

AMENDED IN ASSEMBLY MAY 5, 2015
AMENDED IN ASSEMBLY MARCH 26, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1108

Introduced by Assembly Member Low

February 27, 2015

An act to amend Section 14572 of the Public Resources Code, relating to beverage containers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1108, as amended, Low. Beverage—~~Containers:~~ *containers:* recycling.

(1) The California Beverage Container Recycling and Litter Reduction Act requires certified recycling centers, when accepting an empty beverage container from a consumer, to pay the refund value. A violation of the act is a crime.

This bill would prohibit a certified recycling center from ~~accepting~~ ~~or~~ paying the refund value to a consumer for more than 50 pounds of aluminum beverage containers or plastic beverage containers, or any combination thereof, or 500 pounds of glass beverage containers, submitted by that consumer to the certified recycling center in a single 24-hour period. Since a violation of this requirement would be a crime, the bill would impose a state-mandated local program.

(2) 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.

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

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

1 SECTION 1. Section 14572 of the Public Resources Code is
2 amended to read:

3 14572. (a) (1) Except as provided in subdivisions (b) and (e),
4 a certified recycling center shall accept from any consumer or
5 dropoff or collection program any empty beverage container, and
6 shall pay to the consumer or dropoff or collection program the
7 refund value of the beverage container.

8 (2) Except as provided in paragraph (3), the recycling center
9 may pay the refund value based on the weight of returned
10 containers.

11 (3) ~~On and after September 1, 2013, for~~ For beverage containers
12 redeemed by consumers, a certified recycling center shall pay the
13 refund value using the applicable segregated rate, as defined in
14 paragraph (43) of subsection (a) of Section 2000 of Title 14 of the
15 California Code of Regulations, as that section read on September
16 1, 2013, which shall be based on the weight of the redeemed
17 beverage containers.

18 (b) ~~Any~~ A recycling center or processor that was in existence
19 on January 1, 1986, and that refused, as of January 1, 1986, to
20 accept at a particular location a certain type of empty beverage
21 container may continue to refuse to accept at the location the type
22 or types of empty beverage containers that the recycling center or
23 processor refused to accept as of January 1, 1986. A certified
24 recycling center that refuses, pursuant to this subdivision, to accept
25 a certain type or types of empty beverage containers is not eligible
26 to receive handling fees unless the center agrees to accept all types
27 of empty beverage containers and is a supermarket site. This
28 subdivision does not preclude the certified recycling center from
29 receiving a handling fee for beverage containers redeemed at
30 supermarket sites that do accept all types of containers.

31 (c) The department shall develop procedures by which recycling
32 centers and processors that meet the criteria of subdivision (b) may
33 recertify to change the material types accepted.

34 (d) (1) Only a certified recycling center may pay the refund
35 value to consumers or dropoff or collection programs. A person

1 shall not pay a noncertified recycler for empty beverage containers
2 an amount that exceeds the current scrap value for each container
3 type, which shall be determined in the following manner:

4 (A) For a plastic or glass beverage container, the current scrap
5 value shall be determined by the department.

6 (B) For an aluminum beverage container, the current scrap value
7 shall be not greater than the amount paid to the processor for that
8 aluminum beverage container, on the date the container was
9 purchased, by the location of end use, as defined in the regulations
10 of the department.

11 (2) A person shall not receive or retain, for empty beverage
12 containers that come from out of state, any refund values,
13 processing payments, or administrative fees for which a claim is
14 made to the department against the fund.

15 (3) Paragraph (1) does not affect curbside programs under
16 contract with cities or counties.

17 (e) A certified recycling center shall not ~~accept or~~ pay a refund
18 value to a consumer for more than 50 pounds of aluminum
19 beverage containers or plastic beverage containers, or any
20 combination thereof, or 500 pounds of glass beverage containers,
21 submitted by that consumer to the certified recycling center during
22 a single 24-hour period.

23 SEC. 2. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within
30 the meaning of Section 6 of Article XIII B of the California
31 Constitution.