when the reverse vending machine is
22 full, broken, under repair or does not accept a type of beverage

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

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1 container sold or offered for sale by such dealer and may not limit the
2 hours or days of redemption except as provided by subdivision three of
3 this section.

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

6 "NEW YORK BOTTLE BILL OF RIGHTS

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

9 YOU HAVE CERTAIN RIGHTS UNDER THE NEW YORK STATE RETURNABLE CONTAINER
10 ACT:

11 THE RIGHT to return your empties for refund to any dealer who sells
12 the same brand, type and size, whether you bought the beverage from the
13 dealer or not, PROVIDED SUCH DEALER'S PLACE OF BUSINESS IS LARGER THAN
14 TWO THOUSAND SQUARE FEET OR SUCH DEALER'S PLACE OF BUSINESS IS LARGER
15 THAN FIVE THOUSAND SQUARE FEET WHEN LICENSED UNDER ARTICLE TWENTY-C OF
16 THE AGRICULTURE AND MARKETS LAW OR THAT SUCH PLACE OF BUSINESS IS NOT
17 LOCATED IN A CITY WITH A POPULATION OF ONE MILLION OR MORE. It is ille-
18 gal to return containers for refund that you did not pay a deposit on in
19 New York state.

20 THE RIGHT to get your deposit refund in cash, without proof of
21 purchase.

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

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

28 The New York state returnable container act can be enforced by the New
29 York state department of environmental conservation, the New York state
30 department of agriculture and markets, the New York state department of
31 taxation and finance, the New York state attorney general and/or by your
32 local government."

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

40 S 2. This act shall take effect immediately.