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HOUSE BILL 2644

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State of Washington

61st Legislature

2010 Regular Session

By Representatives Chase, Morrell, and Moeller

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1 AN ACT Relating to providing incentives for the collection and  
2 recycling of beverage containers; adding a new chapter to Title 70 RCW;  
3 and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that beverage  
6 containers that are not recycled contribute to unnecessary waste,  
7 including wasted raw materials such as glass, metals, and petroleum  
8 products, which take up scarce landfill space. The legislature finds  
9 that requiring a deposit on all beverage containers will provide a  
10 necessary incentive for the collection and recycling of such  
11 containers. The legislature further finds that the collection and  
12 recycling of raw materials is an economically efficient and  
13 environmentally benign action to reduce waste and increase available  
14 landfill space, collect reusable resources, encourage innovation of  
15 those resources, and improve the sustainability of Washington state.

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

1 (1) "Beverage" includes beer or other malt beverages, wine,  
2 liquors, water and flavored water, mineral waters, soda water and  
3 similar carbonated soft drinks in liquid form, sports drinks, coffees,  
4 teas, juices, and other beverages intended for human consumption.

5 (2)(a) "Beverage container" means the individual, separate, sealed  
6 glass, metal, or plastic bottle or can containing a beverage in a  
7 quantity less than or equal to three fluid liters.

8 (b) "Beverage container" does not include cartons, foil pouches,  
9 and drink boxes.

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

11 (4) "Dealer" includes: (a) Every person, firm, or corporation who  
12 engages in the sale of beverages in beverage containers to a consumer;  
13 or (b) a redemption center certified under section 8 of this act.

14 (5) "Distributor" includes any person, firm, or corporation who  
15 engages in the sale or offer for sale of beverages in beverage  
16 containers to a dealer.

17 (6) "Importer" includes any dealer or manufacturer who directly  
18 imports beverage containers into this state.

19 (7) "Manufacturer" means every person bottling, canning, or  
20 otherwise filling beverage containers for sale to distributors,  
21 importers, or dealers.

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

24 (9) "Redemption center" means any person offering to pay the refund  
25 value of an empty beverage container to a person, or any person who  
26 contracts with one or more dealers or distributors to collect, sort,  
27 and obtain the refund value and handling fee of empty beverage  
28 containers for, or on behalf of, such a dealer or distributor.

29 (10) "Use or consumption" means the exercise of any right or power  
30 incident to the ownership thereof, other than the sale or the keeping  
31 or retention of a beverage for the purposes of sale.

32 (11) "Water and flavored water" means any beverage identified  
33 through the use of letters, words, or symbols on its product label as  
34 a type of water.

35 NEW SECTION. **Sec. 3.** No person, firm, or corporation may sell or  
36 offer for sale a beverage container in this state unless the deposit on

1 the beverage container has a refund value of not less than five cents  
2 which is clearly indicated on the beverage container as provided in  
3 section 7 of this act.

4 NEW SECTION. **Sec. 4.** Except as provided in section 6 of this act:

5 (1) A dealer shall accept at his or her place of business from any  
6 person any empty beverage containers that contained the kind of  
7 beverage sold by the dealer and shall pay to that person the refund  
8 value of each beverage container as established by section 3 of this  
9 act.

10 (2) A distributor or importer may not refuse to accept from a  
11 dealer any empty beverage containers of the kind, size, and brands sold  
12 by the distributor or importer, or refuse to pay the dealer the refund  
13 value of a beverage as established by section 3 of this act.

14 (3) The manufacturer, distributor, or importer of any beverage sold  
15 shall ensure that all dealers and redemption centers that redeem  
16 beverage containers are paid the refund value for those beverage  
17 containers and that those beverage containers are collected from the  
18 dealer or redemption center at reasonable times and intervals as  
19 determined by rule by the board.

20 NEW SECTION. **Sec. 5.** Any manufacturer, distributor, and importer  
21 that fails to pay a dealer or redemption center the refund value of  
22 beverage containers and to collect beverage containers as required by  
23 section 4(3) of this act is liable to the dealer or redemption center  
24 for treble the unpaid refund value and treble the collection costs  
25 incurred by the dealer or redemption center for any beverage containers  
26 that were not collected as required.

27 NEW SECTION. **Sec. 6.** (1) A dealer may refuse to accept from any  
28 person, and a distributor or importer may refuse to accept from a  
29 dealer, any empty beverage container that does not state on the  
30 beverage container a refund value as established by section 3 of this  
31 act.

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

33 (a) Any beverage container visibly containing or contaminated by a  
34 substance other than water, residue of the original contents, or  
35 ordinary dust.

1 (b)(i) More than one hundred forty-four individual beverage  
2 containers returned by any one person during one day, if the dealer  
3 occupies a space of five thousand or more square feet in a single area.

4 (ii) More than fifty individual beverage containers returned by any  
5 one person during one day, if the dealer occupies a space of less than  
6 five thousand square feet in a single area.

7 (c) Any beverage container that is damaged to the extent that the  
8 brand appearing on the container cannot be identified.

9 (d)(i) In order to refuse containers under (a), (b)(i), or (c) of  
10 this subsection, if a dealer occupies a space of five thousand or more  
11 square feet in a single area, the dealer must post in each area where  
12 containers are received a clearly visible and legible sign containing  
13 the following information:

14 "NOTICE

15 Washington state law allows a dealer to refuse to accept:

- 16 1. Beverage containers visibly containing or contaminated by a  
17 substance other than water, residue of the original contents,  
18 or ordinary dust;
- 19 2. More than one hundred forty-four individual beverage  
20 containers from any one person during one day; or
- 21 3. Beverage containers that are damaged to the extent that the  
22 brand appearing on the container cannot be identified."

23 (ii) In order to refuse containers under (a), (b)(ii), or (c) of  
24 this subsection, if a dealer occupies a space of less than five  
25 thousand or more square feet in a single area, the dealer must post in  
26 each area where containers are received a clearly visible and legible  
27 sign containing the following information:

28 "NOTICE

29 Washington state law allows a dealer to refuse to accept:

- 30 1. Beverage containers visibly containing or contaminated by a  
31 substance other than water, residue of the original contents,  
32 or ordinary dust;
- 33 2. More than fifty individual beverage containers from any one  
34 person during one day; or
- 35 3. Beverage containers that are damaged to the extent that the  
36 brand appearing on the container cannot be identified."

1        NEW SECTION.    **Sec. 7.**    (1) Every beverage container sold or offered  
2 for sale in this state by a distributor or dealer must clearly indicate  
3 by permanently marking, embossing, or stamping the container, or by  
4 printing as part of the product label, or other method securely  
5 affixing to the beverage container, the refund value of the container.

6        (2) A person may not sell or offer for sale at retail in this state  
7 beverage containers connected to each other by a separate holding  
8 device constructed of plastic rings or other material that will not  
9 decompose by photobiodegradation, chemical degradation, or  
10 biodegradation within one hundred twenty days of disposal.

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

16        (2) Application for approval of a redemption center must be filed  
17 with the board. The application must include:

18        (a) The name and address of the person responsible for the  
19 establishment and operation of the redemption center;

20        (b) The kind of beverage containers that will be accepted at the  
21 redemption center;

22        (c) The names and addresses of the dealers to be served by the  
23 redemption center; and

24        (d) Any additional information as the board may require.

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

33        (4) The board may review approval of a redemption center at any  
34 time. After written notice to the person responsible for the  
35 establishment and operation of the redemption center, and to the  
36 dealers served by the redemption center, the board may withdraw  
37 approval of a redemption center if the board finds there has not been

1 compliance with the board's order approving the redemption center or if  
2 the redemption center no longer provides a convenient service to the  
3 public.

4 NEW SECTION. **Sec. 9.** In addition to the authority granted to the  
5 board under this chapter, the board may by rule establish rules  
6 necessary and appropriate for the administration of this chapter.

7 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act constitute  
8 a new chapter in Title 70 RCW.

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