

FEB 19 1998
ENVIRONMENTAL PROTECTION

HOUSE FILE 2355
BY BRADLEY

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to deposits on white goods and tires and
2 providing penalties.

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

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HF 2355

1 Section 1. NEW SECTION. 455D.101 SHORT TITLE.

2 This part shall be known and may be cited as the "White
3 Good and Tire Deposit Act".

4 Sec. 2. NEW SECTION. 455D.102 DEFINITIONS.

5 As used in this part, unless the context otherwise
6 requires:

7 1. "Commission" means the environmental protection
8 commission of the department.

9 2. "Dealer" means any person who sells tires or white
10 goods to a consumer.

11 3. "Department" means the department of natural resources
12 created under section 455A.2.

13 4. "Director" means the director of the department.

14 5. "Purchase receipt" means a receipt given by a dealer to
15 the consumer at the time of purchase stating, at a minimum,
16 the date of the purchase, the price of the product, the brand,
17 type, and model identification, and any refund value paid by
18 the consumer.

19 6. "White good" means a major household appliance
20 including a refrigerator, stove, oven, deep freeze freezer,
21 dishwasher, clothes washer, clothes dryer, and microwave.

22 Sec. 3. NEW SECTION. 455D.103 REFUND VALUES.

23 A refund value of thirty dollars for a white good and five
24 dollars for a tire shall be paid by the consumer on each white
25 good or tire sold by a dealer in this state. The amount of
26 the refund value paid by a consumer shall be stated on the
27 purchase receipt given to the consumer at the time of the
28 purchase. Upon return of the white good or tire upon which a
29 refund value has been paid to the dealer who originally sold
30 the white good or tire being returned and acceptance of the
31 white good or tire by the dealer, the dealer shall return the
32 amount of the refund value to the consumer.

33 Sec. 4. NEW SECTION. 455D.104 PAYMENT OF REFUND VALUE.

34 A dealer shall not refuse to accept from a consumer any
35 white good or tire originally sold by the dealer, or refuse to

1 pay the consumer the refund value of a white good or tire as
2 provided under section 455D.103. A dealer may refuse to
3 accept any white good or tire which is not accompanied by a
4 valid purchase receipt.

5 Sec. 5. NEW SECTION. 455D.105 RULES.

6 The commission shall adopt, upon recommendation of the
7 director, rules necessary to carry out this part, subject to
8 the provisions of chapter 17A.

9 Sec. 6. NEW SECTION. 455D.106 PENALTIES.

10 1. Any person violating section 455D.103 or 455D.104 or a
11 rule adopted under this part shall be guilty of a simple
12 misdemeanor.

13 2. Any person who does any of the following acts is guilty
14 of a fraudulent practice:

15 a. Collects or attempts to collect the refund value on the
16 white good or tire a second time, with the knowledge that a
17 refund value has once been paid by the dealer.

18 b. Manufactures, sells, or possesses a false or
19 counterfeit purchase receipt which shows or purports to show a
20 refund value for a white good or tire, with intent to use the
21 false or counterfeit purchase receipt to collect a refund
22 value.

23 c. Collects or attempts to collect a refund value on a
24 white good or tire with the use of a false or counterfeit
25 purchase receipt showing a refund value, knowing the purchase
26 receipt to be false or counterfeit.

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EXPLANATION

28 This bill provides for a system of deposits to be paid on
29 white goods and tires. White goods are major household
30 appliances including a refrigerator, stove, oven, deep freeze
31 freezer, dishwasher, clothes washer, clothes dryer, and
32 microwave.

33 The bill provides that a consumer shall pay a white good or
34 tire dealer at the time of purchase a deposit of \$30 for a
35 white good and \$5 for a tire. When the white good or tire is

1 returned and accepted by the dealer, the dealer shall pay the
2 refund value to the consumer.

3 The bill provides that a dealer shall not refuse to accept
4 a white good or tire originally sold by the dealer, or refuse
5 to pay the consumer the refund value. A dealer may refuse
6 acceptance of a white good or tire which is not accompanied by
7 a valid purchase receipt.

8 The bill provides that the environmental protection
9 commission shall adopt rules to administer this system of
10 deposits.

11 The bill provides that a person violating the new Code
12 sections or rules adopted to administer the Code sections is
13 guilty of a simple misdemeanor. A person guilty of a
14 fraudulent practice for collecting or attempting to collect
15 the refund value on a white good or tire a second time with
16 the knowledge that the refund value has once been paid by the
17 dealer, manufacturing, selling, or possessing a false or
18 counterfeit purchase receipt which shows or purports to show a
19 refund value for a white good or tire, with intent to use the
20 false or counterfeit purchase receipt, and collecting or
21 attempting to collect a refund value on a white good or tire
22 with the use of a false or counterfeit purchase receipt
23 showing a refund value, knowing the purchase receipt to be
24 false or counterfeit.

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