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HOUSE BILL 1656

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Nelson, Leonard, R. Fisher, Cole, Brekke, Jacobsen, Spanel, Heavey and Orr.

Read first time February 5, 1991.                      Referred to Committee on Environmental Affairs.

1            AN ACT Relating to beverage container recycling; adding a new  
2 chapter to Title 19 RCW; creating a new section; and prescribing  
3 penalties.

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

5            NEW SECTION.    **Sec. 1.**            The purpose of this act is to reduce  
6 litter, reduce the need for future solid waste disposal, conserve  
7 natural resources, provide employment, and encourage recycling by  
8 placing a refund value of at least five cents on certain beverage  
9 containers.

10           This act, which creates a beverage container deposit is designed to  
11 encourage recycling-compatible packaging, to not inhibit responsible  
12 new package development, and to ensure that beverage container  
13 recycling will be geographically convenient and economically stable in  
14 the future for the residents of Washington state.

1        NEW SECTION.    **Sec. 2.**        Unless the context clearly requires  
2 otherwise, the definitions in this section apply throughout this  
3 chapter.

4        (1) "Beverage" means beer, malt beverages, mineral water, soda  
5 water, mixed wine drinks or other wine coolers, carbonated soft drinks,  
6 or fruit juice drinks in liquid form intended for human consumption.

7        (2) "Beverage container" means any individual, separately sealed  
8 glass, plastic or metal can, bottle, jar, or carton containing a  
9 beverage. The term "beverage container" does not include cups, other  
10 open receptacles, containers holding three liters of fluid or more, or  
11 containers holding two hundred fifty milliliters of fluid or less.

12       (3) "Clean" means free of soil or foreign matter, including caps  
13 and lids, and containing nothing other than air, ordinary dust, and the  
14 residue of the beverage which constituted the original contents of the  
15 container.

16       (4) "Consumer" means any person who purchases a beverage in a  
17 beverage container for use or consumption without intent to resell.

18       (5) "Container marking" means for cans, a printed or embossed  
19 message in letters no less than one-fourth inch in height on the lid of  
20 the can, and for glass or plastic containers, a printed message on the  
21 label of no less than one-fourth inch in height, such print to contrast  
22 in color with the label background.

23       (6) "Dealer" means any person in Washington state who engages in  
24 the sale of beverages in beverage containers to consumers.

25       (7) "Distributor" means any person, firm, or corporation which  
26 engages in the sale of beverages in beverage containers to dealers.

27       (8) "Ecology" means the Washington state department of ecology.

28       (9) "Food vendor" means a person selling beverages in beverage  
29 containers to consumers from a mobile unit and operating exclusively on  
30 public space.

1 (10) "Handling fee" means a fee, as determined by section 8 of this  
2 act, which shall be paid by the distributor to the dealer, recycling  
3 center, or individual, for each container redeemed by the dealer,  
4 recycling center, or individual.

5 (11) "Person" means any individual, partnership, corporation, or  
6 any other organization.

7 (12) "Population" means resident population as determined by the  
8 Washington state office of financial management.

9 (13) "Recycling center" means a facility for receiving returned  
10 beverage containers as authorized by section 6 of this act.

11 (14) "Reverse vending machine" means an unattended device which  
12 accepts a beverage container in exchange for the established refund  
13 value.

14 (15) "Vending machine" means an unattended device which dispenses  
15 beverages in beverage containers in exchange for the purchase price of  
16 the product.

17 (16) "Vending machine operator" means the person in possession of  
18 property on which one or more vending machines are placed and who does  
19 not sell beverages in beverage containers by any means other than one  
20 or more vending machines on such property.

21 NEW SECTION. **Sec. 3.** Every beverage container in which  
22 beverages are sold or offered for sale in Washington state after  
23 February 14, 1992, shall have a cash refund value of not less than five  
24 cents. A container holding one liter or more shall have a cash refund  
25 value of not less than twenty-five cents.

26 NEW SECTION. **Sec. 4.** (1) After February 14, 1992:

27 (a) No dealer shall refuse to accept from any persons any clean  
28 beverage container of any brand of beverage sold by the dealer which is

1 marked as required by section 9 of this act and which is returned to a  
2 location where the dealer sells or offers for sale to consumers  
3 beverages in beverage containers.

4 (b) Acceptance of a returned beverage container may include the  
5 provision of one or more reverse vending machines at the dealer's place  
6 of business.

7 (c) No dealer shall refuse to pay in cash the refund value of a  
8 beverage container as provided in (a) of this subsection.

9 (d) A dealer may refuse to accept and pay the refund value of any  
10 beverage container visibly containing caps or lids or contaminated by  
11 a substance other than water, residue of the original contents, or  
12 ordinary dust.

13 (e) A dealer may refuse to accept and pay the refund value of more  
14 than forty-eight individual beverage containers returned by any one  
15 person during one day if a daily time is posted when larger quantities  
16 of containers will be accepted, or if the street address and hours of  
17 operation are posted for the nearest recycling center accepting for  
18 deposit refund the beverage brands sold by the dealer.

19 (f) In order to refuse containers under (d) and (e) of this  
20 subsection, the dealer must post in each area where containers are  
21 received, a clearly visible and legible sign containing the following  
22 information:

23 "Washington state law allows a dealer to refuse to accept:

24 1. Beverage containers visibly containing caps or lids or contaminated  
25 by a substance other than water, residue of the original contents, or  
26 ordinary dust; or

27 2. More than forty-eight individual beverage containers from any one  
28 person during one day if: A daily time is posted when larger

1 quantities of containers will be accepted; or if the street address and  
2 hours of operation are posted for the nearest recycling center.

3 Quantities in excess of forty-eight individual containers may be  
4 returned on the following schedule or at the following locations:

5 3. Beverage containers of the following type: (List types) and brands:  
6 (List brands) which may be returned at (the name and location of  
7 recycling center)."

8 (2) For the purposes of subsection (1) of this section, the term  
9 "dealer" shall not include a person selling beverages to consumers only  
10 for consumption on the premises.

11 (3) For the purposes of subsection (1) of this section, the term  
12 "dealer" shall not include vending machine operators or food vendors.

13 NEW SECTION. **Sec. 5.** After February 14, 1992:

14 (1) Vending machine operators are required to place a conspicuous  
15 notice on each vending machine, no smaller than six inches in width by  
16 eight inches in length, informing consumers of the nearest retail store  
17 which accepts for refund the brands and sizes of all containers sold in  
18 the machines, and the hours of acceptance of containers by such store.

19 (2) Food vendors are required to post a conspicuous notice, no  
20 smaller than six inches in width by eight inches in length, informing  
21 consumers of the nearest retail store which accepts for refund the  
22 brands and sizes of all containers sold in the machines, and the hours  
23 of acceptance of containers by such store.

24 NEW SECTION. **Sec. 6.** (1) Any person may establish a recycling  
25 center for the purpose of receiving clean beverage containers for the  
26 refund value of the container.

1 (2) A recycling center must conspicuously post a sign indicating  
2 the brands of beverage containers acceptable for refund and the hours  
3 the center is open.

4 (3) No recycling center shall refuse to pay in cash the refund  
5 value of a beverage container as provided in section 3 of this act.

6 (4) A recycling center may refuse to accept and pay the refund  
7 value of any beverage container visibly containing caps and lids or  
8 contaminated by a substance other than water, residue of the original  
9 contents, or ordinary dust.

10 (5) A recycling center may refuse to accept and to pay the refund  
11 value of more than five thousand individual beverage containers  
12 returned by any one person during one day.

13 (6) A recycling center may accept beverage containers in quantities  
14 exceeding five thousand and may accept other materials for recycling.

15 NEW SECTION. **Sec. 7.** After February 14, 1992:

16 (1) A distributor shall operate, or contract with, at least one  
17 recycling center in each county in which its beverage containers are  
18 sold, which has a population between ten thousand and seventy thousand  
19 persons, to redeem for refund value, beverage containers of any brand  
20 sold by the distributor.

21 (2) A distributor shall operate, or contract with, at least two  
22 recycling centers in each county in which its beverage containers are  
23 sold, which has a population between seventy thousand and two hundred  
24 thousand persons, to redeem for refund value, beverage containers of  
25 any brand sold by the distributor.

26 (3) A distributor shall operate, or contract with, at least three  
27 recycling centers in each county in which its beverage containers are  
28 sold, which has a population exceeding two hundred thousand persons, to

1 redeem for refund value, beverage containers of any brand sold by the  
2 distributor.

3 (4) A distributor shall operate, or contract with, a recycling  
4 center within fifteen days of the discontinuance of an operated or  
5 contracted recycling center as provided for in this subsection and  
6 subsections (2) and (3) of this section.

7 (5) A distributor, at his or her place of business and during  
8 regular business hours, shall accept for refund value as authorized by  
9 section 3 of this act and handling fees as authorized by section 8 of  
10 this act, beverage containers of the brands sold by the distributor, in  
11 quantities exceeding five thousand.

12 (6) No distributor shall refuse to collect from any dealer or  
13 contracted recycling center, at the dealer's or recycling center's  
14 place of business in Washington state, beverage containers of brands  
15 sold by the distributor, and shall make such collection within three  
16 days, excluding Saturdays, Sundays, and holidays, of the time of  
17 notification by the dealer or recycling center that a collection is  
18 required.

19 (7) No distributor shall refuse to pay a dealer, recycling center,  
20 or individual within two weeks of accepting a quantity of beverage  
21 containers, a sum equal to the refund value of the containers plus  
22 handling fees as authorized pursuant to section 8 of this act.

23 (8) A distributor shall provide to dealers and contracted recycling  
24 centers shipping cartons as needed, at no charge, holding no fewer than  
25 twenty-four empty beverage containers.

26 (9) A distributor may authorize, but may not require as part of  
27 that authorization, a recycling center or sorting center to pick up or  
28 accept delivery of redeemed beverage containers from a dealer.

1 (10) A distributor may authorize, but may not require as part of  
2 that authorization, a recycling center or sorting center to process  
3 redeemed beverage containers for their commodity values.

4 NEW SECTION. **Sec. 8.** After February 14, 1992:

5 (1) A handling fee shall be paid by the distributor to the dealer,  
6 recycling center, or individual for each container redeemed by the  
7 dealer, recycling center, or individual of at least the values stated  
8 in subsection (2) of this section.

9 (2) The minimum handling fee transaction schedule shall be as  
10 follows:

| 11 | Five cent refund    | Twenty-five cent refund |             |
|----|---------------------|-------------------------|-------------|
| 12 | value container     | value container         |             |
| 13 | Type of transaction | handling fee            |             |
| 14 | handling fee        | handling fee            |             |
| 15 | Reprocessed at      |                         |             |
| 16 | recycling center    | one cent                | two cents   |
| 17 | Picked up by        | one and one-half        |             |
| 18 | distributor         | cents                   | three cents |
| 19 | Delivered to        | two and one-half        |             |
| 20 | distributor         | cents                   | five cents  |

21 NEW SECTION. **Sec. 9.** After February 14, 1992, no distributor  
22 or dealer shall sell or offer for sale in Washington state a beverage  
23 in a beverage container that does not have securely affixed to it a  
24 beverage container marking with the following information: The letters  
25 "WASH" or "NW"; and the refund value of the beverage container as  
26 established in section 3 of this act.

27 NEW SECTION. **Sec. 10.** (1) Any person who violates any  
28 provision of this act shall be deemed guilty of a misdemeanor and, upon  
29 conviction thereof, shall be fined in an amount not exceeding five  
30 hundred dollars for each offense. Each day during which a violation is  
31 committed or permitted to continue shall constitute a separate offense.

1           (2) The department of ecology shall designate, prior to February  
2 14, 1990, at least one enforcement officer, empowered to cooperate with  
3 the attorney general's office for the prosecution of violations of this  
4 act and to petition for an injunction against those in violation of  
5 this act.

6           (3) The attorney general may institute a proceeding in superior  
7 court for injunctive relief or other appropriate action to enforce or  
8 to correct violations of this act.

9           NEW SECTION.   **Sec. 11.**       Sections 2 through 10 of this act shall  
10 constitute a new chapter in Title 19 RCW.