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SENATE FILE 241

BY ZIEMAN

NAT. RES. & ENVIRONMENT

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to refund values for empty beverage containers.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 241
NAT. RES. & ENVIRONMENT

1 Section 1. Section 455C.2, subsection 1, Code 2005, is
2 amended to read as follows:

3 1. A refund value of not less than five cents shall be
4 paid by the consumer on each beverage container sold in this
5 state by a dealer for consumption off the premises. Upon
6 return of the empty beverage container upon which a refund
7 value has been paid to the dealer or person operating a
8 redemption center and acceptance of the empty beverage
9 container by the dealer or person operating a redemption
10 center, the dealer or person operating a redemption center
11 shall ~~return the amount of the~~ pay a refund value to the
12 consumer in an amount determined by the dealer or person
13 operating a redemption center.

14 Sec. 2. Section 455C.3, subsections 2 and 4, Code 2005,
15 are amended to read as follows:

16 2. A distributor shall accept and pick up from a dealer
17 served by the distributor or a redemption center for a dealer
18 served by the distributor at least weekly, or when the
19 distributor delivers the beverage product if deliveries are
20 less frequent than weekly, any empty beverage container of the
21 kind, size and brand sold by the distributor, and shall pay to
22 the dealer or person operating a redemption center the refund
23 value of a beverage container in an amount agreed upon by the
24 distributor and the dealer or redemption center 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 4. A distributor shall accept from a dealer agent any
2 empty beverage container of the kind, size, and brand sold by
3 the distributor and which was picked up by the dealer agent
4 from a dealer within the geographic territory served by the
5 distributor and the distributor shall pay the dealer agent the
6 refund value of the empty beverage container in an amount
7 agreed upon by the distributor and the dealer agent and the
8 reimbursement as provided in section 455C.2.

9 Sec. 3. Section 455C.5, subsection 1, Code 2005, is
10 amended to read as follows:

11 1. Each beverage container sold or offered for sale in
12 this state by a dealer shall clearly indicate by embossing or
13 by a stamp, label or other method securely affixed to the
14 container, the refund value of the container that must be paid
15 by the consumer. The department shall specify, by rule, the
16 minimum size of the refund value indication on the beverage
17 containers.

18 Sec. 4. Section 455C.6, subsection 1, Code 2005, is
19 amended to read as follows:

20 1. To facilitate the return of empty beverage containers
21 and to serve dealers of beverages, any person may establish a
22 redemption center, subject to the approval of the department,
23 at which consumers may return empty beverage containers and
24 receive payment of the refund value of such beverage
25 containers in an amount determined by the person operating the
26 redemption center.

27 Sec. 5. Section 455C.7, Code 2005, is amended to read as
28 follows:

29 455C.7 UNAPPROVED REDEMPTION CENTERS.

30 Any person may establish a redemption center which has not
31 been approved by the department, at which a consumer may
32 return empty beverage containers and receive payment of the
33 refund value of the beverage containers in an amount
34 determined by the person operating the redemption center. The
35 establishment of an unapproved redemption center shall not

1 relieve any dealer from the responsibility of redeeming any
2 empty beverage containers of the kind and brand sold by the
3 dealer.

4 EXPLANATION

5 This bill relates to refund values for empty beverage
6 containers.

7 The bill allows a dealer or person operating a redemption
8 center to determine the amount of refund value that may be
9 paid to a consumer upon the return of an empty beverage
10 container. The bill allows a distributor and a dealer or
11 person operating a redemption center to negotiate the amount
12 of refund value that the distributor must pay to the dealer or
13 redemption center upon the distributor's acceptance and pickup
14 of empty beverage containers from dealers or redemption
15 centers. The bill provides that beverage containers sold or
16 offered for sale in this state must clearly indicate the
17 refund value of the container that must be paid by the
18 consumer.

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