Senate Bill 517
Sponsored by Senator BENTZ (Presession 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 as introduced.

Requires manufacturer, distributor or importer of beverage sold in this state to ensure that beverage containers are collected from small dealer no later than 30 days after dealer redeems beverage containers. Requires manufacturer, distributor or importer that fails to collect beverage containers within time period specified to pay small dealer double unpaid refund value for beverage containers not collected as required.

A BILL FOR AN ACT
Relating to beverage containers; amending ORS 459A.710 and 459A.712.

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

SECTION 1. ORS 459A.710 is amended to read:

459A.710. Except as provided in ORS 459A.715:

(1)(a) Except as provided in paragraph (b) of this subsection, a dealer may not refuse to accept from any person any empty beverage containers that contained the kind of beverage sold by the dealer, or refuse to pay to that person the refund value of a beverage container as established by ORS 459A.705.

(b) A dealer that occupies a space of less than 5,000 square feet in a single area may refuse to accept from any person any empty beverage containers of the kind, size and brand that the dealer does not sell.

(2) A distributor or importer may not refuse to accept from a dealer any empty beverage containers of the kind, size and brand sold by the distributor or importer, or refuse to pay the dealer the refund value of a beverage container as established by ORS 459A.705.

(3) The manufacturer, distributor or importer of any beverage sold in this state shall ensure that:

(a) All dealers or redemption centers in this state that redeem beverage containers are paid the refund value for those beverage containers; and

(b) [that those] Redeemed beverage containers are collected from the dealer or redemption center in a timely manner.

(4) For purposes of meeting the requirements of subsection (3)(b) of this section, a manufacturer, distributor or importer shall collect redeemed beverage containers from a dealer that occupies less than 5,000 square feet in a single area no later than 30 days after the date the dealer redeems the beverage containers.

SECTION 2. ORS 459A.712 is amended to read:

459A.712. (1) Any manufacturer, distributor or importer that fails to pay to a dealer or redemption center the refund value of beverage containers and to collect beverage containers as required by ORS 459A.710 (3) is liable to the dealer or redemption center for treble the unpaid refund value and treble the collection costs incurred by the dealer or redemption center for any beverage.
containers that were not collected as required.

(2) In addition to and not in lieu of any liability imposed by subsection (1) of this section, any manufacturer, distributor or importer that fails to collect beverage containers within the time period required by ORS 459A.710 (4) shall pay to the dealer that redeemed the beverage containers double the unpaid refund value for any beverage containers that were not collected as required.