

Assembly Bill No. 2251

CHAPTER 605

An act to add Section 12024.13 to the Business and Professions Code, and to add Section 14536.7 to the Public Resources Code, relating to weights and measures.

[Approved by Governor September 26, 2014. Filed with
Secretary of State September 26, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2251, Yamada. Weights and measures: beverage containers: redemption value.

Existing law makes it unlawful for a person, at the time of sale of a commodity, to charge an amount greater than the price that is advertised, posted, marked, displayed, or quoted for the commodity. Existing law requires the Department of Food and Agriculture and each county sealer to enforce these provisions. A violation of provisions governing weights and measures is a misdemeanor, except as otherwise provided.

Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires a beverage distributor to pay a redemption payment in a specified amount for every beverage container sold or offered for sale in the state to the Department of Resources Recycling and Recovery, for deposit in the California Beverage Container Recycling Fund. The act authorizes a dealer, as defined, to separately identify the amount of any redemption payment on the customer cash register receipt provided to the consumer by the dealer that is applied to the purchase of a beverage container.

This bill would prohibit a dealer from charging an amount for a redemption payment for a beverage container that is greater than the amount set forth in the act. The bill would provide that a violation of this provision is an infraction punishable by a fine of not more than \$100 when the overcharge is \$1 or less. Because a violation of this provision would be a crime, this bill would create a state-mandated local program. In a specified report required to be submitted to the Department of Food and Agriculture, the bill would require a sealer to separately report any action taken to enforce this provision that results in a penalty being levied for a violation of the provision.

This bill would require the Department of Resources Recycling and Recovery to notify the Department of Food and Agriculture of any changes to the California Beverage Container Recycling and Litter Reduction Act, or regulations issued pursuant to the act, that affect refund values, redemption payments, or the responsibilities of a dealer.

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.

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

SECTION 1. Section 12024.13 is added to the Business and Professions Code, to read:

12024.13. (a) A dealer of a beverage in a container subject to Division 12.1 (commencing with Section 14500) of the Public Resources Code shall not charge an amount for a redemption payment for a beverage container that is greater than the amount set forth in Section 14560 of the Public Resources Code.

(b) For purposes of this section, “dealer” has the same meaning as in Section 14510 of the Public Resources Code.

(c) A violation of this section is an infraction punishable by a fine of not more than one hundred dollars (\$100) when the overcharge is one dollar (\$1) or less.

(d) In the written report required pursuant to Section 12209, a sealer shall separately report any action taken to enforce this section that results in a penalty being levied for a violation of this section.

(e) Nothing in this section is intended to limit or alter the authority of the Department of Resources Recycling and Recovery under the California Beverage Container Recycling and Litter Reduction Act (Division 12.1 (commencing with Section 14500) of the Public Resources Code).

SEC. 2. Section 14536.7 is added to the Public Resources Code, to read:

14536.7. For purposes of Section 12024.13 of the Business and Professions Code, the department shall notify the Department of Food and Agriculture of any changes to this division, or regulations issued pursuant to this division, that affect refund values, redemption payments, or the responsibilities of a dealer.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.