

AMENDED IN ASSEMBLY APRIL 12, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1065

**Introduced by ~~Assembly Member Matthews~~
(Principal coauthor: Assembly Member Maze)**

February 22, 2005

An act to add Sections ~~19217, 19218, and Section~~ 19316.5 to the Food and Agricultural Code, relating to kitchen grease.

LEGISLATIVE COUNSEL'S DIGEST

AB 1065, as amended, *Matthews*. Kitchen grease: transporters.

Existing law requires any person who engages in the transportation of inedible kitchen grease, as defined, to be registered with the Department of Food and Agriculture. Existing law requires licensed renderers to record and keep certain records relating to receipt of inedible kitchen grease. Registered transporters and licensed renderers are required to exhibit those records on demand to any peace officer, among others. ~~Any violation of these provisions is a misdemeanor or a felony, as specified.~~

~~This bill would impose additional record keeping requirements on those registered transporters of material removed from a grease trap or grease intercepter, as specified.~~

~~By expanding an existing crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

This bill would authorize the department to establish a system for documenting and tracking the transportation of inedible kitchen grease in order to ensure the proper disposal or recycling of that material.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 19217 is added to the Food and~~
2 ~~Agricultural Code, to read:~~

3 ~~SECTION. 1. Section 19316.5 is added to the Penal Code, to~~
4 ~~read:~~

5 ~~19316.5. The department is authorized to establish a system~~
6 ~~for documenting and tracking the transportation of inedible~~
7 ~~kitchen grease in order to ensure the proper disposal or~~
8 ~~recycling of that material.~~

9 ~~19217. "Interceptor material" means material that is removed~~
10 ~~from a grease trap or grease intereceptor at a food preparation,~~
11 ~~processing, or handling establishment or facility, and that must~~
12 ~~be properly transported, disposed of, or recycled. Interceptor~~
13 ~~material does not include inedible kitchen grease that is not~~
14 ~~removed from a grease trap or grease intereceptor.~~

15 ~~SEC. 2. Section 19218 is added to the Food and Agricultural~~
16 ~~Code, to read:~~

17 ~~19218. "Generator" includes, but is not limited to, any food~~
18 ~~preparation, processing, or handling establishment or facility.~~

19 ~~SEC. 3. Section 19316.5 is added to the Food and~~
20 ~~Agricultural Code, to read:~~

21 ~~19316.5. Any transporter hauling intereceptor material shall~~
22 ~~comply with the following documentation procedures:~~

23 ~~(a) The transporter's driver, with respect to each transport~~
24 ~~vehicle operated by that driver for each date, shall complete a~~
25 ~~separate daily transporter report.~~

26 ~~(b) The transporter's driver shall complete a daily transporter~~
27 ~~report containing the transporter's name, California Department~~
28 ~~of Agriculture Registration Number, terminal address, and~~
29 ~~telephone number. The driver shall sign and date the daily~~
30 ~~transporter report. The daily transporter report may take the form~~

1 of a completed route sheet if the required information is on the
2 form.

3 ~~(e) The transporter's driver shall attach to the front of the daily~~
4 ~~transporter report legible copies of the receipts for each quantity~~
5 ~~of interceptor material that is received that day on that transport~~
6 ~~vehicle.~~

7 ~~(d) The transporter shall mail to the generator or leave with the~~
8 ~~generator or in a location specified by the generator a copy of the~~
9 ~~receipt for the interceptor material.~~

10 ~~(e) The transporter shall submit copies of the daily transporter~~
11 ~~report to the designated receiving facility upon request of the~~
12 ~~facility.~~

13 ~~(f) All interceptor material receipts shall contain all of the~~
14 ~~following information:~~

15 ~~(1) The name, address, and telephone number of the generator,~~
16 ~~and the signature of the generator or the generator's~~
17 ~~representative. The signature of the generator may be omitted if~~
18 ~~the transporter certifies that the business or location was closed at~~
19 ~~the time of the service or that the generator's representative could~~
20 ~~not be found or if the generator refused to sign the receipt, which~~
21 ~~shall be so noted on the receipt.~~

22 ~~(2) The date of the service.~~

23 ~~(3) The estimated total volume or quantity of interceptor~~
24 ~~material received.~~

25 ~~(4) The name and address of the licensed rendering plant or~~
26 ~~collection center to which the interceptor material will be~~
27 ~~transported.~~

28 ~~(5) The transporter's name, address, and California~~
29 ~~Department of Agriculture Registration Number.~~

30 ~~(6) The driver's signature.~~

31 ~~(g) The transporter shall enter the total volume or quantity of~~
32 ~~interceptor material transported on the daily transporter report.~~
33 ~~The total volume or quantity shall be the cumulative estimated~~
34 ~~amounts collected from the generators as listed on the individual~~
35 ~~receipts or the amount determined by the gross and tare weights~~
36 ~~of the transport vehicle.~~

37 ~~(h) The transporter shall submit a copy of the daily transporter~~
38 ~~report to the department within 10 days following a request by~~
39 ~~the department.~~

1 (i) ~~The transporter shall retain a copy of the daily transporter~~
2 ~~report and all receipts for each daily transporter report at a~~
3 ~~location within the state for one year. The transporter may retain~~
4 ~~digital images of the daily transporter report or receipts in lieu of~~
5 ~~the original documents. In the event of an enforcement action~~
6 ~~against the transporter or a generator, this period of retention~~
7 ~~shall be extended as requested in writing by the department.~~

8 (j) ~~Nothing in this section shall limit the requirements of~~
9 ~~Article 5 (commencing with Section 2460) of Chapter 2 of~~
10 ~~Division 2 of the Vehicle Code, if applicable.~~

11 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
12 ~~Section 6 of Article XIII B of the California Constitution because~~
13 ~~the only costs that may be incurred by a local agency or school~~
14 ~~district will be incurred because this act creates a new crime or~~
15 ~~infraction, eliminates a crime or infraction, or changes the~~
16 ~~penalty for a crime or infraction, within the meaning of Section~~
17 ~~17556 of the Government Code, or changes the definition of a~~
18 ~~crime within the meaning of Section 6 of Article XIII B of the~~
19 ~~California Constitution.~~