

JAN 23 2009

A BILL FOR AN ACT

RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that sustaining high
2 container redemption levels in the deposit beverage container
3 program depends on conveniently located redemption centers for
4 customers. To date, there have been many challenges to locating
5 independently operated redemption centers within a two-mile
6 radius of retail dealers and providing more convenient locations
7 in rural areas.

8 The legislature further finds retail dealers in other
9 states with similar redemption programs are also required to be
10 redemption centers. However, in the past, the legislature has
11 recognized that many retail dealers in Hawaii have limited
12 retail space in their establishments and that their floor space
13 is extremely valuable. Therefore, the high cost of doing
14 business in Hawaii may be prohibitive to establishing redemption
15 areas within smaller retail establishments.

16 The purpose of this Act is to increase convenience for
17 consumers and facilitate participation in the deposit beverage



1 container program by requiring all retail dealers with more than
2 seventy-five thousand square feet of retail space to operate
3 redemption centers.

4 SECTION 2. Section 342G-113, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§342G-113 Redemption of empty deposit beverage

7 containers. (a) Except as provided in subsection (b), a dealer
8 shall:

9 (1) Operate a redemption center by July 1, 2005, and shall
10 accept all types of empty deposit beverage containers
11 with a Hawaii refund value;

12 (2) Pay to the redeemer the full refund value for all
13 deposit beverage containers that bear a valid Hawaii
14 refund value; and

15 (3) Ensure each deposit beverage container collected is
16 recycled, and forward documentation necessary to
17 support claims for payment [~~as stated in~~] in
18 accordance with section 342G-119 or rules adopted
19 under this part.

20 (b) Subsection (a) shall not apply to any dealer:

21 (1) Who is located in a high density population area as
22 defined by the director in rules, and within two miles



1 of a certified redemption center that is operated
2 independently of a dealer;

3 (2) Who is located in a rural area as defined by rule;

4 (3) Who subcontracts with a certified redemption center to
5 be operated on the dealer's premises;

6 (4) Whose sales of deposit beverage containers are only
7 via vending machines;

8 (5) Whose place of business is less than five thousand
9 square feet of interior space;

10 (6) Who can demonstrate physical or financial hardship, or
11 both, based on specific criteria established by rule;
12 or

13 (7) Who meets other criteria established by the director.

14 Notwithstanding paragraphs (1) and (2), the director may allow
15 the placement of redemption centers at greater than prescribed
16 distances to accommodate geographical features while ensuring
17 adequate consumer convenience.

18 (c) Regardless of the square footage of a dealer's place
19 of business, dealers who are not redemption centers shall post a
20 clear and conspicuous sign at the primary public entrance of the
21 dealer's place of business that specifies the name, address, and
22 hours of operation of the closest redemption center locations.



1 (d) If there is no redemption center within the two-mile
2 radius of a dealer due to the criteria described in subsection
3 (b), then the respective county and the State shall determine
4 the need for a redemption center in that area. If a redemption
5 center is deemed necessary, then the State, with assistance from
6 the county, shall establish the redemption center with funding
7 from the deposit beverage container deposit special fund.

8 (e) Businesses that sell deposit beverages for on-premises
9 consumption, such as hotels, bars, and restaurants, shall
10 collect used deposit beverage containers from the patron and
11 either use a certified redemption center for the collection of
12 containers or become a certified redemption center.


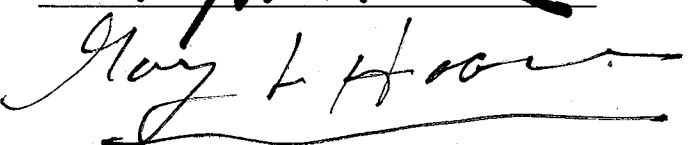
13 (f) Any dealer having greater than seventy-five thousand
14 square feet of interior space and to which subsection (b) (3),
15 (4), or (6) cannot be applied, shall operate a redemption center
16 and shall accept all types of empty deposit beverage containers
17 that bear a valid Hawaii refund value."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect on October 1, 2009.

21

INTRODUCED BY:



Report Title:

Deposit Beverage Container Program; HI-5; Retail Dealer;
Redemption Center

Description:

Requires retail dealers with more than seventy-five thousand
square feet of retail space to operate redemption centers.
Effective 10/1/2009.

