
HOUSE BILL 2636

State of Washington

57th Legislature

2002 Regular Session

By Representatives Kagi, Chase, Dickerson, Casada, Tokuda, Veloria, Ogden and Rockefeller

Read first time 01/23/2002. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to reducing littering of beverage containers by
2 authorizing a redemption program; adding a new chapter to Title 70 RCW;
3 and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Beverage" means beer or other malt beverages and mineral
8 waters, soda water, and similar carbonated soft drinks in liquid form
9 and intended for human consumption.

10 (2) "Beverage container" means the individual, separate, sealed
11 glass, metal, or plastic bottle, can, jar, or carton containing a
12 beverage.

13 (3) "Board" means the liquor control board.

14 (4) "Consumer" means every person who purchases a beverage in a
15 beverage container for use or consumption.

16 (5) "Dealer" means every person in this state who engages in the
17 sale of beverages in beverage containers to a consumer, or means a
18 redemption center.

1 (6) "Distributor" means every person who engages in the sale of
2 beverages in beverage containers to a dealer in this state including
3 any manufacturer who engages in such sales.

4 (7) "In this state" means within the exterior limits of the state
5 of Washington.

6 (8) "Manufacturer" means every person bottling, canning, or
7 otherwise filling beverage containers for sale to distributors or
8 dealers.

9 (9) "Place of business of a dealer" means the location at which a
10 dealer sells or offers for sale beverages in beverage containers to
11 consumers.

12 (10) "Use or consumption" includes the exercise of any right or
13 power over a beverage incident to the ownership thereof, other than the
14 sale or the keeping or retention of a beverage for the purposes of
15 sale.

16 NEW SECTION. **Sec. 2.** (1) Except as provided in subsection (2) of
17 this section, every beverage container sold or offered for sale in this
18 state shall have a refund value of not less than five cents.

19 (2) Every beverage container certified as provided in section 6 of
20 this act, sold or offered for sale in this state, shall have a refund
21 value of not less than two cents.

22 NEW SECTION. **Sec. 3.** (1) Except as provided in section 4 of this
23 act, a dealer shall not refuse to accept from any person any empty
24 beverage containers of the kind, size, and brand sold by the dealer, or
25 refuse to pay to that person the refund value of a beverage container.

26 (2) A distributor shall not refuse to accept from a dealer any
27 empty beverage containers of the kind, size, and brand sold by the
28 distributor, or refuse to pay the dealer the refund value of a beverage
29 container.

30 NEW SECTION. **Sec. 4.** (1) A dealer may refuse to accept from any
31 person, and a distributor may refuse to accept from a dealer, any empty
32 beverage container that does not state thereon a refund value.

33 (2) A dealer may refuse to accept and to pay the refund value of
34 empty beverage containers if the place of business of the dealer and
35 the kind and brand of empty beverage containers are included in an
36 order of the board approving a redemption center.

1 (3) A dealer may refuse to accept and to pay the refund value of
2 any beverage container visibly containing or contaminated by a
3 substance other than water, residue of the original contents, or
4 ordinary dust.

5 (4) A dealer may refuse to accept and to pay the refund value of
6 more than one hundred forty-four individual beverage containers
7 returned by any one person during one day.

8 (5) In order to refuse containers under subsection (3) or (4) of
9 this section, the dealer must post in each area where containers are
10 received a clearly visible and legible sign containing the following
11 information:

12 NOTICE

13 Washington law allows a dealer to refuse to accept:

- 14 1. Beverage containers visibly containing or contaminated by
15 a substance other than water, residue of the original contents,
16 or ordinary dust; or
- 17 2. More than one hundred forty-four individual beverage
18 containers from any one person during one day.

19 NEW SECTION. **Sec. 5.** (1) Every beverage container sold or offered
20 for sale in this state by a dealer shall clearly indicate by embossing
21 or by a stamp, or by a label or other method securely affixed to the
22 beverage container, the refund value of the container.

23 (2) Subsection (1) of this section does not apply to glass beverage
24 containers designed for beverages having a brand name permanently
25 marked thereon that had a refund value of not less than five cents.

26 (3) No person may sell or offer for sale at retail in this state
27 any metal beverage container designed and constructed so that a part of
28 the container is detachable in opening the container without the aid of
29 a can opener.

30 (4) No person may sell or offer for sale at retail in this state,
31 in addition to beverages as defined in section 1(1) of this act, any
32 beverage in liquid form intended for human consumption in any beverage
33 container designed and constructed so that a metal part of the
34 container is detachable in opening the container through use of a metal
35 ring or tab without the aid of a can opener. However, this subsection
36 does not prohibit the sale of a container the only detachable part of
37 which is a piece of pressure sensitive tape.

1 (5) No person may sell or offer for sale at retail in this state
2 metal beverage containers connected to each other by a separate holding
3 device constructed of plastic rings or other material that will not
4 decompose by photobiodegradation, chemical degradation, or
5 biodegradation within one hundred twenty days of disposal.

6 NEW SECTION. **Sec. 6.** (1) To promote the use in this state of
7 reusable beverage containers of uniform design, and to facilitate the
8 return of containers to manufacturers for reuse as a beverage
9 container, the board may certify beverage containers that satisfy the
10 requirements of this section.

11 (2) A beverage container may be certified if:

12 (a) It is reusable as a beverage container by more than one
13 manufacturer in the ordinary course of business; and

14 (b) More than one manufacturer will in the ordinary course of
15 business accept the beverage container for reuse as a beverage
16 container and pay the refund value of the container.

17 (3) The board may by rule establish appropriate liquid capacities
18 and shapes for beverage containers to be certified or decertified in
19 accordance with the purposes in subsection (1) of this section.

20 (4) A beverage container shall not be certified under this section
21 if by reason of its shape or design, or by reason of words or symbols
22 permanently inscribed thereon, whether by engraving, embossing,
23 painting, or other permanent method, it is reusable as a beverage
24 container in the ordinary course of business only by a manufacturer of
25 a beverage sold under a specific brand name.

26 (5) Unless an application for certification is denied by the board
27 within sixty days after the filing of the application, the beverage
28 container shall be deemed certified.

29 (6) The board may review at any time certification of a beverage
30 container. If after such review, with written notice and hearing
31 afforded to the person who filed the application for certification, the
32 board determines the container is no longer qualified for
33 certification, it shall withdraw certification.

34 (7) Withdrawal of certification shall be effective not less than
35 thirty days after written notice to the person who filed the
36 application for certification and to the manufacturers referred to in
37 subsection (2) of this section.

1 NEW SECTION. **Sec. 7.** (1) To facilitate the return of empty
2 beverage containers and to serve dealers of beverages, any person may
3 establish a redemption center, subject to the approval of the board, at
4 which any person may return empty beverage containers and receive
5 payment of the refund value of such beverage containers.

6 (2) Application for approval of a redemption center shall be filed
7 with the board. The application shall state the name and address of
8 the person responsible for the establishment and operation of the
9 redemption center, the kind and brand names of the beverage containers
10 that will be accepted at the redemption center, and the names and
11 addresses of the dealers to be served by the redemption center. The
12 application shall include such additional information as the board may
13 require.

14 (3) The board shall approve a redemption center if it finds the
15 redemption center will provide a convenient service to persons for the
16 return of empty beverage containers. The order of the board approving
17 a redemption center shall state the dealers to be served by the
18 redemption center and the kind and brand names of empty beverage
19 containers that the redemption center must accept. The order may
20 contain such other provisions to ensure the redemption center will
21 provide a convenient service to the public as the board may determine.

22 (4) The board may review at any time approval of a redemption
23 center. After written notice to the person responsible for the
24 establishment and operation of the redemption center, and to the
25 dealers served by the redemption center, the board may, after hearing,
26 withdraw approval of a redemption center if the board finds there has
27 not been compliance with its order approving the redemption center, or
28 if the redemption center no longer provides a convenient service to the
29 public.

30 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
31 a new chapter in Title 70 RCW.

32 NEW SECTION. **Sec. 9.** This act takes effect July 1, 2003.

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