

AMENDED IN SENATE JUNE 28, 2016

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: 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. *The act requires a processor to pay a refund value to a certified recycling center for each beverage container received from the certified recycling center.* A violation of the act is a crime.

This bill would prohibit a certified recycling center from paying the refund value ~~to a consumer for more than to, or claiming the refund value for any material received from, a person who is not certified by the department and who delivers material in excess of 50 pounds of aluminum beverage containers or containers, 50 pounds of plastic beverage containers, or any combination thereof, or 500 pounds of glass beverage containers, submitted by that consumer person~~ 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) For beverage containers redeemed by consumers, a certified
12 recycling center shall pay the refund value using the applicable
13 segregated rate, as defined in paragraph (43) of subsection (a) of
14 Section 2000 of Title 14 of the California Code of Regulations, as
15 that section read on September 1, 2013, which shall be based on
16 the weight of the redeemed beverage containers.

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

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

4 (d) (1) Only a certified recycling center may pay the refund
5 value to consumers or dropoff or collection programs. A person
6 shall not pay a noncertified recycler for empty beverage containers
7 an amount that exceeds the current scrap value for each container
8 type, which shall be determined in the following manner:

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

11 (B) For an aluminum beverage container, the current scrap value
12 shall be not greater than the amount paid to the processor for that
13 aluminum beverage container, on the date the container was
14 purchased, by the location of end use, as defined in the regulations
15 of the department.

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

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

22 (e) A certified recycling center shall not pay a refund value to
23 ~~a consumer for more than~~ *to, or claim a refund value for any*
24 *material received from, a person who is not certified by the*
25 *department and who delivers material in excess of 50 pounds of*
26 ~~aluminum beverage containers or containers, 50 pounds of plastic~~
27 ~~beverage containers, or any combination thereof,~~ *or 500 pounds*
28 *of glass beverage containers, submitted by that consumer person*
29 *to the certified recycling center during a single 24-hour period.*

30 SEC. 2. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the penalty
35 for a crime or infraction, within the meaning of Section 17556 of
36 the Government Code, or changes the definition of a crime within
37 the meaning of Section 6 of Article XIII B of the California
38 Constitution.

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