

JAN 26 1995

HOUSE FILE 89

ENVIRONMENTAL PROTECTION

BY BRUNKHORST

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to beverage container deposits and providing  
2 penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 455C.1, subsection 1, Code 1995, is  
2 amended to read as follows:

3 1. "Beverage" means wine as defined in section 123.3,  
4 subsection 37, alcoholic liquor as defined in section 123.3,  
5 subsection 5, beer as defined in section 123.3, subsection 7,  
6 mineral water, soda water, and similar carbonated soft drinks  
7 in liquid form and intended for human consumption, and any  
8 potable liquid in an aluminum container.

9 Sec. 2. Section 455C.3, subsection 2, Code 1995, is  
10 amended by adding the following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. Notwithstanding any other  
12 provision of this subsection to the contrary, a distributor  
13 who fails to pay to the dealer or person operating a  
14 redemption center the refund value of a beverage container and  
15 the reimbursement as provided under section 455C.2 within  
16 thirty days following pickup of the containers shall be  
17 subject to a civil penalty not to exceed one thousand dollars.  
18 A civil penalty may be assessed by the department and shall be  
19 credited to the solid waste account of the groundwater  
20 protection fund established under section 455E.11.

21 EXPLANATION

22 This bill expands the definition of beverage to include any  
23 potable liquid in an aluminum container. This means that any  
24 potable liquid sold in an aluminum container shall be required  
25 to have a five cent mandatory deposit. Currently, section  
26 455C.3 requires a distributor to accept and pick up from a  
27 dealer or redemption center any beverage containers of the  
28 kind, size, and brand sold by the distributor and to pay the  
29 dealer or redemption center the refund value and the one cent  
30 handling fee within one week following pickup or when the  
31 dealer normally pays the distributor for deposits if longer  
32 than a week. This bill requires that a distributor must pay  
33 the redemption center or dealer within 30 days following  
34 pickup of beverage containers or the distributor shall be  
35 subject to a civil penalty not to exceed \$1,000. A civil

1 penalty may be assessed by the department of natural resources  
2 and forwarded to the solid waste account of the groundwater  
3 protection fund established under section 455E.11.

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