

STATE OF NEW YORK

8242

IN SENATE

February 7, 2022

Introduced by Sen. HINCHEY -- 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 the handling fee paid to any dealer or operator of a redemption center

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 6 of section 27-1007 of the environmental
2 conservation law, as added by section 4 of part SS of chapter 59 of the
3 laws of 2009, is amended to read as follows:

4 6. In addition to the refund value of a beverage container as estab-
5 lished by section 27-1005 of this title, a deposit initiator shall pay
6 to any dealer or operator of a redemption center a handling fee of
7 [~~three and one-half~~] **five** cents for each beverage container accepted by
8 the deposit initiator from such dealer or operator of a redemption
9 center. Payment of the handling fee shall be as compensation for
10 collecting, sorting and packaging of empty beverage containers for
11 transport back to the deposit initiator or its designee. Payment of the
12 handling fee may not be conditioned on the purchase of any goods or
13 services, nor may such payment be made out of the refund value account
14 established pursuant to section 27-1012 of this title. A distributor who
15 does not initiate deposits on a type of beverage container is considered
16 a dealer only for the purpose of receiving a handling fee from a deposit
17 initiator.

18 § 2. Paragraphs a and c of subdivision 4 of section 27-1012 of the
19 environmental conservation law, as added by section 8 of part SS of
20 chapter 59 of the laws of 2009, are amended to read as follows:

21 a. Quarterly payments. An amount equal to [~~eighty~~] **forty-seven** percent
22 of the balance outstanding in the refund value account at the close of
23 each quarter shall be paid to the commissioner of taxation and finance
24 at the time the report provided for in subdivision three of this section
25 is required to be filed. The commissioner of taxation and finance may
26 require that the payments be made electronically. The remaining [~~twen-~~
27 ~~ty~~] **fifty-three** percent of the balance outstanding at the close of each
28 quarter shall be the monies of the deposit initiator and may be with-

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

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1 drawn from such account by the deposit initiator. If the provisions of
2 this section with respect to such account have not been fully complied
3 with, each deposit initiator shall pay to such commissioner at such
4 time, in lieu of the amount described in the preceding sentence, an
5 amount equal to the balance which would have been outstanding on such
6 date had such provisions been fully complied with. The commissioner of
7 taxation and finance may require that the payments be made electron-
8 ically.

9 c. Final report. A deposit initiator who ceases to do business in this
10 state as a deposit initiator shall file a final report and remit payment
11 of [~~eighty~~] ~~forty-seven~~ percent of all amounts remaining in the refund
12 value account as of the close of the deposit initiator's last day of
13 business. The commissioner of taxation and finance may require that the
14 payments be made electronically. The deposit initiator shall indicate on
15 the report that it is a "final report". The final report is due to be
16 filed with payment twenty days after the close of the quarterly period
17 in which the deposit initiator ceases to do business. In the event the
18 deposit initiator pays out more in refund values than it collects in
19 such final quarterly period, the deposit initiator may apply to the
20 commissioner of taxation and finance for a refund of the amount of such
21 excess payment of refund values from sources other than the refund value
22 account, in the manner as provided by the commissioner of taxation and
23 finance.

24 § 3. This act shall take effect April 1, 2022.