

HOUSE BILL 839

M3

71r0322

By: **Delegates Hammen, Ali, Barnes, Barve, Bromwell, Conaway, Guzzone, Huckler, Kaiser, Lafferty, Mizeur, Morhaim, Niemann, Olszewski, Rice, Rosenberg, Schuler, and Walker**

Introduced and read first time: February 9, 2007

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Recycling - Bottle Deposits, Returns, and Refunds**

3 FOR the purpose of requiring bottle deposits, returns, and refunds on certain beverage
4 containers; requiring a certain person to pay a refund under certain
5 circumstances; requiring a certain label for certain beverage containers;
6 requiring the State to pay a handling fee and refund value to a redemption
7 center under certain circumstances; providing for the duties of a certain person
8 that accepts certain containers from consumers; prohibiting a certain person
9 from redeeming certain containers unless a certain deposit was made;
10 authorizing a redemption center to refuse payment for bottles returned under
11 certain circumstances; requiring counties in the State to open at least one
12 redemption center; authorizing certain persons to apply to be redemption
13 centers; requiring redemption centers to be certified by the Department of the
14 Environment; requiring the Department to maintain a certain list for public
15 information; authorizing the Department to withdraw certification of a
16 redemption center under certain circumstances; requiring certain persons to
17 establish a certain account; requiring certain persons to file reports containing
18 certain information with the Comptroller and the Department; altering the
19 circumstances under which the State Recycling Trust Fund receives and grants
20 moneys; repealing a certain provision that requires certain moneys from the
21 State Recycling Trust Fund to revert to the General Fund; requiring the
22 Department to adopt regulations to implement the provisions of this Act by a
23 certain date; establishing certain civil penalties for certain violations of this Act;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 defining certain terms; and generally relating to recycling and bottle deposits,
2 returns, and refunds.

3 BY renumbering

4 Article – Environment

5 The part designation “Part III. Composting” immediately preceding Section
6 9–1721 to be the part designation “Part IV. Composting”

7 Annotated Code of Maryland

8 (1996 Replacement Volume and 2006 Supplement)

9 BY repealing and reenacting, with amendments,

10 Article – Environment

11 Section 9–1707(f)

12 Annotated Code of Maryland

13 (1996 Replacement Volume and 2006 Supplement)

14 BY adding to

15 Article – Environment

16 Section 9–1711 through 9–1720 to be under the new part “Part III. Bottle
17 Deposit, Return, and Refund”

18 Annotated Code of Maryland

19 (1996 Replacement Volume and 2006 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the part designation “Part III. Composting” immediately preceding
22 Section 9–1721 of Article – Environment of the Annotated Code of Maryland be
23 renumbered to be the part designation “Part IV. Composting”.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
25 read as follows:

26 **Article – Environment**

27 9–1707.

28 (f) (1) There is a State Recycling Trust Fund.

29 (2) The Fund shall consist of:

30 (i) The newsprint recycling incentive fee;

31 (ii) The telephone directory recycling incentive fee collected
32 under § 9–1709 of this subtitle;

1 (iii) The computer manufacturer registration fee collected under
2 § 9-1728 of this subtitle;

3 (IV) **UNCLAIMED DEPOSITS COLLECTED UNDER § 9-1716 OF**
4 **THIS SUBTITLE;**

5 [(iv)] (V) Money appropriated in the State budget to the Fund;
6 and

7 [(v)] (VI) Any other money from any other source accepted for
8 the benefit of the Fund.

9 (3) The Secretary shall administer the Fund.

10 (4) The Treasurer shall hold the Fund separately and the Comptroller
11 shall account for the Fund.

12 (5) [At the end of each fiscal year, any unspent or unencumbered
13 balance in the Fund shall revert to the General Fund of the State in accordance with §
14 7-302 of the State Finance and Procurement Article.

15 (6)] In accordance with the State budget, the Fund shall be used only:

16 (i) To provide grants to the counties to be used by the counties
17 to develop and implement local recycling plans;

18 (ii) To provide grants to counties that have addressed methods
19 for the separate collection and recycling of computers in accordance with §
20 9-1703(c)(1) of this subtitle;

21 (III) **TO PROVIDE GRANTS TO COUNTIES AND**
22 **MUNICIPALITIES FOR PUBLIC AWARENESS CAMPAIGNS REGARDING BEVERAGE**
23 **CONTAINER RECYCLING UNDER PART III OF THIS SUBTITLE;**

24 (IV) **TO MAKE DISBURSEMENTS ESTABLISHED UNDER §**
25 **9-1719(D) OF THIS SUBTITLE;**

26 [(iii)] (V) To provide grants to municipalities to be used by the
27 municipalities to implement local computer recycling programs; and

1 [(iv)] (VI) To carry out the purposes of the Office of Recycling
2 under this subtitle.

3 [(7)] (6) (i) The Treasurer shall invest the money in the Fund in
4 the same manner as other State money may be invested.

5 (ii) Any investment earnings of the Fund shall be credited to the
6 General Fund of the State.

7 **PART III. BOTTLE DEPOSIT, RETURN, AND REFUND.**

8 **9-1711.**

9 (A) **IN THIS PART III OF THIS SUBTITLE THE FOLLOWING WORDS HAVE**
10 **THE MEANINGS INDICATED.**

11 (B) (1) **“BEVERAGE” MEANS ALL CARBONATED AND**
12 **NONCARBONATED DRINKS IN LIQUID FORM AND INTENDED FOR HUMAN**
13 **CONSUMPTION.**

14 (2) **“BEVERAGE” INCLUDES BEER, MIXED WINE, AND MIXED**
15 **SPIRIT DRINKS.**

16 (3) **“BEVERAGE” DOES NOT INCLUDE:**

17 (I) **MILK AND DAIRY DERIVED PRODUCTS, EXCEPT TEA AND**
18 **COFFEE DRINKS CONTAINING THESE PRODUCTS;**

19 (II) **ALCOHOLIC BEVERAGES AS DEFINED IN ARTICLE 2B, §**
20 **1-102 OF THE CODE, OTHER THAN BEER; OR**

21 (III) **A LIQUID THAT IS:**

22 1. **A SYRUP IN A CONCENTRATED FORM, SUCH AS**
23 **EXTRACTS, COOKING ADDITIVES, SAUCES, OR CONDIMENTS THAT ARE USED FOR**
24 **FLAVORING FOOD OR DRINK;**

25 2. **A DRUG OR INFANT FORMULA AS DEFINED BY THE**
26 **FEDERAL FOOD, DRUG, AND COSMETIC ACT;**

1 **3. A MEDICAL FOOD AS DEFINED BY THE FEDERAL**
2 **ORPHAN DRUG ACT;**

3 **4. DESIGNED AND CONSUMED AS A DIETARY**
4 **SUPPLEMENT AS DEFINED IN THE FEDERAL DIETARY SUPPLEMENT HEALTH**
5 **AND EDUCATION ACT OF 1994;**

6 **5. A PRODUCT THAT IS FROZEN AT THE TIME OF**
7 **SALE TO A CONSUMER OR INSTITUTION, SUCH AS A HOSPITAL OR NURSING**
8 **HOME;**

9 **6. A PRODUCT DESIGNED TO BE CONSUMED IN A**
10 **FROZEN STATE;**

11 **7. MADE FROM AN INSTANT DRINK POWDER; OR**

12 **8. A BROTH OR SOUP.**

13 **(C) (1) "BEVERAGE CONTAINER" MEANS AN INDIVIDUAL AIRTIGHT**
14 **CONTAINER THAT IS CONSTRUCTED OF METAL, GLASS, ALUMINUM, STEEL,**
15 **PLASTIC, OR OTHER NONBIODEGRADABLE MATERIAL, OR ANY COMBINATION OF**
16 **THESE MATERIALS, THAT CONTAINS LESS THAN 1 GALLON OR 3.8 LITERS AT THE**
17 **TIME OF SALE OF A BEVERAGE IN THE STATE.**

18 **(2) "BEVERAGE CONTAINER" DOES NOT INCLUDE A CUP OR**
19 **OTHER OPEN OR LOOSELY SEALED CONTAINER.**

20 **(D) (1) "DEALER" MEANS A PERSON THAT ENGAGES IN THE SALE OF**
21 **BEVERAGES IN BEVERAGE CONTAINERS TO CONSUMERS IN THE STATE.**

22 **(2) "DEALER" DOES NOT INCLUDE A LODGING, EATING, OR**
23 **DRINKING ESTABLISHMENT.**

24 **(E) (1) "DISTRIBUTOR" MEANS A PERSON THAT ENGAGES IN THE**
25 **SALE OF BEVERAGES IN BEVERAGE CONTAINERS TO DEALERS IN THE STATE.**

26 **(2) "DISTRIBUTOR" INCLUDES A MANUFACTURER, IF THE**
27 **MANUFACTURER ENGAGES IN THE SALE OF BEVERAGES AS DESCRIBED IN**
28 **PARAGRAPH (1) OF THIS SUBSECTION.**

1 **(F) “EMPTY RETURNABLE CONTAINER” MEANS A BEVERAGE**
2 **CONTAINER THAT CONTAINS NOTHING EXCEPT THE RESIDUE OF ITS ORIGINAL**
3 **CONTENTS.**

4 **(G) “MANUFACTURER” MEANS A PERSON THAT BOTTLES, CANS, OR**
5 **OTHERWISE PACKAGES BEVERAGES IN BEVERAGE CONTAINERS FOR SALE TO A**
6 **DISTRIBUTOR, DEALER, OR CONSUMER.**

7 **(H) (1) “MIXED SPIRIT DRINK” MEANS A DRINK THAT CONTAINS LESS**
8 **THAN 10% ALCOHOL BY VOLUME AND IS MADE OF DISTILLED SPIRITS MIXED**
9 **WITH NONALCOHOLIC BEVERAGES, FLAVORING, OR COLOR ADDITIVES.**

10 **(2) “MIXED SPIRIT DRINK” MAY ALSO INCLUDE:**

11 **(I) A DRINK THAT IN ADDITION TO THE INGREDIENTS**
12 **DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION, CONTAINS:**

13 **1. PLAIN, SPARKLING, OR CARBONATED WATER;**

14 **2. FRUIT JUICE;**

15 **3. FRUIT ADJUNCT;**

16 **4. SUGAR;**

17 **5. CARBON DIOXIDE; OR**

18 **6. PRESERVATIVES; OR**

19 **(II) A DRINK THAT IS BASED ON DISTILLED SPIRITS,**
20 **REGARDLESS OF THE PERCENT OF ALCOHOL BY VOLUME, IF THE DRINK, AS**
21 **MANUFACTURED FOR SALE, IS IN A METAL CONTAINER.**

22 **(I) “MIXED WINE DRINK” MEANS A DRINK THAT CONTAINS LESS THAN**
23 **7% ALCOHOL BY VOLUME AND HAS THE FOLLOWING INGREDIENTS:**

24 **(1) WINE;**

1 **(2) PLAIN, SPARKLING, OR CARBONATED WATER; AND**

2 **(3) ONE OF THE FOLLOWING:**

3 **(I) NONALCOHOLIC BEVERAGE;**

4 **(II) FLAVORING;**

5 **(III) COLOR ADDITIVE;**

6 **(IV) FRUIT JUICE;**

7 **(V) FRUIT ADJUNCT;**

8 **(VI) SUGAR;**

9 **(VII) CARBON DIOXIDE; OR**

10 **(VIII) PRESERVATIVES.**

11 **(J) “NONREFILLABLE CONTAINER” MEANS A BEVERAGE CONTAINER**
12 **THAT IS NOT INTENDED TO BE REFILLED FOR SALE BY A MANUFACTURER.**

13 **(K) “OPERATOR OF A VENDING MACHINE” MEANS:**

14 **(1) A PERSON THAT OWNS OR REFILLS A VENDING MACHINE; OR**

15 **(2) A PERSON THAT OWNS OR LEASES THE PROPERTY WHERE THE**
16 **VENDING MACHINE IS LOCATED.**

17 **(L) “REDEMPTION CENTER” MEANS A PERSON THAT:**

18 **(1) ACCEPTS AND PAYS THE REFUND VALUE FOR EMPTY**
19 **BEVERAGE CONTAINERS FROM CONSUMERS, IF THE EMPTY BEVERAGE**
20 **CONTAINERS ARE INTENDED TO BE RECYCLED; AND**

21 **(2) ENSURES THE EMPTY BEVERAGE CONTAINERS ARE**
22 **PROPERLY RECYCLED.**

1 (M) **“REVERSE VENDING MACHINE” MEANS AN AUTOMATED DEVICE**
2 **THAT:**

3 (1) **ACCEPTS AN EMPTY RETURNABLE CONTAINER; AND**

4 (2) **ISSUES A REDEEMABLE CREDIT SLIP WITH A VALUE OF NOT**
5 **LESS THAN THE BEVERAGE CONTAINER’S REFUND VALUE.**

6 **9-1712.**

7 (A) (1) **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A**
8 **DEALER IN THE STATE THAT SELLS BEVERAGES IN BEVERAGE CONTAINERS TO**
9 **A CONSUMER SHALL COLLECT FROM THE CONSUMER A DEPOSIT ON THE**
10 **CONTAINER OF NOT LESS THAN 5 CENTS.**

11 (2) **THE REFUND VALUE FOR A RETURNABLE CONTAINER SHALL**
12 **BE EQUAL TO THE DEPOSIT MADE BY THE CONSUMER IN ACCORDANCE WITH**
13 **PARAGRAPH (1) OF THIS SUBSECTION.**

14 (B) (1) **A DEALER MAY WAIVE THE DEPOSIT REQUIRED UNDER THIS**
15 **SECTION IF A CONSUMER OF A BEVERAGE IN A RETURNABLE CONTAINER**
16 **REMAINS ON THE PREMISES WHERE THE SALE IS MADE AND CONSUMES THE**
17 **BEVERAGE THERE.**

18 (2) **IF A DEALER DOES NOT REQUIRE A DEPOSIT ON A**
19 **RETURNABLE CONTAINER UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE**
20 **DEALER IS NOT REQUIRED TO PAY A REFUND FOR ACCEPTING THE EMPTY**
21 **RETURNABLE CONTAINER.**

22 (3) **IF A CONSUMER LEAVES THE DEALER’S PREMISES WITH THE**
23 **BEVERAGE CONTAINER, THE CONSUMER SHALL BE REQUIRED TO PAY THE**
24 **DEPOSIT IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

25 (C) **A BEVERAGE CONTAINER SOLD IN THE STATE SHALL HAVE A LABEL**
26 **AFFIXED TO IT THAT CLEARLY INDICATES THE REFUND VALUE OF THE**
27 **CONTAINER AND THAT IT IS A PRODUCT SOLD IN THE STATE.**

28 (D) **A REDEMPTION CENTER MAY REFUSE TO ACCEPT AN EMPTY**
29 **RETURNABLE CONTAINER THAT DOES NOT HAVE THE LABEL AS REQUIRED**
30 **UNDER SUBSECTION (C) OF THIS SECTION.**

1 **(E) A REDEMPTION CENTER SHALL:**

2 **(1) ACCEPT FROM A PERSON AN EMPTY RETURNABLE CONTAINER**
3 **FOR REFUND DURING REGULAR BUSINESS HOURS; AND**

4 **(2) PAY THE REFUND VALUE OF EACH BEVERAGE CONTAINER AS**
5 **PROVIDED UNDER SUBSECTION (A) OF THIS SECTION.**

6 **(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
7 **SUBSECTION, A PERSON MAY NOT RETURN AN EMPTY RETURNABLE CONTAINER**
8 **TO A REDEMPTION CENTER IF THE REFUND ON THE DEPOSIT HAS ALREADY**
9 **BEEN PAID.**

10 **(2) IF A RETURNABLE CONTAINER IS SANITIZED BY THE**
11 **MANUFACTURER AND REUSED AS A BEVERAGE CONTAINER, A PERSON MAY**
12 **RETURN THE CONTAINER TO A REDEMPTION CENTER OR DEALER FOR A**
13 **REFUND ON THE DEPOSIT.**

14 **(G) (1) THE STATE SHALL PAY TO A REDEMPTION CENTER THE**
15 **REFUND VALUE PLUS A HANDLING FEE OF 2 CENTS FOR EACH EMPTY BEVERAGE**
16 **CONTAINER ACCEPTED.**

17 **(2) THE STATE SHALL APPROPRIATE MONEYS FROM THE**
18 **GENERAL FUND OF THE STATE FOR THE PAYMENT TO REDEMPTION CENTERS**
19 **UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

20 **(3) ONCE THE UNCLAIMED DEPOSITS UNDER § 9-1716 OF**
21 **THIS PART ARE COLLECTED AND DEPOSITED INTO THE STATE RECYCLING**
22 **TRUST FUND, THE STATE:**

23 **(I) MAY REDUCE THE GENERAL FUND MONEYS**
24 **APPROPRIATED FOR THE PAYMENTS; AND**

25 **(II) SHALL USE THE STATE RECYCLING TRUST FUND,**
26 **UNDER § 9-1707 OF THIS SUBTITLE, TO MAKE THE PAYMENTS TO A**
27 **REDEMPTION CENTER.**

28 **9-1713.**

1 **(A) A REDEMPTION CENTER SHALL BE CERTIFIED BY THE**
2 **DEPARTMENT.**

3 **(B) EACH COUNTY IN THE STATE SHALL SET UP AND RUN AT LEAST ONE**
4 **REDEMPTION CENTER.**

5 **(C) (1) A PRIVATE RETAIL STORE OR DEALER MAY APPLY TO BE A**
6 **REDEMPTION CENTER.**

7 **(2) APPLICATIONS MADE UNDER PARAGRAPH (1) OF THIS**
8 **SUBSECTION SHALL BE SUBMITTED TO THE DEPARTMENT.**

9 **(D) THE DEPARTMENT SHALL MAINTAIN A LIST OF ALL AVAILABLE**
10 **REDEMPTION CENTERS AND MAKE THE LIST ACCESSIBLE TO THE PUBLIC.**

11 **(E) A REDEMPTION CENTER CERTIFIED UNDER THIS SECTION SHALL:**

12 **(1) ACCEPT AN EMPTY BEVERAGE CONTAINER ON WHICH A**
13 **DEPOSIT HAS BEEN MADE;**

14 **(2) VERIFY THAT ALL CONTAINERS TO BE REDEEMED HAVE THE**
15 **LABEL REQUIRED UNDER § 9-1712 OF THIS PART;**

16 **(3) PAY TO THE REDEEMER A MINIMUM OF THE FULL REFUND**
17 **VALUE FOR ALL BEVERAGE CONTAINERS, EXCEPT AS PROVIDED UNDER §**
18 **9-1715 OF THIS PART;**

19 **(4) ENSURE THAT EACH CONTAINER IS RECYCLED THROUGH A**
20 **RECYCLING FACILITY IN THE STATE OR WITH AN OUT-OF-STATE RECYCLING**
21 **FACILITY THAT IS APPROVED BY THE DEPARTMENT;**

22 **(5) MAINTAIN DOCUMENTATION AS REQUIRED UNDER § 9-1717**
23 **OF THIS PART; AND**

24 **(6) MAINTAIN A SEPARATE ACCOUNT FOR DEPOSITS AS**
25 **REQUIRED UNDER § 9-1716 OF THIS PART.**

1 (F) (1) A DEALER OR REDEMPTION CENTER SHALL POST AT LEAST
2 ONE CONSPICUOUS SIGN THAT INFORMS CONSUMERS OF THE RIGHT TO RETURN
3 EMPTY BEVERAGE CONTAINERS.

4 (2) THE DEPARTMENT SHALL ADOPT REGULATIONS
5 CONCERNING THE SIZE, TYPE, PLACEMENT, AND NUMBERS OF SIGNS THAT ARE
6 REQUIRED.

7 (G) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT
8 THE CERTIFICATION REQUIREMENTS OF THIS SECTION.

9 (H) (1) THE DEPARTMENT MAY REVIEW THE CERTIFICATION OF A
10 REDEMPTION CENTER, AFTER GIVING WRITTEN NOTICE TO THE PERSON
11 RESPONSIBLE FOR THE REDEMPTION CENTER.

12 (2) THE DEPARTMENT MAY WITHDRAW CERTIFICATION OF A
13 REDEMPTION CENTER IF THE DEPARTMENT FINDS THAT THE REDEMPTION
14 CENTER IS NOT IN COMPLIANCE WITH THE PROVISIONS OF THIS PART OR THE
15 REGULATIONS ADOPTED TO IMPLEMENT THIS PART.

16 **9-1714.**

17 (A) A REDEMPTION CENTER MAY USE A REVERSE VENDING MACHINE
18 PROVIDED THAT THE MACHINE:

19 (1) ACCEPTS ALL TYPES OF EMPTY RETURNABLE CONTAINERS;
20 AND

21 (2) PAYS THE REFUND VALUE BY MEANS OF A REDEEMABLE
22 VOUCHER FOR A CONTAINER THAT MEETS THE REQUIREMENTS UNDER § 9-1712
23 OF THIS PART.

24 (B) A REDEMPTION CENTER SHALL ROUTINELY SERVICE THE REVERSE
25 VENDING MACHINE TO ENSURE THAT THE MACHINE IS WORKING PROPERLY AND
26 CONSISTENTLY.

27 **9-1715.**

1 **A REDEMPTION CENTER MAY REFUSE TO ACCEPT A BEVERAGE**
2 **CONTAINER OR PAY THE REFUND VALUE FOR A BEVERAGE CONTAINER IF THE**
3 **CONTAINER:**

4 **(1) IS BROKEN;**

5 **(2) IS CORRODED;**

6 **(3) IS DISMEMBERED;**

7 **(4) CONTAINS A FREE FLOWING LIQUID;**

8 **(5) DOES NOT HAVE THE REFUND VALUE CLEARLY INDICATED ON**
9 **THE CONTAINER; OR**

10 **(6) CONTAINS A MATERIAL FOREIGN TO THE NORMAL CONTENTS**
11 **OF THE CONTAINER.**

12 **9-1716.**

13 **(A) A REDEMPTION CENTER THAT RECEIVES DEPOSITS OR HANDLING**
14 **FEES UNDER THIS PART SHALL ESTABLISH A SEGREGATED REFUND VALUE**
15 **ACCOUNT FOR THE DEPOSIT OF FUNDS COLLECTED UNDER THIS SECTION.**

16 **(B) PAYMENTS OF REFUND VALUES UNDER § 9-1712 OF THIS PART**
17 **SHALL BE PAID FROM THE ACCOUNT ESTABLISHED IN ACCORDANCE WITH**
18 **SUBSECTION (A) OF THIS SECTION.**

19 **(C) EXCEPT AS PROVIDED UNDER THIS SECTION, OTHER PAYMENTS OR**
20 **WITHDRAWALS MAY NOT BE PAID FROM THE REFUND VALUE ACCOUNT.**

21 **(D) (1) MONEYS FROM CONSUMERS THAT ARE DEPOSITED INTO THE**
22 **ACCOUNT AND REMAIN UNCLAIMED SHALL BE SUBMITTED TO THE**
23 **COMPTROLLER FOR DEPOSIT INTO THE STATE RECYCLING TRUST FUND**
24 **ESTABLISHED UNDER § 9-1707 OF THIS SUBTITLE.**

25 **(2) A REDEMPTION CENTER OR DISTRIBUTOR SHALL DETERMINE**
26 **THE AMOUNT OF UNCLAIMED DEPOSITS ON A QUARTERLY BASIS AND REPORT**
27 **THIS AMOUNT IN ACCORDANCE WITH § 9-1717 OF THIS PART.**

1 **9-1717.**

2 (A) A REDEMPTION CENTER SHALL COMPLETE AND FILE WITH THE
3 COMPTROLLER AND THE DEPARTMENT A QUARTERLY REPORT, ON OR BEFORE
4 THE LAST DAY OF THE MONTH THAT FOLLOWS EACH CALENDAR QUARTER.

5 (B) THE QUARTERLY REPORT SHALL INCLUDE:

6 (1) THE BALANCE IN THE REFUND VALUE ACCOUNT AT THE
7 BEGINNING OF THE QUARTER;

8 (2) DEPOSITS MADE TO THE ACCOUNT FROM CONSUMER
9 DEPOSITS, AND ANY INTEREST OR DIVIDENDS RECEIVED;

10 (3) WITHDRAWALS FROM THE ACCOUNT INCLUDING ALL
11 REIMBURSEMENTS PAID IN ACCORDANCE WITH § 9-1712 OF THIS PART;

12 (4) THE BALANCE IN THE ACCOUNT AT THE CLOSE OF THE
13 QUARTER;

14 (5) THE AMOUNT AND TYPES OF CONTAINERS ACCEPTED AND
15 REJECTED;

16 (6) THE AMOUNT AND WEIGHTS OF EACH TYPE OF CONTAINER
17 TRANSPORTED TO A RECYCLING FACILITY IN STATE OR OUT OF STATE; AND

18 (7) COPIES OF THE OUT-OF-STATE TRANSPORT AND WEIGHT
19 RECEIPTS OR DOCUMENTATION OF THE END USE.

20 (C) (1) THE COMPTROLLER SHALL PAY A CERTIFIED REDEMPTION
21 CENTER THE HANDLING FEES AND REFUND VALUES IN ACCORDANCE WITH §
22 9-1712 OF THIS PART.

23 (2) THE COMPTROLLER SHALL USE THE QUARTERLY REPORTS
24 REQUIRED UNDER THIS SECTION TO CALCULATE THE AMOUNT OF HANDLING
25 FEES AND REFUND VALUES DUE TO A REDEMPTION CENTER.

1 (D) A REDEMPTION CENTER MAY REQUEST PAYMENT FROM THE
2 COMPTROLLER NO MORE THAN TWO TIMES PER MONTH.

3 **9-1718.**

4 (A) A DEALER THAT ORIGINATES A DEPOSIT ON A BEVERAGE
5 CONTAINER SHALL:

6 (1) REMIT MONEYS FROM THE INITIAL DEPOSITS RECEIVED
7 UNDER § 9-1712 OF THIS PART TO THE COMPTROLLER FOR TRANSFER INTO
8 THE STATE RECYCLING TRUST FUND ESTABLISHED UNDER § 9-1707 OF THIS
9 SUBTITLE; AND

10 (2) PREPARE AND FILE AN ANNUAL REPORT WITH THE
11 DEPARTMENT AND THE COMPTROLLER.

12 (B) THE REPORT FILED UNDER THIS SECTION SHALL:

13 (1) INCLUDE THE DOLLAR VALUE OF THE TOTAL DEPOSITS FOR A
14 CALENDAR YEAR COLLECTED BY THE DEALER ON BEVERAGE CONTAINERS SOLD
15 IN THE STATE; AND

16 (2) BE FILED ON OR BEFORE MARCH 1 OF EACH YEAR.

17 **9-1719.**

18 (A) (1) A REDEMPTION CENTER, DEALER, DISTRIBUTOR, OR
19 MANUFACTURER THAT VIOLATES ANY PROVISION OF THIS PART OR ANY
20 REGULATION ADOPTED UNDER THIS PART IS LIABLE TO THE STATE FOR A CIVIL
21 PENALTY OF UP TO \$10,000 FOR EACH VIOLATION.

22 (2) THE STATE SHALL RECOVER THE CIVIL PENALTIES UNDER
23 THIS SUBSECTION IN A CIVIL ACTION IN ANY COUNTY.

24 (B) (1) A PERSON MAY NOT WILLFULLY TENDER TO A DEALER OR
25 REDEMPTION CENTER AN EMPTY BEVERAGE CONTAINER THAT THE PERSON
26 KNOWS OR REASONABLY KNOWS WAS:

1 **(I) NOT ORIGINALLY SOLD IN THE STATE AS A FILLED**
2 **BEVERAGE CONTAINER, AS DEFINED UNDER § 9-1711 OF THIS PART; OR**

3 **(II) DID NOT HAVE A DEPOSIT PAID AT TIME OF PURCHASE.**

4 **(2) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A**
5 **PERSON THAT VIOLATES THE PROVISIONS UNDER PARAGRAPH (1) OF THIS**
6 **SUBSECTION MAY BE ASSESSED A CIVIL PENALTY BY THE DEPARTMENT.**

7 **(3) A CIVIL PENALTY UNDER THIS SUBSECTION MAY BE:**

8 **(I) UP TO \$100 IF THE PERSON RETURNS BETWEEN 25 AND**
9 **100 CONTAINERS, BOTH INCLUSIVE; OR**

10 **(II) UP TO \$500 IF:**

11 **1. THE PERSON RETURNS MORE THAN 100**
12 **CONTAINERS FOR ONE PARTICULAR VIOLATION; OR**

13 **2. THE PERSON PREVIOUSLY HAS BEEN ASSESSED A**
14 **CIVIL PENALTY UNDER THIS SECTION.**

15 **(C) (1) A LOCATION WHERE A CONSUMER MAY REDEEM A CONTAINER**
16 **FOR THE REFUND VALUE SHALL HAVE A SIGN POSTED CONSPICUOUSLY THAT**
17 **WARNS A PERSON OF THE CIVIL LIABILITY FOR REDEEMING A CONTAINER THAT**
18 **WAS NOT PURCHASED IN THE STATE.**

19 **(2) IF THERE IS NO SIGN POSTED AS REQUIRED BY PARAGRAPH**
20 **(1) OF THIS SUBSECTION, THE PENALTIES UNDER THIS SECTION DO NOT APPLY.**

21 **(D) (1) THE DEPARTMENT SHALL DEPOSIT THE FINES COLLECTED**
22 **UNDER THIS SECTION IN THE STATE RECYCLING TRUST FUND UNDER § 9-1707**
23 **OF THIS SUBTITLE.**

24 **(2) FOR A FINE DEPOSITED IN ACCORDANCE WITH PARAGRAPH**
25 **(1) OF THIS SUBSECTION, THE DISBURSEMENT SHALL BE AS FOLLOWS:**

26 **(I) FIFTY PERCENT SHALL BE USED TO CARRY OUT THE**
27 **PURPOSES OF THIS PART; AND**

1 **(II) FIFTY PERCENT SHALL BE USED TO TRAIN AND**
2 **EDUCATE THE OPERATOR OF THE REDEMPTION CENTER WHERE THE VIOLATION**
3 **OCCURRED ON HOW TO WATCH AND REPORT FRAUDULENT REDEMPTIONS.**

4 **9-1720.**

5 **THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**
6 **PART ON OR BEFORE JANUARY 1, 2009.**

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2007.