

Requested by Senator DEMBROW

**PROPOSED AMENDMENTS TO
SENATE BILL 93**

1 On page 1 of the printed bill, line 2, after “centers;” delete the rest of the
2 line and insert “creating new provisions; and amending ORS 459A.700,
3 459A.715, 459A.735, 459A.737 and 459A.738 and section 4, chapter 106, Oregon
4 Laws 2013.”.

5 Delete lines 4 through 29 and delete pages 2 through 4 and insert:

6 **“SECTION 1.** ORS 459A.700 is amended to read:

7 “459A.700. As used in ORS 459.992 (3) and (4) and 459A.700 to 459A.740,
8 unless the context requires otherwise:

9 “(1) ‘Beverage’ means a fluid described in ORS 459A.702.

10 “(2) ‘Beverage container’ means a container described in ORS 459A.702.

11 “(3) ‘Commission’ means the Oregon Liquor Control Commission.

12 “(4) ‘Consumer’ means every person who purchases a beverage in a
13 beverage container for use or consumption.

14 “(5) ‘Dealer’ means every person in this state who engages in the sale of
15 beverages in beverage containers to a consumer, or means a **full-service**
16 redemption center [*certified*] **approved** under ORS 459A.735.

17 **“(6) ‘Dealer redemption center’ means a location that meets the**
18 **requirements of section 3 of this 2019 Act, at which any person may**
19 **return empty beverage containers and receive payment of the refund**
20 **value of the beverage containers.**

21 “[~~(6)~~] (7) ‘Distributor’ means every person who engages in the sale of

1 beverages in beverage containers to a dealer in this state including any
2 manufacturer who engages in such sales.

3 **“(8) ‘Full-service redemption center’ means a location that meets**
4 **the requirements of ORS 459A.737, at which any person may return**
5 **empty beverage containers and receive payment of the refund value**
6 **of the beverage containers.**

7 “[7] (9) ‘Importer’ means any dealer or manufacturer who directly im-
8 ports beverage containers into this state.

9 “[8] (10) ‘In this state’ means within the exterior limits of the State of
10 Oregon and includes all territory within these limits owned by or ceded to
11 the United States of America.

12 “[9] (11) ‘Manufacturer’ means every person bottling, canning or other-
13 wise filling beverage containers for sale to distributors, importers or dealers.

14 “[10] (12) ‘Place of business of a dealer’ means the location at which a
15 dealer sells or offers for sale beverages in beverage containers to consumers.

16 **“(13) ‘Redemption center’ means a full-service redemption center**
17 **or a dealer redemption center.**

18 “[11] (14) ‘Use or consumption’ includes the exercise of any right or
19 power over a beverage incident to the ownership thereof, other than the sale
20 or the keeping or retention of a beverage for the purposes of sale.

21 “[12] (15) ‘Water and flavored water’ means any beverage identified
22 through the use of letters, words or symbols on its product label as a type
23 of water.

24 **“SECTION 2. Section 3 of this 2019 Act and ORS 459A.738 and**
25 **459A.739 are added to and made a part of ORS 459A.700 to 459A.740.**

26 **“SECTION 3. (1) Any person may establish a dealer redemption**
27 **center to serve one or more dealers doing business in an area that is**
28 **not part of a convenience zone specified by the Oregon Liquor Control**
29 **Commission under ORS 459A.738.**

30 **“(2) Notwithstanding any other provision of ORS 459A.700 to**

1 **459A.740, a dealer redemption center must:**

2 **“(a) Provide secure drop off service at no charge for empty beverage**
3 **containers to be returned by any person for the refund value estab-**
4 **lished by ORS 459A.705 in a bag or other bulk return container sold for**
5 **that purpose;**

6 **“(b) Provide an accounting mechanism by which a person may re-**
7 **deem the refund value of beverage containers returned in bulk either**
8 **immediately in cash from a dealer participating in the dealer redemp-**
9 **tion center or no later than one week after the beverage containers**
10 **are dropped off;**

11 **“(c) Be serviced by a distributor cooperative for purposes of trans-**
12 **porting and processing redeemed beverage containers;**

13 **“(d) Be available for persons to return beverage containers to the**
14 **dealer redemption center during any time that a participating dealer**
15 **is open between the hours of 8 a.m. and 8 p.m.; and**

16 **“(e) Be of a sufficient capacity to provide convenient service to the**
17 **public as the commission may determine.**

18 **“(3) A dealer redemption center may provide services other than**
19 **those specified in subsection (2) of this section as determined neces-**
20 **sary by the person responsible for operation of the dealer redemption**
21 **center.**

22 **“(4) A distributor cooperative that services dealer redemption cen-**
23 **ters shall:**

24 **“(a) Provide notice to the commission no later than 14 days after**
25 **the date that a dealer redemption center:**

26 **“(A) Begins providing drop off service to persons for the return of**
27 **empty beverage containers; or**

28 **“(B) Ceases operations; and**

29 **“(b) Annually provide to the commission the names and addresses**
30 **of the dealers served by all dealer redemption centers serviced by the**

1 distributor cooperative, and such additional information as the com-
2 mission may require.

3 “(5)(a) A dealer that participates in, is served by and pays the cost
4 of participation in a dealer redemption center may, notwithstanding
5 any other provision of ORS 459A.700 to 459A.740, refuse to accept and
6 to pay the refund value of more than 24 individual empty beverage
7 containers returned by any one person during one day.

8 “(b) If a dealer redemption center is established in a city having a
9 population of less than 10,000 people, the Oregon Liquor Control Com-
10 mission shall specify a dealer redemption center convenience zone. The
11 dealer redemption center convenience zone shall be the sector within
12 a radius of not more than one mile around the dealer redemption
13 center. Any dealer doing business within a dealer redemption center
14 convenience zone may participate in, be served by and pay the cost
15 of participation in the dealer redemption center and receive the benefit
16 provided for in paragraph (a) of this subsection.

17 **“SECTION 4.** Section 4, chapter 106, Oregon Laws 2013, is amended to
18 read:

19 **“Sec. 4.** No later than March 1 of each odd-numbered year, the Oregon
20 Liquor Control Commission shall submit a report to the Legislative Assem-
21 bly regarding [*beverage container*] **full-service** redemption centers approved
22 pursuant to the provisions of ORS 459A.737 **and dealer redemption centers**
23 **established pursuant to section 3 of this 2019 Act.** The report must in-
24 clude, for the two previous calendar years:

25 “(1) The number of beverage containers that are returned for refund value
26 as a percentage of the total number of beverage containers sold in this state.

27 “(2) The number of [*beverage container*] redemption centers operating in
28 this state and the number of full-service redemption centers for which ap-
29 plications are pending with the commission.

30 “(3) The number of beverage containers that are returned for refund value

1 in areas designated by the commission and the number of beverage contain-
2 ers returned for refund value in each area in the year before the beverage
3 container redemption center began operation.

4 “(4) The number of beverage containers that are returned for refund value
5 to [*beverage container*] redemption centers in this state and the number of
6 beverage containers that are returned for refund value to dealers in this
7 state.

8 “**SECTION 5.** ORS 459A.715 is amended to read:

9 “459A.715. (1) A dealer may refuse to accept from any person, and a dis-
10 tributor or importer may refuse to accept from a dealer, any empty beverage
11 container that does not state thereon a refund value as established by ORS
12 459A.705.

13 “(2) A dealer may refuse to accept and to pay the refund value of:

14 “(a) Empty beverage containers if the place of business of the dealer and
15 the kind of empty beverage containers are included in an order of the Oregon
16 Liquor Control Commission approving a **full-service** redemption center un-
17 der ORS 459A.735.

18 “(b) Any beverage container visibly containing or contaminated by a
19 substance other than water, residue of the original contents or ordinary dust.

20 “(c)(A) More than 144 individual beverage containers returned by any one
21 person during one day, if the dealer occupies a space of 5,000 or more square
22 feet in a single area.

23 “(B) More than 50 individual beverage containers returned by any one
24 person during one day, if the dealer occupies a space of less than 5,000
25 square feet in a single area.

26 “(d) Any beverage container that is damaged to the extent that the brand
27 appearing on the container cannot be identified.

28 “(3)(a) In order to refuse containers under subsection (2)(b), (c)(A) or (d)
29 of this section, if a dealer occupies a space of 5,000 or more square feet in
30 a single area, the dealer must post in each area where containers are re-

1 ceived a clearly visible and legible sign containing the following information:

2 “ _____

3 NOTICE:

4

5 Oregon Law allows a dealer to refuse to accept:

6 1. Beverage containers visibly containing or contaminated by a substance
7 other than water, residue of the original contents or ordinary dust;

8 2. More than 144 individual beverage containers from any one person
9 during one day; or

10 3. Beverage containers that are damaged to the extent that the brand
11 appearing on the container cannot be identified.

12 “ _____

13 “(b) In order to refuse containers under subsection (2)(b), (c)(B) or (d) of
14 this section, if a dealer occupies a space of less than 5,000 square feet in a
15 single area, the dealer must post in each area where containers are received
16 a clearly visible and legible sign containing the following information:

17 “ _____

18 NOTICE:

19

20 Oregon Law allows a dealer to refuse to accept:

21 1. Beverage containers visibly containing or contaminated by a substance
22 other than water, residue of the original contents or ordinary dust;

23 2. More than 50 individual beverage containers from any one person dur-
24 ing one day; or

25 3. Beverage containers that are damaged to the extent that the brand
26 appearing on the container cannot be identified.

27 “ _____

28 “**SECTION 6.** ORS 459A.735 is amended to read:

29 “459A.735. (1) To facilitate the return of empty beverage containers and
30 to serve dealers of beverages, any person may establish a **full-service** re-

1 redemption center, subject to the approval of the Oregon Liquor Control
2 Commission, at which any person may return empty beverage containers and
3 receive payment of the refund value of such beverage containers.

4 “(2) Application for approval of a **full-service** redemption center shall be
5 filed with the commission. The application shall state the name and address
6 of the person responsible for the establishment and operation of the **full-**
7 **service** redemption center, the kind of beverage containers that will be ac-
8 cepted at the **full-service** redemption center, the names and addresses of the
9 dealers to be served by the **full-service** redemption center and proposals for
10 up to two convenience zones described in ORS 459A.738. The application
11 shall include such additional information as the commission may require.

12 “(3) The commission shall approve a **full-service** redemption center if it
13 finds the redemption center will provide a convenient service to persons for
14 the return of empty beverage containers. The order of the commission ap-
15 proving a **full-service** redemption center shall state:

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

18 “(b) The dealers within the convenience zones to be served by the **full-**
19 **service** redemption center;

20 “(c) The dealers within the convenience zones not to be served by or not
21 participating in the **full-service** redemption center;

22 “(d) The services to be provided by the redemption center and the equiv-
23 alent services required to be provided under ORS 459A.738 (5) by a dealer
24 that does not participate in, and is not served by, the **full-service** redemp-
25 tion center;

26 “(e) The kind of empty beverage containers that the **full-service** re-
27 demption center must accept; [*and*]

28 “(f) **Whether the full-service redemption center will be located in**
29 **an area zoned for commercial use under state statute or local ordi-**
30 **nance or will be located in an area that will provide more convenient**

1 **service given the proximity of the location to the dealers within the**
2 **convenience zones to be served by the full-service redemption center;**
3 **and**

4 “[*f*] (g) Such other provisions to ensure [*the*] **that the full-service** re-
5 demption center will provide a convenient service to the public as the com-
6 mission may determine.

7 “(4) **A full-service redemption center approved by the commission**
8 **under this section is not a recycling depot for purposes of ORS 90.318,**
9 **459A.007, 459A.010, 459A.050 or 459A.080.**

10 “[*4*](a) (5)(a) No later than five days after approving a **full-service** re-
11 demption center under subsection (3) of this section, the commission shall
12 provide written notice to each dealer that is identified in the order approving
13 the **full-service** redemption center as a dealer within the convenience zones
14 not to be served by or not participating in the **full-service** redemption cen-
15 ter.

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

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

19 “(B) Notice of the provisions of ORS 459A.738 that are applicable to the
20 dealer receiving the notice.

21 “(5) The commission may review at any time approval of a **full-service**
22 redemption center. After written notice to the person responsible for the es-
23 tablishment and operation of the **full-service** redemption center, and to the
24 dealers served by the **full-service** redemption center, the commission may,
25 after hearing, withdraw approval of a **full-service** redemption center if the
26 commission finds there has not been compliance with its order approving the
27 **full-service** redemption center, or if the **full-service** redemption center no
28 longer provides a convenient service to the public.

29 “**SECTION 7.** ORS 459A.737 is amended to read:

30 “459A.737. (1) Pursuant to the provisions of ORS 459A.735, the Oregon

1 Liquor Control Commission:

2 “(a) Shall approve one [*beverage container*] **full-service** redemption center
3 in a city having a population of less than 300,000, operated by a distributor
4 cooperative serving a majority of the dealers in this state; and

5 “(b) May approve one or more additional [*beverage container*] **full-service**
6 redemption centers.

7 “(2) Notwithstanding any other provision of ORS 459A.700 to 459A.740, a
8 [*beverage container*] **full-service** redemption center:

9 “(a) May not refuse to accept and to pay the refund value of up to 350
10 individual empty beverage containers, as established by ORS 459A.705, re-
11 turned by any one person during one day;

12 “(b) Must provide hand counting of up to 50 individual empty beverage
13 containers returned by any one person during one day for the refund value
14 established by ORS 459A.705;

15 “(c) May provide drop off service for at least 125 individual empty
16 beverage containers returned by any one person during one day for the re-
17 fund value established by ORS 459A.705, and may provide an accounting
18 mechanism by which the person may redeem the refund value of the beverage
19 containers at a later date; and

20 “(d) May provide other services as determined necessary by the person
21 responsible for the operation of the [*beverage container*] **full-service** re-
22 demption center.

23 “(3) The commission may adopt all rules necessary to implement and ad-
24 minister the provisions of this section, **section 3 of this 2019 Act** and ORS
25 459A.738.

26 “**SECTION 8.** ORS 459A.738 is amended to read:

27 “459A.738. (1) For each [*beverage container*] **full-service** redemption cen-
28 ter, the Oregon Liquor Control Commission shall specify up to two conven-
29 ience zones. The first convenience zone shall be the sector within a radius
30 of not more than two miles around the [*beverage container*] **full-service** re-

1 redemption center. The second convenience zone shall be the sector beginning
2 at the border of the first convenience zone and continuing to a radius of not
3 more than three and one-half miles around the [*beverage container*] **full-**
4 **service** redemption center. The convenience zones shall be based to the
5 greatest extent practicable upon the proposals submitted as part of the ap-
6 plication for approval of the **full-service** redemption center under ORS
7 459A.735.

8 “(2) All dealers doing business within the first convenience zone that oc-
9 cupy a space of 5,000 or more square feet in a single area may participate
10 in, be served by and be charged the cost of participation in the [*beverage*
11 *container*] **full-service** redemption center and, if such a dealer participates
12 in, is served by and pays the cost of participation in the **full-service** re-
13 demption center, the dealer may, notwithstanding any other provision of ORS
14 459A.700 to 459A.740, refuse to accept and to pay the refund value of empty
15 beverage containers.

16 “(3) All dealers doing business within the second convenience zone that
17 occupy a space of 5,000 or more square feet in a single area may participate
18 in, be served by and be charged the cost of participation in the [*beverage*
19 *container*] **full-service** redemption center and, if such a dealer participates
20 in, is served by and pays the cost of participation in the **full-service** re-
21 demption center, the dealer may, notwithstanding any other provision of ORS
22 459A.700 to 459A.740, refuse to accept and to pay the refund value of more
23 than 24 individual empty beverage containers returned by any one person
24 during one day.

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

30 “(5)(a) Any dealer doing business in either convenience zone that occupies

1 a space of 5,000 or more square feet in a single area that does not participate
2 in, and is not served by, the [*beverage container*] **full-service** redemption
3 center may not refuse to accept and to pay the refund value of up to 350
4 individual empty beverage containers, as established by ORS 459A.705, re-
5 turned by any one person during one day and must, beginning on the date
6 that the **full-service** redemption center begins accepting beverage contain-
7 ers, provide services equivalent to those provided by the redemption center
8 under ORS 459A.737 (2), including hand counting and drop off service.

9 “(b) In addition to complying with the requirements specified in para-
10 graph (a) of this subsection, a dealer described in paragraph (a) of this sub-
11 section must:

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

15 “(B) Provide two automated reverse vending machines capable of pro-
16 cessing metal, plastic and glass beverage containers, or one automated re-
17 verse vending machine capable of processing metal, plastic and glass
18 beverage containers for each 500,000 beverage containers sold by the dealer
19 in the previous calendar year, whichever is greater.

20 “(c)(A) The provisions of paragraphs (a) and (b) of this subsection do not
21 apply to a dealer described in paragraph (a) of this subsection if the dealer
22 sold fewer than 100,000 beverage containers in the previous calendar year.
23 To be eligible for the exemption under this paragraph, a dealer described in
24 paragraph (a) of this subsection must report to the commission the number
25 of beverage containers sold by the dealer in the previous calendar year.

26 “(B) The report required under this paragraph must be submitted by a
27 dealer:

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

30 “(ii) No later than January 1 of each calendar year following the year

1 that the notice under ORS 459A.735 [(4)] (5) was issued and for which the
2 dealer intends to claim the exemption.

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

6 “(6) A dealer that plans to begin doing business in either convenience
7 zone after the date that the [*beverage container*] **full-service** redemption
8 center associated with the convenience zone begins accepting beverage con-
9 tainers shall, not less than 60 days prior to the date that the dealer begins
10 doing business:

11 “(a) Provide notice to the commission explaining whether the dealer will
12 or will not participate in, be served by and pay the cost of participation in
13 the **full-service** redemption center; and

14 “(b) If the dealer will not participate in the redemption center and will
15 claim an exemption under subsection (5)(c) of this section, provide doc-
16 umentation of compliance with the requirements for nonparticipating dealers
17 under this section and an estimate of the number of beverage containers that
18 the dealer expects to sell during the first calendar year that the dealer does
19 business in the convenience zone.

20 “(7) The provisions of subsections (2) to (6) of this section do not apply
21 to any dealer for which the driving distance from the place of business of
22 the dealer to the [*beverage container*] **full-service** redemption center, calcu-
23 lated using the shortest route, is more than two times the radius specified
24 for the second convenience zone or, if only one convenience zone is specified
25 by the commission, two times the radius specified for that convenience zone.

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

30