

A-Engrossed
Senate Bill 1508

Ordered by the Senate February 16
Including Senate Amendments dated February 16

Sponsored by Senator ATKINSON; Senator HASS (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Allows beverage distributors or importers to establish distributor cooperative for certain purposes. Provides that dealer that uses distributor cooperative is not required to return beverage containers to distributor or importer that does not participate in distributor cooperative. Requires distributor cooperative, and distributors and importers that do not participate in distributor cooperative, to provide Oregon Liquor Control Commission with report on beverage container return data each calendar year. **Punishes failure to provide such information by potential suspension or revocation of license and maximum one year's imprisonment, \$6,250 fine, or both.**

Requires commission, by August 1 of each calendar year, to calculate and post on website previous calendar year's percentage of beverage containers returned for refund value for each distributor cooperative, for each distributor or importer that does not participate in distributor cooperative and for all distributors and importers in Oregon.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to beverage containers; creating new provisions; amending ORS 459.992; and declaring an
3 emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2012 Act is added to and made a part of ORS 459A.700 to**
6 **459A.740.**

7 **SECTION 2. (1) Two or more distributors or importers may establish a distributor coop-**
8 **erative for the purposes of:**

9 (a) **Collecting the refund value of beverage containers specified in ORS 459A.705 from**
10 **distributors or importers and refunding to dealers the amount the dealers paid for the refund**
11 **value of empty beverage containers;**

12 (b) **Paying the refund value specified in ORS 459A.705 for beverage containers sold in this**
13 **state; and**

14 (c) **Processing beverage containers sold in this state.**

15 (2) **A distributor cooperative established under this section must service a majority of**
16 **the dealers in this state.**

17 (3) **If a distributor cooperative is established, a dealer that uses the distributor cooper-**
18 **ative to redeem and process beverage containers sold in this state is not required to return**
19 **beverage containers to a distributor or importer that does not participate in the distributor**
20 **cooperative, provided that the dealer or the distributor cooperative provides an accounting**
21 **to the distributor or importer of the beverage containers by brand and kind that were dis-**
22 **tributed by the distributor or importer and subsequently redeemed by the dealer or distrib-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **utor cooperative.**

2 (4) Upon receipt of the accounting required by subsection (3) of this section, a distributor
3 or importer that does not participate in the distributor cooperative must pay the refund
4 value of the redeemed beverage containers specified in the accounting to the dealer or dis-
5 tributor cooperative that provided the accounting.

6 (5)(a) For purposes of this subsection, beverage container return data is the number of
7 beverage containers returned for the refund value specified in ORS 459A.705 in Oregon during
8 the calendar year and the number of beverage containers that carry a refund value specified
9 in ORS 459A.705 sold in Oregon during the calendar year, calculated separately.

10 (b) By July 1 of each calendar year, a distributor cooperative shall provide the Oregon
11 Liquor Control Commission with a report that lists, in aggregate form for all distributors
12 and importers that participate in the distributor cooperative, the previous calendar year's
13 beverage container return data, calculated separately for glass, metal and plastic beverage
14 containers.

15 (c) By July 1 of each calendar year, a distributor or importer that does not participate
16 in a distributor cooperative shall provide the commission with a report that lists the
17 distributor's or the importer's beverage container return data for the previous calendar
18 year, calculated separately for glass, metal and plastic beverage containers.

19 (6)(a) By August 1 of each calendar year, using the beverage container return data pro-
20 vided in subsection (5)(b) of this section, the Oregon Liquor Control Commission shall cal-
21 culate the previous calendar year's percentage of beverage containers returned for the
22 refund value specified in ORS 459A.705 for each distributor cooperative. The commission shall
23 carry out the calculation separately for glass, metal and plastic beverage containers and
24 shall post the percentages on the commission's website.

25 (b) By August 1 of each calendar year, using the beverage container return data provided
26 in subsection (5)(c) of this section, the commission shall calculate the previous calendar
27 year's percentage of beverage containers returned for the refund value specified in ORS
28 459A.705 for each distributor or importer that does not participate in a distributor cooper-
29 ative. The commission shall carry out the calculation separately for glass, metal and plastic
30 beverage containers and shall post the percentages on the commission's website.

31 (c) By August 1 of each calendar year, using the beverage container return data provided
32 in subsection (5)(b) and (c) of this section, the commission shall calculate the previous cal-
33 endar year's percentage of beverage containers returned for the refund value specified in
34 ORS 459A.705 for all distributors and importers in Oregon. The commission shall carry out
35 the calculation for all beverage containers, and separately for glass, metal and plastic
36 beverage containers, and shall post the percentages on the commission's website.

37 (d) Except for the percentages described in paragraphs (a) to (c) of this subsection, the
38 commission may not disclose any information provided by a distributor, an importer or a
39 distributor cooperative under subsection (5) of this section.

40 **SECTION 3.** The first reports to the Oregon Liquor Control Commission required under
41 section 2 (5) of this 2012 Act must be filed no later than July 1, 2013, for calendar year 2012.

42 **SECTION 4.** ORS 459.992 is amended to read:

43 459.992. (1) The following are Class A misdemeanors:

44 (a) Violation of rules or ordinances adopted under ORS 459.005 to 459.105 and 459.205 to 459.385.

45 (b) Violation of ORS 459.205.

1 (c) Violation of ORS 459.270.

2 (d) Violation of ORS 459A.080.

3 (e) Violation of ORS 459.272.

4 (2) Each day a violation referred to by subsection (1) of this section continues constitutes a
5 separate offense. Such separate offenses may be joined in one indictment or complaint or information
6 in several counts.

7 (3) Violation of ORS 459A.705, 459A.710 or 459A.720 **or section 2 (5) of this 2012 Act** is a Class
8 A misdemeanor.

9 (4) In addition to the penalty prescribed by subsection (3) of this section, the Oregon Liquor
10 Control Commission or the State Department of Agriculture may revoke or suspend the license of
11 any person who willfully violates ORS 459A.705, 459A.710 or 459A.720 **or section 2 (5) of this 2012**
12 **Act**, who is required by ORS chapter 471 or 635, respectively, to have a license.

13 **SECTION 4. This 2012 Act being necessary for the immediate preservation of the public**
14 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**
15 **on its passage.**

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