

thirty-first, but the board executive director may assess a reasonable penalty as established by rule of the commission.

Approved June 12, 1978

## CHAPTER 1162

### BEVERAGE CONTAINER DEPOSIT

H. F. 187

AN ACT relating to the control of litter, by regulating the sale and use of certain beverage containers; striking a provision relating to the responsibility for discarding litter from a motor vehicle; and providing a penalty for violations.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. DEFINITIONS. As used in this Act unless the context otherwise requires:

1. "Beverage" means alcoholic liquor as defined in section one hundred twenty-three point three (123.3), subsection eight (8) of the Code, beer as defined in section one hundred twenty-three point three (123.3), subsection nine (9) of the Code, mineral water, soda water and similar carbonated soft drinks in liquid form and intended for human consumption.

2. "Beverage container" means any sealed glass, plastic, or metal bottle, can, jar or carton containing a beverage.

3. "Consumer" means any person who purchases a beverage in a beverage container for use or consumption.

4. "Dealer" means any person who engages in the sale of beverages in beverage containers to a consumer.

5. "Distributor" means any person who engages in the sale of beverages in beverage containers to a dealer in this state, including any manufacturer who engages in such sales.

6. "Manufacturer" means any person who bottles, cans, or otherwise fills beverage containers for sale to distributors or dealers.

7. "Director" means the executive director of the department of environmental quality.

8. "Department" means the department of environmental quality.

9. "Commission" means the solid waste disposal commission of the department of environmental quality.

Sec. 2. NEW SECTION. REFUND VALUES.

1. Except purchases of alcoholic liquor as defined in

section one hundred twenty-three point three (123.3), subsection eight (8), of the Code by holders of class "A", "B" and "C" liquor control licenses, a refund value of not less than five cents shall be paid by the consumer on each beverage container sold in this state by a dealer for consumption off the premises. Upon return of the empty beverage container upon which a refund value has been paid to the dealer or person operating a redemption center and acceptance of the empty beverage container by the dealer or person operating a redemption center, the dealer or person operating a redemption center shall return the amount of the refund value to the consumer.

2. In addition to the refund value provided in subsection one (1) of this section, a dealer, or person operating a redemption center, who redeems empty beverage containers shall be reimbursed by the distributor required to accept the empty beverage containers an amount which is one cent per container. A dealer or person operating a redemption center may compact empty metal beverage containers with the approval of the distributor required to accept such containers.

The provisions of this subsection shall apply for two years from the effective date of this Act and thereafter the amount shall be one-half cent per container.

Sec. 3. NEW SECTION. PAYMENT OF REFUND VALUE. Except as provided in section four (4) of this Act:

1. A dealer shall not refuse to accept from a consumer any empty beverage container of the kind, size and brand sold by the dealer, or refuse to pay to the consumer the refund value of a beverage container as provided under section two (2) of this Act.

2. A distributor shall accept and pick up from a dealer served by the distributor or a redemption center for a dealer served by the distributor any empty beverage container of the kind, size and brand sold by the distributor, and shall pay to the dealer or person operating a redemption center the refund value of a beverage container and the reimbursement as provided under section two (2) of this Act. This subsection shall not apply to a distributor selling alcoholic liquor to the Iowa beer and liquor control department.

Sec. 4. NEW SECTION. REFUSAL TO ACCEPT CONTAINERS.

1. Except as provided in section five (5), subsection two (2), of this Act, a dealer, a person operating a redemption center, a distributor or a manufacturer may refuse to accept any empty beverage container which does not have stated on

it a refund value as provided under section two (2) of this Act.

2. A dealer may refuse to accept and to pay the refund value of any empty beverage container if the place of business of the dealer and the kind and brand of empty beverage containers are included in an order of the department approving a redemption center under section six (6) of this Act.

Sec. 5. NEW SECTION. REFUND VALUE STATED ON CONTAINER.

1. Each beverage container sold or offered for sale in this state by a dealer shall clearly indicate by embossing or by a stamp, label or other method securely affixed to the container, the refund value of the container. The department shall specify, by rule, the minimum size of the refund value indication on the beverage containers.

2. The provisions of subsection one (1) of this section shall not apply to refillable glass beverage containers having a brand name permanently marked on them which have a refund value of not less than five cents or a refillable beverage container which has a five cent deposit on it and which may be exempted by the director in accordance with rules adopted by the commission.

Sec. 6. NEW SECTION. REDEMPTION CENTERS.

1. To facilitate the return of empty beverage containers and to serve dealers of beverages, any person may establish a redemption center, subject to the approval of the department, at which consumers may return empty beverage containers and receive payment of the refund value of such beverage containers.

2. An application for approval of a redemption center shall be filed with the department. The application shall state the name and address of the person responsible for the establishment and operation of the redemption center, the kind and brand names of the beverage containers which will be accepted at the redemption center, and the names and addresses of the dealers to be served by the redemption center. The application shall contain such other information as the director may reasonably require.

3. The department shall approve a redemption center if it finds that the redemption center will provide a convenient service to consumers for the return of empty beverage containers. The order of the department approving a redemption center shall state the dealers to be served by the redemption center and the kind and brand names of empty beverage containers which the redemption center must accept. The order

may contain such other provisions to insure that the redemption center will provide a convenient service to the public as the director may determine.

4. The department may review the approval of any redemption center at any time. After written notice to the person responsible for the establishment and operation of the redemption center, and to the dealers served by the redemption center, the commission may, after hearing, withdraw approval of a redemption center if the commission finds there has not been compliance with the department's order approving the redemption center, or if the redemption center no longer provides a convenient service to the public.

5. All approved redemption centers shall meet applicable health standards.

Sec. 7. NEW SECTION. UNAPPROVED REDEMPTION CENTERS. Any person may establish a redemption center which has not been approved by the department, at which a consumer may return empty beverage containers and receive payment of the refund value of the beverage containers. The establishment of an unapproved redemption center shall not relieve any dealer from the responsibility of redeeming any empty beverage containers of the kind and brand sold by the dealer.

Sec. 8. NEW SECTION. SNAP-TOP CANS PROHIBITED. A person shall not sell or offer for sale at retail in this state any metal beverage container so designed and constructed that a part of the container is detachable in opening the container.

Sec. 9. NEW SECTION. RULES ADOPTED. The commission shall adopt, upon recommendation of the director, the rules necessary to carry out the provisions of this Act, subject to the provisions of chapter seventeen A (17A) of the Code.

Sec. 10. NEW SECTION. APPEAL. Any person aggrieved by an order of the department relating to the approval or withdrawal of approval for a redemption center may seek judicial review of such order as provided in chapter seventeen A (17A) of the Code.

Sec. 11. NEW SECTION. ANNUAL APPROPRIATION. For the fiscal year commencing July 1, 1979, and each fiscal year thereafter, there is appropriated from the beer and liquor control fund to the Iowa department of substance abuse the sum of one hundred thousand (100,000) dollars, or so much thereof as may be available, which appropriation shall be made only from the difference between the funds collected from the deposit required on beverage containers containing alcoholic liquor and the funds dispersed in the payment of

the refund value on such beverage containers. The Iowa department of substance abuse shall use the appropriated funds only for the care, maintenance and treatment of alcoholics under chapter one hundred twenty-five (125) of the Code.

Sec. 12. NEW SECTION. PENALTY. Any person violating the provisions of sections two (2), three (3), five (5), and eight (8) of this Act shall be guilty of a simple misdemeanor.

Sec. 13. Section four hundred fifty-five B point ninety-seven (455B.97), Code 1977, is amended by striking unnumbered paragraph two (2).

Sec. 14. EFFECTIVE DATES.

1. This Act shall be effective May 1, 1979 for beverage containers purchased from state liquor stores in this state.

2. This Act shall be effective July 1, 1979 for all beverage containers sold in this state except as provided in subsection one (1) of this section.

Approved May 12, 1978

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## CHAPTER 1163

### TELEPHONE DIRECTORY ASSISTANCE

H. F. 232

AN ACT prohibiting the Iowa commerce commission from approving certain charges by telephone companies for telephone directory assistance.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section four hundred seventy-six point six (476.6), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

No public utility subject to rate regulation shall make effective any new or changed rate, charge, schedule or regulation except by filing the same with the commission at least thirty days prior to the effective date thereof. The commission, for good cause shown, may allow changes in rates, charges, schedules or regulations to become effective on less than thirty days' notice. The commission shall not approve a charge nor shall a public utility make a charge for telephone directory assistance.

Approved June 29, 1978