

**PROPOSED AMENDMENTS TO
HOUSE BILL 2803**

1 On page 1 of the printed bill, line 2, delete “459.992” and insert
2 “459A.717”.

3 Delete lines 5 through 28.

4 On page 2, delete lines 1 through 15 and insert:

5 **“SECTION 1. ORS 459A.735 is amended to read:**

6 “459A.735. (1) To facilitate the return of empty beverage containers and
7 to serve dealers of beverages, any person may establish a redemption center,
8 subject to the approval of the Oregon Liquor Control Commission, at which
9 any person may return empty beverage containers and receive payment of the
10 refund value of such beverage containers.

11 “(2) Application for approval of a redemption center shall be filed with
12 the commission. The application shall state the name and address of the
13 person responsible for the establishment and operation of the redemption
14 center, the kind of beverage containers that will be accepted at the redemp-
15 tion center, the names and addresses of the dealers to be served by the re-
16 demption center and proposals for up to two convenience zones described in
17 [*ORS 459A.737*] **section 3 of this 2015 Act**. The application shall include
18 such additional information as the commission may require.

19 “(3) The commission shall approve a redemption center if it finds the re-
20 demption center will provide a convenient service to persons for the return
21 of empty beverage containers. The order of the commission approving a re-
22 demption center shall state: [*the dealers to be served by the redemption center*

1 *and the kind of empty beverage containers that the redemption center must*
2 *accept. The order may contain such other provisions to ensure the redemption*
3 *center will provide a convenient service to the public as the commission may*
4 *determine.]*

5 **“(a) The location of the convenience zones specified by the com-**
6 **mission under section 3 (1) of this 2015 Act;**

7 **“(b) The dealers within the convenience zones to be served by the**
8 **redemption center;**

9 **“(c) The dealers within the convenience zones not to be served by**
10 **or not participating in the redemption center;**

11 **“(d) The services to be provided by the redemption center and the**
12 **equivalent services required to be provided under section 3 (5) of this**
13 **2015 Act by a dealer that does not participate in, and is not served by,**
14 **the redemption center;**

15 **“(e) The kind of empty beverage containers that the redemption**
16 **center must accept; and**

17 **“(f) Such other provisions to ensure the redemption center will**
18 **provide a convenient service to the public as the commission may de-**
19 **termine.**

20 **“(4)(a) No later than five days after approving a redemption center**
21 **under subsection (3) of this section, the commission shall provide**
22 **written notice to each dealer that is identified in the order approving**
23 **the redemption center as a dealer within the convenience zones not**
24 **to be served by or not participating in the redemption center.**

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

26 **“(A) All information required to be in the order approving the re-**
27 **demption center under subsection (3) of this section; and**

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

30 **“[(4)] (5) The commission may review at any time approval of a redemp-**

1 tion center. After written notice to the person responsible for the establish-
2 ment and operation of the redemption center, and to the dealers served by
3 the redemption center, the commission may, after hearing, withdraw approval
4 of a redemption center if the commission finds there has not been compliance
5 with its order approving the redemption center, or if the redemption center
6 no longer provides a convenient service to the public.”.

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

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

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

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

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

14 Delete line 45.

15 On page 5, delete lines 1 through 5.

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

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

19 Delete lines 20 through 40 and insert:

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

24 **“SECTION 4. In addition to the authority granted under ORS**
25 **459.992, inspectors and investigators employed by the Oregon Liquor**
26 **Control Commission have authority to inspect any space occupied by**
27 **a dealer, as defined in ORS 459A.700, for compliance with section 3 of**
28 **this 2015 Act.**

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

30 **“459A.717. (1) The Oregon Liquor Control Commission may impose a civil**

1 penalty of at least \$50, but not more than \$500, for a violation of any pro-
2 vision of ORS 459A.700 to 459A.740. Each day a violation occurs constitutes
3 a separate violation. The authority to impose a civil penalty under this sec-
4 tion is in addition to and not in lieu of the revocation and suspension au-
5 thority under ORS 459.992 (4) and the criminal penalty authorized by ORS
6 459.992.

7 **“(2) Notwithstanding subsection (1) of this section, if a dealer, as**
8 **defined in ORS 459A.700, violates a provision of section 3 of this 2015**
9 **Act, the commission shall provide the dealer with written notice in-**
10 **forming the dealer of the violation and stating that the dealer may**
11 **avoid civil penalty for the violation by curing the violation within 60**
12 **days after issuance of the notice. If the dealer fails to cure the vio-**
13 **lation within 60 days after issuance of the notice, the commission shall**
14 **impose a civil penalty of at least \$200 for the violation. Each day after**
15 **the 60-day period that the dealer continues to violate a provision of**
16 **section 3 of this 2015 Act is a separate offense subject to a separate**
17 **civil penalty. The commission is not required to provide the dealer**
18 **with an opportunity to cure a continuing violation before imposing a**
19 **civil penalty for the continuing violation.**

20 “[2] (3) Civil penalties under this section shall be imposed as provided
21 in ORS 183.745.

22 “[3] (4) All penalties recovered under this section shall be paid into the
23 State Treasury and credited to the General Fund and are available for gen-
24 eral governmental expenses.”.

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