
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. Section 342G-113, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

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

4 ~~[(1) Who is located in a high density population area as~~
5 ~~defined by the director in rules, and within two miles~~
6 ~~of a certified redemption center that is operated~~
7 ~~independently of a dealer;~~

8 ~~-(2) Who is located in a rural area as defined by rule;~~

9 ~~-(3)]~~ (1) Who subcontracts with a certified redemption
10 center to be operated on the dealer's premises or
11 within one thousand feet of the premises;

12 ~~[-(4)]~~ (2) Whose sales of deposit beverage containers are
13 only via vending machines;

14 ~~[-(5)]~~ (3) Whose place of business is less than five
15 thousand square feet of interior space;



1 ~~[(6)]~~ (4) Who can demonstrate physical or financial
2 hardship, or both, based on specific criteria
3 established by rule; or

4 ~~[(7)]~~ (5) Who meets other criteria established by the
5 director.

6 ~~[Notwithstanding paragraphs (1) and (2), the]~~ The director may
7 allow the placement of redemption centers at greater than
8 prescribed distances to accommodate geographical features while
9 ensuring adequate consumer convenience."

10 SECTION 2. Section 342G-114, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§342G-114 Redemption centers.** (a) Prior to operation,
13 redemption centers shall be certified by the department.

14 (b) Applications for certification as a redemption center
15 shall be filed with the department on forms prescribed by the
16 department.

17 (c) The department, at any time, may review the
18 certification of a redemption center. After written notice to
19 the person responsible for the establishment and operation of
20 the redemption center and to the dealers served by the
21 redemption center, the department, after it has afforded the
22 redemption center operator a hearing in accordance with chapter



1 91, may withdraw the certification of the center if it finds
2 that there has not been compliance with applicable laws, rules,
3 permit conditions, or certification requirements.

4 (d) Redemption centers shall:

5 (1) Accept all types of empty deposit beverage containers
6 for which a deposit has been paid;

7 (2) Verify that all containers to be redeemed bear a valid
8 Hawaii refund value;

9 (3) Pay to the redeemer the full refund value in either
10 cash or a redeemable voucher for all deposit beverage
11 containers, except as provided in section 342G-116;

12 (4) Ensure each deposit beverage container collected is
13 recycled through a contractual agreement with an out-
14 of-state recycler or an in-state recycling facility
15 permitted by the department; provided that this
16 paragraph shall not apply if the redemption center is
17 operated by a recycler permitted by the
18 department; [~~and~~]

19 (5) Remain open at least thirty-five hours per week, of
20 which not less than five hours shall be on a Saturday
21 or Sunday and shall remain open until 7 p.m. on at
22 least two weekdays; provided that the center is



1 located in a high density population area as defined
2 by the director in rules; and

3 ~~[(5)]~~ (6) Forward the documentation necessary to support
4 claims for payment as stated in section 342G-119.

5 (e) Redemption centers' redemption areas shall be
6 maintained in full compliance with applicable laws and with the
7 orders and rules of the department, including permitting
8 requirements, if deemed necessary, under chapter 342H.

9 (f) The department shall develop procedures to facilitate
10 the exchange of information between deposit beverage container
11 manufacturers, distributors, and retailers and certified
12 redemption centers, including but not limited to universal
13 product code information for reverse vending machine purposes.
14 The procedures developed by the department shall allow for a
15 reasonable time period between the introduction of a new deposit
16 beverage product and the deadline for submitting universal
17 product code information to certified redemption centers
18 operating reverse vending machines.

19 (g) Consumers may request that the refund value be
20 computed by container count for loads of two hundred containers
21 or less."



1 SECTION 3. Section 342G-115, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§342G-115 Reverse vending machine requirements.**

4 [~~Reverse~~] Properly operated and maintained reverse vending
5 machines may be used by redemption centers and dealers to
6 satisfy the requirements of section 342G-113[-]; provided that
7 the reverse vending machine is operational and accessible during
8 normal business hours of the center or store where it is
9 located. Reverse vending machines shall accept any type of
10 empty deposit beverage container and pay out the full refund
11 value in either cash or a redeemable voucher for those
12 containers that bear a valid Hawaii refund value. If the
13 reverse vending machine is unable to read the barcode then the
14 reverse vending machine shall reject the container. [~~The~~
15 ~~reverse vending machine shall be routinely serviced to ensure~~
16 ~~proper operation and continuous acceptance of empty deposit~~
17 ~~beverage containers and payment of the refund value.]"~~

18 SECTION 4. Section 342G-116, Hawaii Revised Statutes, is
19 amended to read as follows:

20 **"§342G-116 Refusal of refund value payment for a deposit**
21 **beverage container.** Redemption centers [~~shall~~] and dealers may
22 refuse to pay the refund value on any broken, corroded, or



1 dismembered deposit beverage container, or any deposit beverage
2 container that:

- 3 (1) Contains a free-flowing liquid;
- 4 (2) Does not properly indicate a refund value; or
- 5 (3) Contains a significant amount of foreign material."

6 SECTION 5. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Deposit Beverage Container Program; Dealers

Description:

Requires redemption centers and dealers in high density areas to remain open for at least thirty-five hours per week, permits consumers to request that refund values be computed by container for up to two hundred containers or less, clarifies that redemption centers and dealers may use properly operated and maintained reverse vending machines to satisfy the requirements of the bottle recycling law, and clarifies that both dealers and redemption centers may refuse to pay a refund for nonconforming containers. (SD1)

