

BOTTLE BILL AMENDMENTS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Ty McCartney

LONG TITLE

General Description:

This bill requires a deposit on the purchase of certain beverage containers, provides for a refund of the container deposit, provides for labeling requirements for deposit containers, and authorizes redemption centers.

Highlighted Provisions:

This bill:

- ▶ requires a deposit on the purchase of specified beverage containers;
- ▶ provides for a refund of the container deposit;
- ▶ provides labeling requirements for deposit containers; and
- ▶ provides standards for containers.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on June 1, 2004.

Utah Code Sections Affected:

ENACTS:

19-11-101, Utah Code Annotated 1953

19-11-102, Utah Code Annotated 1953

19-11-103, Utah Code Annotated 1953

19-11-104, Utah Code Annotated 1953

19-11-105, Utah Code Annotated 1953



59 **19-11-102. Container deposit.**

60 Every beverage container sold or offered for sale in this state, except those offered for
61 sale on interstate passenger carriers, is subject to a deposit:

62 (1) of at least 5 cents for beverage containers that hold a maximum of 24 ounces at the
63 time of sale; and

64 (2) of at least 10 cents for containers that hold more than 24 ounces at the time of sale.

65 Section 3. Section **19-11-103** is enacted to read:

66 **19-11-103. Container labeling.**

67 (1) (a) Every beverage container, except permanently labeled glass containers under
68 Subsections (2) and (3), shall clearly indicate in type, not less than 1/4 inch in size, the legend:

69 (i) "UT 5¢" or "UT 10¢" according to container size; or

70 (ii) "UT" followed by any other amount specified by the manufacturer or distributor.

71 (b) The legend shall be placed on the container by embossing, stamp, label, or other
72 method that securely affixes the legend to the container. The legend may not be placed on the
73 bottom of the container.

74 (2) Refillable glass beverage containers on which the brand name is embossed in
75 clearly legible type, other than on the bottom of the container, are not subject to the
76 requirements of Subsection (1) but are subject to the deposit and refund requirements of this
77 section.

78 (3) Beginning on January 1, 2005, all newly manufactured refillable glass beverage
79 containers produced in this state or imported into this state for sale in this state shall have the
80 legend required under Subsection (1) embossed on the container.

81 Section 4. Section **19-11-104** is enacted to read:

82 **19-11-104. Deposit collection -- Dealers -- Exception.**

83 (1) A dealer who sells beverages in containers in this state shall charge the consumer
84 the deposit required under this section, except under Subsection (2).

85 (2) A dealer who operates a business for the sale of prepared food or alcoholic
86 beverages, or both, for immediate consumption in the area under the dealer's control is not
87 required to charge a deposit under this section.

88 Section 5. Section **19-11-105** is enacted to read:

89 **19-11-105. Deposit collection -- Manufacturers.**

90 A manufacturer or distributor who sells beverages in containers to dealers shall charge
91 the dealer the deposit required under this section.

92 Section 6. Section **19-11-106** is enacted to read:

93 **19-11-106. Redemption of containers -- Conditions.**

94 (1) Except under Subsections (2) and (3), a dealer during his business hours shall
95 accept from any person any empty beverage container of the type, size, and brand sold by the
96 dealer within the past 60 days for redemption if the container is labeled according to this
97 section, the label is readable, and the container meets the following conditions:

98 (a) if the container is refillable glass, the container is able to hold liquid, is resealable,
99 holds its original shape, and is not chipped or cracked;

100 (b) if the container is nonrefillable glass, the container may be chipped, but may not
101 have the bottom broken out or the neck broken off;

102 (c) if the container is a metal can or plastic bottle, the container must be identifiable
103 and reasonably intact; and

104 (d) the container does not contain any free flowing liquid or any other material except
105 the minimal residue left after the container has been emptied of the beverage that was sold in it.

106 (2) If the dealer is the operator of a vending machine, the dealer is not obligated to
107 accept containers for redemption if the vending machine is clearly and conspicuously posted
108 with a notice that a refund of 5 cents or 10 cents, as applicable, is available on each container
109 purchased, and locations where the refund may be obtained.

110 (3) A dealer may refuse to refund container deposits totaling more than \$25 to any
111 person in a 24-hour period.

112 Section 7. Section **19-11-107** is enacted to read:

113 **19-11-107. Discontinuance of sale of container.**

114 (1) If a dealer discontinues sale of a container, the dealer shall refund deposits for the
115 container for not less than 60 days after the dealer has discontinued sale of the container.

116 (2) The dealer shall conspicuously post at the place where the container to be
117 discontinued is sold a clearly legible notice stating the last date the container will be sold and
118 also the last date when refunds on the container deposits will be made.

119 (3) The notice shall be posted no later than the last date of sale of the container.

120 Section 8. Section **19-11-108** is enacted to read:

121 **19-11-108. Refunds by distributors.**

122 (1) Distributors shall refund container deposits to the dealers for containers that meet
123 the conditions under Subsection 19-11-106(1).

124 (2) The distributor shall remove the containers from the premises of a dealer serviced
125 by the distributor if the dealer is located within the territory of the distributor.

126 (3) The distributor shall pay the refund value to the dealer in accordance with the
127 schedule for payment by the dealer to the distributor or manufacturer for full beverage
128 containers.

129 Section 9. Section **19-11-109** is enacted to read:

130 **19-11-109. Handling fee.**

131 The distributor or manufacturer shall pay the dealer for each beverage container a
132 handling fee of not less than 2 cents.

133 Section 10. Section **19-11-110** is enacted to read:

134 **19-11-110. Redemption centers.**

135 (1) Redemption centers for containers described in this part may be established by
136 dealers, distributors, manufacturers, or independent third parties.

137 (2) A distributor or manufacturer may not refuse to accept or redeem from the operator
138 of a redemption center any beverage container that:

139 (a) meets the conditions under Section 19-11-106; and

140 (b) is of the type sold by any dealer serviced by that distributor or of the type produced
141 by that manufacturer.

142 (3) The distributor or manufacturer shall pay the operator of the redemption center for
143 each beverage container he returns under this section:

144 (a) the redemption value for the container under this chapter; and

145 (b) a handling fee of not less than 2 cents for each beverage container.

146 Section 11. Section **19-11-111** is enacted to read:

147 **19-11-111. Penalties.**

148 (1) A violation of this section is subject to a civil penalty of not more than:

149 (a) \$100 for the first violation;

150 (b) \$200 for a second violation within six months of the first violation; and

151 (c) \$300 for any subsequent violation within six months of the second violation.

152 (2) Each violation involving a container is a separate violation.
153 Section 12. **Effective date.**
154 This bill takes effect on June 1, 2004.

Legislative Review Note
as of 2-4-04 11:18 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

State Impact

Provisions of this bill has a minimal fiscal effect on state government. Some implementation and oversight will be required by local governments.

Individual and Business Impact

A significant fiscal effort will be required by businesses that are required to charge the container fee or disburse the refund to consumers. Individuals will be charged the fee required by the bill but will have the option to return the containers for a refund.

Office of the Legislative Fiscal Analyst