

HOUSE AMENDMENTS TO HOUSE BILL 2803

By COMMITTEE ON BUSINESS AND LABOR

April 21

- 1 On page 1 of the printed bill, line 2, delete “459.992” and insert “459A.717”.
- 2 Delete lines 5 through 28.
- 3 On page 2, delete lines 1 through 15 and insert:
- 4 **“SECTION 1.** ORS 459A.735 is amended to read:
- 5 “459A.735. (1) To facilitate the return of empty beverage containers and to serve dealers of
- 6 beverages, any person may establish a redemption center, subject to the approval of the Oregon
- 7 Liquor Control Commission, at which any person may return empty beverage containers and receive
- 8 payment of the refund value of such beverage containers.
- 9 “(2) Application for approval of a redemption center shall be filed with the commission. The
- 10 application shall state the name and address of the person responsible for the establishment and
- 11 operation of the redemption center, the kind of beverage containers that will be accepted at the
- 12 redemption center, the names and addresses of the dealers to be served by the redemption center
- 13 and proposals for up to two convenience zones described in [ORS 459A.737] **section 3 of this 2015**
- 14 **Act.** The application shall include such additional information as the commission may require.
- 15 “(3) The commission shall approve a redemption center if it finds the redemption center will
- 16 provide a convenient service to persons for the return of empty beverage containers. The order of
- 17 the commission approving a redemption center shall state: *[the dealers to be served by the redemption*
- 18 *center and the kind of empty beverage containers that the redemption center must accept. The order*
- 19 *may contain such other provisions to ensure the redemption center will provide a convenient service to*
- 20 *the public as the commission may determine.]*
- 21 **“(a) The location of the convenience zones specified by the commission under section 3**
- 22 **(1) of this 2015 Act;**
- 23 **“(b) The dealers within the convenience zones to be served by the redemption center;**
- 24 **“(c) The dealers within the convenience zones not to be served by or not participating in**
- 25 **the redemption center;**
- 26 **“(d) The services to be provided by the redemption center and the equivalent services**
- 27 **required to be provided under section 3 (5) of this 2015 Act by a dealer that does not partic-**
- 28 **ipate in, and is not served by, the redemption center;**
- 29 **“(e) The kind of empty beverage containers that the redemption center must accept; and**
- 30 **“(f) Such other provisions to ensure the redemption center will provide a convenient**
- 31 **service to the public as the commission may determine.**
- 32 **“(4)(a) No later than five days after approving a redemption center under subsection (3)**
- 33 **of this section, the commission shall provide written notice to each dealer that is identified**
- 34 **in the order approving the redemption center as a dealer within the convenience zones not**
- 35 **to be served by or not participating in the redemption center.**

1 **“(b) The notice required under this subsection shall include:**

2 **“(A) All information required to be in the order approving the redemption center under**
3 **subsection (3) of this section; and**

4 **“(B) Notice of the provisions of section 3 of this 2015 Act that are applicable to the dealer**
5 **receiving the notice.**

6 “[(4)] (5) The commission may review at any time approval of a redemption center. After written
7 notice to the person responsible for the establishment and operation of the redemption center, and
8 to the dealers served by the redemption center, the commission may, after hearing, withdraw ap-
9 proval of a redemption center if the commission finds there has not been compliance with its order
10 approving the redemption center, or if the redemption center no longer provides a convenient ser-
11 vice to the public.”.

12 On page 3, line 37, before “commission” insert “Oregon Liquor Control”.

13 On page 4, line 39, delete “30 days after receipt” and insert “60 days after issuance”.

14 In line 42, delete “received” and insert “issued”.

15 In line 43, delete “inspect the premises of” and insert “ensure compliance with this subsection
16 by”.

17 In line 44, after the second “subsection” insert a period.

18 Delete line 45.

19 On page 5, delete lines 1 through 5.

20 In line 8, after the comma insert “not less than 60 days”.

21 In line 12, after the comma insert “provide documentation of compliance with the requirements
22 for nonparticipating dealers under this section and”.

23 Delete lines 20 through 40 and insert:

24 “(8) Not more than 60 days after issuance of notice from the commission under ORS 459A.735
25 (4), a dealer shall provide the commission with written documentation confirming compliance with
26 each of the requirements of this section that are applicable to the dealer receiving notice.

27 **“SECTION 4. In addition to the authority granted under ORS 459.992, inspectors and in-**
28 **vestigators employed by the Oregon Liquor Control Commission have authority to inspect**
29 **any space occupied by a dealer, as defined in ORS 459A.700, for compliance with section 3 of**
30 **this 2015 Act.**

31 **“SECTION 5. ORS 459A.717 is amended to read:**

32 “459A.717. (1) The Oregon Liquor Control Commission may impose a civil penalty of at least \$50,
33 but not more than \$500, for a violation of any provision of ORS 459A.700 to 459A.740. Each day a
34 violation occurs constitutes a separate violation. The authority to impose a civil penalty under this
35 section is in addition to and not in lieu of the revocation and suspension authority under ORS
36 459.992 (4) and the criminal penalty authorized by ORS 459.992.

37 **“(2) Notwithstanding subsection (1) of this section, if a dealer, as defined in ORS 459A.700,**
38 **violates a provision of section 3 of this 2015 Act, the commission shall provide the dealer with**
39 **written notice informing the dealer of the violation and stating that the dealer may avoid**
40 **civil penalty for the violation by curing the violation within 60 days after issuance of the**
41 **notice. If the dealer fails to cure the violation within 60 days after issuance of the notice, the**
42 **commission shall impose a civil penalty of at least \$200 for the violation. Each day after the**
43 **60-day period that the dealer continues to violate a provision of section 3 of this 2015 Act is**
44 **a separate offense subject to a separate civil penalty. The commission is not required to**
45 **provide the dealer with an opportunity to cure a continuing violation before imposing a civil**

1 **penalty for the continuing violation.**

2 “[(2)] (3) Civil penalties under this section shall be imposed as provided in ORS 183.745.

3 “[(3)] (4) All penalties recovered under this section shall be paid into the State Treasury and
4 credited to the General Fund and are available for general governmental expenses.”.

5
