

FEB 18 1997
COMMERCE AND REGULATION

HOUSE FILE 274
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Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the beverage containers control program and
2 making a penalty applicable.

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

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HF 274

1 Section 1. Section 455C.1, subsections 1 and 9, Code 1997,
2 are 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 low or nonalcoholic beers and wines, wine coolers, mineral
7 water, soda water and similar carbonated soft drinks in liquid
8 form or noncarbonated soft drinks, waters, and juices packaged
9 in volumes of eight ounces or more but less than thirty-two
10 ounces and intended for human consumption.

11 9. "Distributor" means any person who engages in the sale
12 or distribution of beverages in beverage containers to a
13 dealer in this state, including any manufacturer who engages
14 in such sales or distribution.

15 Sec. 2. Section 455C.3, subsection 2, Code 1997, is
16 amended to read as follows:

17 2. A distributor shall accept and pick up from a dealer
18 served by the distributor or from a redemption center for a
19 dealer served by the distributor at least weekly, or when the
20 distributor delivers the beverage product if deliveries are
21 less frequent than weekly, any empty beverage container of the
22 kind, size and brand sold or distributed by the distributor,
23 and shall pay to the dealer or person operating a redemption
24 center the refund value of a beverage container and the
25 reimbursement as provided under section 455C.2 within one week
26 following pickup of the containers or when the dealer or
27 redemption center normally pays the distributor for the
28 deposit on beverage products purchased from the distributor if
29 less frequent than weekly. A distributor or employee or agent
30 of a distributor is not in violation of this subsection if a
31 redemption center is closed when the distributor attempts to
32 make a regular delivery or a regular pickup of empty beverage
33 containers. This subsection does not apply to a distributor
34 selling alcoholic liquor to the alcoholic beverages division
35 of the department of commerce.

1 Sec. 3. Section 455C.14, Code 1997, is amended to read as
2 follows:

3 455C.14 REDEMPTION OF REFUSED NONREFILLABLE METAL BEVERAGE
4 CONTAINERS.

5 1. If the refund value indication required under section
6 455C.5 on an empty nonrefillable metal beverage container is
7 readable but the redemption of the container is lawfully
8 refused by a dealer or person operating a redemption center
9 under other sections of this chapter or rules adopted pursuant
10 to these sections, the container shall be accepted and the
11 refund value paid to a consumer as provided in this section.
12 Each beer distributor selling nonrefillable metal beverage
13 containers in this state shall provide individually or
14 collectively by contract or agreement with a dealer, person
15 operating a redemption center or another person, at least one
16 facility in the county seat of each county where refused empty
17 nonrefillable metal beverage containers having a readable
18 refund value indication as required by this chapter are
19 accepted and redeemed. In cities having a population of
20 twenty-five thousand or more, the number of the facilities
21 provided shall be one for each twenty-five thousand population
22 or a fractional part of that population.

23 2. A beer distributor violating this section is guilty of
24 a simple misdemeanor.

25 EXPLANATION

26 This bill expands the provisions of the beverage containers
27 control chapter to include nonalcoholic beers and wines, wine
28 coolers, and noncarbonated juices, soft drinks, and waters.

29 The bill also includes a person who distributes beverages
30 in beverage containers in the definition of a distributor.
31 This change means that a person will be considered a
32 distributor for purposes of paying the one cent handling fee
33 not only when the person sells beverages, but also when the
34 person distributes beverages. This would include persons who
35 distribute in-store brands of beverages.

1 The bill also requires that all beverage distributors, not
2 only those who distribute beer in metal containers, provide
3 for the collection of flattened containers.

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