§ 27-1015. Violations.

1. Except as otherwise provided in this section and section 27-1012 of this title, any person who shall violate any provision of this title shall be liable to the state of New York for a civil penalty of not more than five hundred dollars, and an additional civil penalty of not more than five hundred dollars for each day during which each such violation continues. Any civil penalty may be assessed following a hearing or opportunity to be heard.

2. Any distributor, deposit initiator, redemption center or dealer who violates any provision of this title, except as provided in section 27-1012 of this title, shall be liable to the state of New York for a civil penalty of not more than one thousand dollars, and an additional civil penalty of not more than one thousand dollars for each day during which each such violation continues. Any civil penalty may be assessed following a hearing or opportunity to be heard.

3. It shall be unlawful for a distributor or deposit initiator, acting alone or aided by another, to return any empty beverage container to a dealer or redemption center for its refund value if the distributor or deposit initiator had previously accepted such beverage container from any dealer or operator of a redemption center or if such container was previously accepted by a reverse vending machine. A violation of this subdivision shall be a misdemeanor punishable by a fine of not less than five hundred dollars nor more than one thousand dollars and an amount equal to two times the amount of money received as a result of such violation.

4. Any person who willfully tenders to a dealer, distributor, redemption center or deposit initiator more than forty-eight empty beverage containers for which such person knows or should reasonably know that no deposit was paid in New York state may be assessed by the department a civil penalty of up to one hundred dollars for each container or up to twenty-five thousand dollars for each such tender of containers. At each location where a person tenders containers for redemption, dealers and redemption centers must conspicuously display a

sign in letters that are at least one inch in height with the following information: "WARNING: Persons tendering for redemption containers on which a deposit was never paid in this state may be subject to a civil penalty of up to one hundred dollars per container or up to twenty-five thousand dollars for each such tender of containers." Any civil penalty may be assessed following a hearing or opportunity to be heard.

5. The department, the department of agriculture and markets, the department of taxation and finance and the attorney general are hereby authorized to enforce the provisions of this title and all monies collected shall be deposited to the credit of the environmental protection fund established pursuant to section ninety-two-s of the state finance law. In addition, the provisions of section 27-1005 of this title and subdivisions one, two, three, four, five, ten and eleven of section 27-1007 of this title may be enforced by a county, city, town or village and the local legislative body thereof may adopt local laws, ordinances or regulations consistent with this title providing for the enforcement of such provisions.

* 5-a. The city of New York, Nassau county and Suffolk county are entitled to retain twenty-five percent of all monies collected as fines or penalties pursuant to enforcement of section 27-1005 of this chapter.

* NB Repealed April 1, 2031

6. (a) Any person who willfully violates or directs another to violate the requirements to collect or charge the refund value imposed by section 27-1005 or paragraph a of subdivision nine of section 27-1012 of this title on five thousand or more beverage containers in one or more separate transactions within one year shall be guilty of a class B misdemeanor.

(b) Any person, having previously been convicted of a violation of paragraph (a) of this section within the past three years, who willfully violates or directs another to violate the requirements to collect or charge the refund value imposed by section 27-1005 or paragraph a of subdivision nine of section 27-1012 of this title on five thousand or more beverage containers in one or more separate transactions within one year shall be guilty of a class A misdemeanor.

(c) Any person who willfully violates or directs another to violate

the requirements to collect or charge the refund value imposed by section 27-1005 or paragraph a of subdivision nine of section 27-1012 of this title on twenty thousand or more beverage containers in one or more separate transactions within one year shall be guilty of a class E felony.

Nothing in this subdivision shall apply to common or contract carriers or warehousemen while engaged in lawfully transporting or storing such containers as merchandise, nor to any employee of such carrier or warehouseman acting within the scope of his or her employment.

7. A violation of this title, except as otherwise provided in this section and section 27-1012 of this title, shall be a public nuisance.