

D R A F T

SUMMARY

Provides that beverage container redemption centers are not recycling depots for purposes of certain recycling laws.

Adds requirement to findings by Oregon Liquor Control Commission in its order approving redemption center.

A BILL FOR AN ACT

1
2 Relating to beverage container redemption centers; amending ORS 459A.735
3 and 459A.738.

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

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

6 459A.735. (1) To facilitate the return of empty beverage containers and to
7 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 the
12 commission. The application shall state the name and address of the person
13 responsible for the establishment and operation of the redemption center, the
14 kind of beverage containers that will be accepted at the redemption center,
15 the names and addresses of the dealers to be served by the redemption center
16 and proposals for up to two convenience zones described in ORS 459A.738.
17 The application shall include such additional information as the commission
18 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

1 of empty beverage containers. The order of the commission approving a re-
2 demption center shall state:

3 (a) The location of the convenience zones specified by the commission
4 under ORS 459A.738 (1);

5 (b) The dealers within the convenience zones to be served by the re-
6 demption center;

7 (c) The dealers within the convenience zones not to be served by or not
8 participating in the redemption center;

9 (d) The services to be provided by the redemption center and the equiv-
10 alent services required to be provided under ORS 459A.738 (5) by a dealer
11 that does not participate in, and is not served by, the redemption center;

12 (e) The kind of empty beverage containers that the redemption center
13 must accept; [*and*]

14 **(f) Whether the redemption center will be located in an area zoned**
15 **for commercial use under state statute or local ordinance, or will be**
16 **located in an area that will provide more convenient service given the**
17 **proximity of the location to the dealers within the convenience zones**
18 **to be served by the redemption center; and**

19 [(*f*)] **(g)** Such other provisions to ensure the redemption center will pro-
20 vide a convenient service to the public as the commission may determine.

21 **(4) A redemption center approved by the commission under this**
22 **section is not a recycling depot for purposes of ORS 90.318, 459A.007,**
23 **459A.010, 459A.050 or 459A.080.**

24 [(4)(a)] **(5)(a)** No later than five days after approving a redemption center
25 under subsection (3) of this section, the commission shall provide written
26 notice to each dealer that is identified in the order approving the redemption
27 center as a dealer within the convenience zones not to be served by or not
28 participating in the redemption center.

29 (b) The notice required under this subsection shall include:

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

1 (B) Notice of the provisions of ORS 459A.738 that are applicable to the
2 dealer receiving the notice.

3 [(5)] (6) The commission may review at any time approval of a redemption
4 center. After written notice to the person responsible for the establishment
5 and operation of the redemption center, and to the dealers served by the re-
6 demption center, the commission may, after hearing, withdraw approval of
7 a redemption center if the commission finds there has not been compliance
8 with its order approving the redemption center, or if the redemption center
9 no longer provides a convenient service to the public.

10 **SECTION 2.** ORS 459A.738 is amended to read:

11 459A.738. (1) For each beverage container redemption center, the Oregon
12 Liquor Control Commission shall specify up to two convenience zones. The
13 first convenience zone shall be the sector within a radius of not more than
14 two miles around the beverage container redemption center. The second
15 convenience zone shall be the sector beginning at the border of the first
16 convenience zone and continuing to a radius of not more than three and
17 one-half miles around the beverage container redemption center. The con-
18 venience zones shall be based to the greatest extent practicable upon the
19 proposals submitted as part of the application for approval of the redemption
20 center under ORS 459A.735.

21 (2) All dealers doing business within the first convenience zone that oc-
22 cupy a space of 5,000 or more square feet in a single area may participate
23 in, be served by and be charged the cost of participation in the beverage
24 container redemption center and, if such a dealer participates in, is served
25 by and pays the cost of participation in the redemption center, the dealer
26 may, notwithstanding any other provision of ORS 459A.700 to 459A.740, re-
27 fuse to accept and to pay the refund value of empty beverage containers.

28 (3) All dealers doing business within the second convenience zone that
29 occupy a space of 5,000 or more square feet in a single area may participate
30 in, be served by and be charged the cost of participation in the beverage
31 container redemption center and, if such a dealer participates in, is served

1 by and pays the cost of participation in the redemption center, the dealer
2 may, notwithstanding any other provision of ORS 459A.700 to 459A.740, re-
3 fuse to accept and to pay the refund value of more than 24 individual empty
4 beverage containers returned by any one person during one day.

5 (4) All dealers doing business within either convenience zone that occupy
6 a space of less than 5,000 square feet in a single area may, notwithstanding
7 any other provision of ORS 459A.700 to 459A.740, refuse to accept and to pay
8 the refund value of more than 24 individual empty beverage containers re-
9 turned by any one person during one day.

10 (5)(a) Any dealer doing business in either convenience zone that occupies
11 a space of 5,000 or more square feet in a single area that does not participate
12 in, and is not served by, the beverage container redemption center may not
13 refuse to accept and to pay the refund value of up to 350 individual empty
14 beverage containers, as established by ORS 459A.705, returned by any one
15 person during one day and must, beginning on the date that the redemption
16 center begins accepting beverage containers, provide services equivalent to
17 those provided by the redemption center under ORS 459A.737 (2), including
18 hand counting and drop off service.

19 (b) In addition to complying with the requirements specified in paragraph
20 (a) of this subsection, a dealer described in paragraph (a) of this subsection
21 must:

22 (A) Post in each area where beverage containers are received a clearly
23 visible and legible sign that contains the list of services that must be pro-
24 vided by the dealer; and

25 (B) Provide two automated reverse vending machines capable of process-
26 ing metal, plastic and glass beverage containers, or one automated reverse
27 vending machine capable of processing metal, plastic and glass beverage
28 containers for each 500,000 beverage containers sold by the dealer in the
29 previous calendar year, whichever is greater.

30 (c)(A) The provisions of paragraphs (a) and (b) of this subsection do not
31 apply to a dealer described in paragraph (a) of this subsection if the dealer

1 sold fewer than 100,000 beverage containers in the previous calendar year.
2 To be eligible for the exemption under this paragraph, a dealer described in
3 paragraph (a) of this subsection must report to the commission the number
4 of beverage containers sold by the dealer in the previous calendar year.

5 (B) The report required under this paragraph must be submitted by a
6 dealer:

7 (i) Except as provided in subsection (6) of this section, no later than 60
8 days after issuance of the notice required under ORS 459A.735 [(4)] (5); and

9 (ii) No later than January 1 of each calendar year following the year that
10 the notice under ORS 459A.735 [(4)] (5) was issued and for which the dealer
11 intends to claim the exemption.

12 (d) The commission shall ensure compliance with this subsection by a
13 dealer described in paragraph (a) of this subsection that is not subject to an
14 exemption under paragraph (c) of this subsection.

15 (6) A dealer that plans to begin doing business in either convenience zone
16 after the date that the beverage container redemption center associated with
17 the convenience zone begins accepting beverage containers shall, not less
18 than 60 days prior to the date that the dealer begins doing business:

19 (a) Provide notice to the commission explaining whether the dealer will
20 or will not participate in, be served by and pay the cost of participation in
21 the redemption center; and

22 (b) If the dealer will not participate in the redemption center and will
23 claim an exemption under subsection (5)(c) of this section, provide doc-
24 umentation of compliance with the requirements for nonparticipating dealers
25 under this section and an estimate of the number of beverage containers that
26 the dealer expects to sell during the first calendar year that the dealer does
27 business in the convenience zone.

28 (7) The provisions of subsections (2) to (6) of this section do not apply to
29 any dealer for which the driving distance from the place of business of the
30 dealer to the beverage container redemption center, calculated using the
31 shortest route, is more than two times the radius specified for the second

1 convenience zone or, if only one convenience zone is specified by the com-
2 mission, two times the radius specified for that convenience zone.

3 (8) Not more than 60 days after issuance of notice from the commission
4 under ORS 459A.735 [(4)] (5), a dealer shall provide the commission with
5 written documentation confirming compliance with each of the requirements
6 of this section that are applicable to the dealer receiving notice.

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