

Assembly Bill No. 2558

CHAPTER 732

An act to amend Sections 41950, 41951, 41953, and 41955 of, and to add Sections 41956 and 43300.5 to, the Public Resources Code, relating to solid waste.

[Approved by Governor September 21, 1996. Filed
with Secretary of State September 23, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2558, Alby. Solid waste: unlawful acts.

(1) Existing law, the California Integrated Waste Management Act of 1989, establishes an integrated waste management program administered by the California Integrated Waste Management Board.

The act authorizes the imposition of specified damages or civil penalties for the unauthorized removal of specified recyclable materials. A violation of those provisions is also a misdemeanor, punishable as prescribed.

This bill would also authorize the imposition of those damages or civil penalties for the removal of specified segregated waste materials.

The bill would specify, that, unless otherwise provided by contract, from the time that recyclable materials are placed at the designated recycling location by any commercial or industrial entity, the recyclable materials are the property of the authorized recycling agent.

The bill would authorize a court, in any civil action by a recycling agent against a person alleged to have violated these provisions for a second, or subsequent time, in any 12-month period, to either allow treble damages, as measured by the market value of the recycled material removed, or award a civil penalty of not more than \$5,000, whichever is greater, for each unauthorized removal against the unauthorized person removing the recyclable material.

The bill would permit a violation where the value of the stolen material is more than \$50, but less than \$400, to be charged as either a misdemeanor or an infraction, thereby imposing a state-mandated local program by redefining a crime.

The bill would authorize the board to award special enforcement grants to cities or counties to support pilot programs designed to develop and evaluate enforcement techniques to reduce the theft of recyclable materials from commercial, industrial, or other nonresidential establishments.

The bill would declare that the enforcement policies of the act shall be applied equally and without distinction to publicly owned or operated, and to privately owned or operated, solid waste facilities.

(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.

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

SECTION 1. Section 41950 of the Public Resources Code is amended to read:

41950. (a) No person, other than the authorized recycling agent of the city or county, shall remove paper, glass, cardboard, plastic, used motor oil, ferrous metal, aluminum, or other recyclable materials which have been segregated from solid waste materials and placed at a designated recycling collection location for residential curbside collection programs authorized by a city, county, or local agency for the purposes of collection and recycling.

(b) No person shall be subject to an action for a violation of this section, unless the person knows, or reasonably should know, that the materials would otherwise be collected by the authorized recycling agent for residential curbside collection programs authorized by a city, county, or local agency for the purpose of recycling the materials.

(c) From the time that the recyclable materials specified in subdivision (a) are placed for collection at curbside, for a residential curbside collection program authorized by a city, county, or local agency, the recyclable materials are the property of the authorized recycling agent.

SEC. 2. Section 41951 of the Public Resources Code is amended to read:

41951. (a) For the purposes of this section, “commercial entity” includes a multifamily residential complex.

(b) Unless otherwise provided by contract, paper, glass, cardboard, plastics, used motor oil, ferrous metal, aluminum, and other recyclable materials, which have been segregated from other waste materials, and placed at the designated recycling collection location by any commercial or industrial entity, shall not be removed by anyone other than the authorized recycling agent.

(c) Unless otherwise provided by contract, from the time that the recyclable materials specified in subdivision (b) are placed at the designated recycling location, the recyclable materials are the property of the authorized recycling agent.



SEC. 3. Section 41953 of the Public Resources Code is amended to read:

41953. (a) In any civil action by a recycling agent against a person alleged to have violated Section 41950 or 41951, the court may either allow treble damages, as measured by the market value of the recyclable material removed, or award a civil penalty of not more than two thousand dollars (\$2,000), whichever is greater, for each unauthorized removal, against the unauthorized person removing the recyclable material.

(b) In any civil action by a recycling agent against a person alleged to have violated Section 41950 or 41951 for a second, or subsequent time, in any 12-month period, the court may either allow treble damages, as measured by the market value of the recyclable material removed, or award a civil penalty of not more than five thousand dollars (\$5,000), whichever is greater, for each unauthorized removal against the unauthorized person removing the recyclable material.

SEC. 4. Section 41955 of the Public Resources Code is amended to read:

41955. If the value of the stolen material is more than fifty dollars (\$50), but less than four hundred dollars (\$400), a violation of this part may be charged as either a misdemeanor or an infraction. A violation after a second conviction within a 12-month period shall be charged as a misdemeanor punishable pursuant to Section 19 of the Penal Code.

SEC. 5. Section 41956 is added to the Public Resources Code, to read:

41956. The board may award special enforcement grants to cities or counties to support pilot programs designed to develop and evaluate enforcement techniques to reduce the theft of recyclable materials from commercial, industrial, or other nonresidential establishments.

SEC. 6. Section 43300.5 is added to the Public Resources Code, to read:

43300.5. The enforcement policies of this division shall be applied equally and without distinction to publicly owned or operated, and to privately owned or operated, solid waste facilities.

SEC. 7. 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.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative



on the same date that the act takes effect pursuant to the California Constitution.

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