
HOUSE BILL 2793

State of Washington

59th Legislature

2006 Regular Session

By Representatives Chase, Moeller, Pettigrew, Hasegawa, Morrell and Santos

Read first time 01/13/2006. Referred to Committee on Natural Resources, Ecology & Parks.

1 AN ACT Relating to providing incentives for recycling beverage
2 containers; adding a new chapter to Title 70 RCW; and providing an
3 effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that global climate
6 change presents an immediate challenge to the state of Washington to
7 move away from a carbon-based economy, and reduce its use of greenhouse
8 gas-producing fossil fuels. The legislature further finds that
9 beverage containers that are not recycled contribute substantially to
10 unnecessary waste, including wasted raw materials, wasted electricity
11 to create new containers, and litter, which takes up scarce landfill
12 space. Therefore, the legislature finds that increased incentives to
13 recycle beverage containers will reduce waste and reduce the use of
14 fossil fuels.

15 NEW SECTION. **Sec. 2.** The definitions in this section apply
16 throughout this chapter unless the context clearly requires otherwise.

17 (1) "Beverage" means beer or other malt beverages and mineral

1 waters, soda water, and similar carbonated soft drinks in liquid form
2 and intended for human consumption.

3 (2) "Beverage container" means the individual, separate, sealed
4 glass, metal, or plastic bottle, can, jar, or carton containing a
5 beverage.

6 (3) "Board" means the liquor control board.

7 (4) "Consumer" means every person who purchases a beverage in a
8 beverage container for use or consumption.

9 (5) "Dealer" means every person in this state who engages in the
10 sale of beverages in beverage containers to a consumer.

11 (6) "Distributor" means every person who engages in the sale of
12 beverages in beverage containers to a dealer in this state including
13 any manufacturer who engages in such sales.

14 (7) "Manufacturer" means every person bottling, canning, or
15 otherwise filling beverage containers for sale to distributors or
16 dealers.

17 (8) "Place of business of a dealer" means the location at which a
18 dealer sells or offers for sale beverages in beverage containers to
19 consumers.

20 (9) "Redemption center" means a board-approved facility that
21 accepts beverage containers for return, as provided in section 8 of
22 this act.

23 (10) "Use or consumption" includes the exercise of any right or
24 power over a beverage incident to the ownership thereof, other than the
25 sale or the keeping or retention of a beverage for the purposes of
26 sale.

27 NEW SECTION. **Sec. 3.** (1) Except as provided in subsection (2) of
28 this section, every beverage container sold or offered for sale in this
29 state must have a refund value of not less than five cents.

30 (2) Every beverage container certified as provided in section 7 of
31 this act, sold or offered for sale in this state, must have a refund
32 value of not less than two cents.

33 NEW SECTION. **Sec. 4.** (1) Except as provided in section 5 of this
34 act, a dealer may not refuse to accept from any person any empty
35 beverage containers of the kind, size, and brand sold by the dealer, or
36 refuse to pay to that person the refund value of a beverage container.

1 (2) A distributor may not refuse to accept from a dealer or
2 redemption center any empty beverage containers of the kind, size, and
3 brand sold by the distributor, or refuse to pay the dealer or
4 redemption center the refund value of a beverage container.

5 NEW SECTION. **Sec. 5.** (1) A dealer or redemption center may refuse
6 to accept from any person, and a distributor may refuse to accept from
7 a dealer or redemption center, any empty beverage container that does
8 not state on the beverage container a refund value.

9 (2) A dealer may refuse to accept and to pay the refund value of
10 empty beverage containers if the place of business of the dealer and
11 the kind and brand of empty beverage containers are included in an
12 order of the board approving a redemption center.

13 (3) A dealer or redemption center may refuse to accept and to pay
14 the refund value of any beverage container visibly containing or
15 contaminated by a substance other than water, residue of the original
16 contents, or ordinary dust.

17 (4) A dealer or redemption center may refuse to accept and to pay
18 the refund value of more than one hundred forty-four individual
19 beverage containers returned by any one person during one day.

20 (5) In order to refuse beverage containers under subsection (3) or
21 (4) of this section, the dealer or redemption center must post in each
22 area where containers are received a clearly visible and legible sign
23 containing the following information:

24 "NOTICE

25 Washington state law allows a dealer or redemption center to
26 refuse to accept:

- 27 1. Beverage containers visibly containing or contaminated by
- 28 a substance other than water, residue of the original contents,
- 29 or ordinary dust; or
- 30 2. More than one hundred forty-four individual beverage
- 31 containers from any one person during one day."

32 NEW SECTION. **Sec. 6.** (1) Every beverage container sold or offered
33 for sale in this state by a dealer must clearly indicate by embossing
34 or by a stamp, or by a label or other method securely affixed to the
35 beverage container, the refund value of the container.

1 (2) Subsection (1) of this section does not apply to glass beverage
2 containers designed for beverages having a brand name permanently
3 marked thereon that had a refund value of not less than five cents.

4 (3) No person may sell or offer for sale at retail in this state
5 any metal beverage container containing detachable metal parts as
6 specified by RCW 70.132.030, as existing on the effective date of this
7 section.

8 (4) No person may sell or offer for sale at retail in this state
9 metal beverage containers connected to each other by a separate holding
10 device constructed of plastic rings or other material that will not
11 decompose by photobiodegradation, chemical degradation, or
12 biodegradation within one hundred twenty days of disposal.

13 NEW SECTION. **Sec. 7.** (1) To promote the use in this state of
14 reusable beverage containers of uniform design, and to facilitate the
15 return of containers to manufacturers for reuse as a beverage
16 container, the board may certify beverage containers that satisfy the
17 requirements of this section.

18 (2) A beverage container may be certified if:

19 (a) It is reusable as a beverage container by more than one
20 manufacturer in the ordinary course of business; and

21 (b) More than one manufacturer will in the ordinary course of
22 business accept the beverage container for reuse as a beverage
23 container and pay the refund value of the container.

24 (3) The board may by rule establish appropriate liquid capacities
25 and shapes for beverage containers to be certified or decertified in
26 accordance with the purposes in subsection (1) of this section.

27 (4) A beverage container may not be certified under this section if
28 by reason of its shape or design, or by reason of words or symbols
29 permanently inscribed thereon, whether by engraving, embossing,
30 painting, or other permanent method, it is reusable as a beverage
31 container in the ordinary course of business only by a manufacturer of
32 a beverage sold under a specific brand name.

33 (5) Unless an application for certification is denied by the board
34 within sixty days after the filing of the application, the beverage
35 container must be deemed certified.

36 (6) The board may review at any time certification of a beverage
37 container. If after such a review, with written notice and hearing

1 afforded to the person who filed the application for certification, the
2 board determines the container is no longer qualified for
3 certification, the board shall withdraw certification.

4 (7) Withdrawal of certification is effective not less than thirty
5 days after written notice to the person who filed the application for
6 certification and to the manufacturers referred to in subsection (2) of
7 this section.

8 NEW SECTION. **Sec. 8.** (1) To facilitate the return of empty
9 beverage containers and to serve dealers of beverages, any person may
10 establish a redemption center, subject to the approval of the board, at
11 which any person may return empty beverage containers and receive
12 payment of the refund value of such beverage containers.

13 (2) Application for approval of a redemption center must be filed
14 with the board. The application must state the name and address of the
15 person responsible for the establishment and operation of the
16 redemption center, the kind and brand names of the beverage containers
17 that will be accepted at the redemption center, and the names and
18 addresses of the dealers to be served by the redemption center. The
19 application must include additional information as the board may
20 require.

21 (3) The board shall approve a redemption center if it finds the
22 redemption center will provide a convenient service to persons for the
23 return of empty beverage containers. The order of the board approving
24 a redemption center must state the dealers to be served by the
25 redemption center and the kind and brand names of empty beverage
26 containers that the redemption center must accept. The order may
27 contain other provisions to ensure the redemption center will provide
28 a convenient service to the public as the board may determine.

29 (4) The board may at any time review approval of a redemption
30 center. After written notice to the person responsible for the
31 establishment and operation of the redemption center, and to the
32 dealers served by the redemption center, the board may, after hearing,
33 withdraw approval of a redemption center if the board finds there has
34 not been compliance with its order approving the redemption center, or
35 if the redemption center no longer provides a convenient service to the
36 public.

1 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute
2 a new chapter in Title 70 RCW.

3 NEW SECTION. **Sec. 10.** This act takes effect July 1, 2007.

--- END ---