

AMENDED IN SENATE AUGUST 16, 2016

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~~ *Burke*

February 27, 2015

~~An act to amend Section 14572 of the Public Resources Code, relating to beverage containers.~~ *An act to add Section 43101.7 to the Health and Safety Code, relating to vehicular air pollution.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1108, as amended, ~~Low~~ *Burke*. ~~Beverage containers: recycling. Zero-emission vehicles.~~

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. Existing law required the state board to adopt regulations that achieve the maximum feasible reduction of greenhouse gases emitted by passenger vehicles and light-duty trucks and any other vehicles determined by the state board to be vehicles whose primary use is noncommercial personal transportation in the state.

This bill would require the state board, no later than December 31, 2017, to adopt a regulation to establish that, by 2025, no less than 15%

of all new car sales within the state would be required to be zero-emission vehicles, as defined.

~~(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, 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, 50 pounds of plastic beverage containers, or 500 pounds of glass beverage containers, submitted by that 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-no*.

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

- 1 SECTION 1. Section 43101.7 is added to the Health and Safety
- 2 Code, to read:
- 3 43101.7. (a) For purposes of this section, “zero-emission
- 4 vehicle” means a vehicle that produces zero exhaust emissions of
- 5 any criteria pollutant, precursor pollutant, or greenhouse gas in
- 6 any mode of operation or condition.
- 7 (b) It is the policy of the state to foster the use of zero-emission
- 8 vehicles as an environmentally and economically beneficial
- 9 strategy to reduce air pollution and promote public health and
- 10 well-being.
- 11 (c) The state board, no later than December 31, 2017, shall
- 12 adopt a regulation that establishes that, by 2025, no less than 15
- 13 percent of all new car sales within the state shall be zero-emission
- 14 vehicles.

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 (c),~~
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.~~

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

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

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

1 ~~(B) For an aluminum beverage container, the current scrap value~~
2 ~~shall be not greater than the amount paid to the processor for that~~
3 ~~aluminum beverage container, on the date the container was~~
4 ~~purchased, by the location of end use, as defined in the regulations~~
5 ~~of the department.~~

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

10 ~~(3) Paragraph (1) does not affect curbside programs under~~
11 ~~contract with cities or counties.~~

12 ~~(e) A certified recycling center shall not pay a refund value to,~~
13 ~~or claim a refund value for any material received from, a person~~
14 ~~who is not certified by the department and who delivers material~~
15 ~~in excess of 50 pounds of aluminum beverage containers, 50~~
16 ~~pounds of plastic beverage containers, or 500 pounds of glass~~
17 ~~beverage containers, submitted by that person to the certified~~
18 ~~recycling center during a single 24-hour period.~~

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