

A Bill for an Act Relating to the Deposit Beverage Container Program.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 342G, Hawaii Revised Statutes, is amended by adding a new section to part VIII to be appropriately designated and to read as follows:

“§342G- Commercial passenger vessels; exemption. (a) Notwithstanding any other provision of this part, this part shall not apply to a deposit beverage container that is sold or delivered to an entity operating a commercial passenger vessel when the deposit beverage container is intended for use and consumption on the commercial passenger vessel. The entity operating the commercial passenger vessel shall be exempt from this part only if it has a deposit beverage container recycling plan prescribed or approved by the department.

(b) Recycling plans shall be submitted to the department and shall include the name and address of the recycling facility that is accepting the empty deposit beverage containers.

(c) Deposit beverage containers covered under this exemption shall not be redeemed for the refund value or handling fee.”

SECTION 2. Section 342G-101, Hawaii Revised Statutes, is amended as follows:

1. By adding two new definitions to be appropriately inserted and to read:

““Commercial passenger vessel” means any domestic or foreign-flagged marine vessel or air carrier used primarily for transporting persons to, from, or within the State. The term does not include:

- (1) Marine vessels authorized to carry fewer than fifty passengers; or
- (2) Marine vessels for hire that do not provide overnight accommodations for at least fifty passengers, determined with reference to the number of lower berths and based on an average of two persons per cabin.

“Patron” means a person who buys a beverage in a deposit beverage container for use or consumption and does not pay the deposit.”

2. By amending the definition of “on-premises consumption” to read:

““On-premises consumption” means [~~to consume~~] the consuming of deposit beverages by a [~~consumer~~] patron immediately and within the area under control of the establishment, including bars, restaurants, passenger ships, and airplanes.”

SECTION 3. Section 342G-113, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) Businesses that sell deposit beverages for on-premises consumption, such as hotels, bars, and restaurants, shall collect used deposit beverage containers from the [~~consumer~~] patron and either use a certified redemption center for the collection of containers[;] or become a certified redemption center.”

SECTION 4. Section 342G-115, Hawaii Revised Statutes, is amended to read as follows:

“§342G-115 Reverse vending machine requirements. Reverse vending machines may be used by redemption centers to satisfy the requirements of section

342G-113. Reverse vending machines shall accept any type of empty deposit beverage container and pay out the full refund value in either cash or a redeemable voucher for those containers that bear a valid Hawaii refund value. If the reverse vending machine is unable to read the barcode [to calculate the refund value,] then the [department may specify a delayed date in which the] reverse vending [machines may be used.] machine shall reject the container. The reverse vending machine shall be routinely serviced to ensure proper operation and continuous acceptance of empty deposit beverage containers and payment of the refund value.”

SECTION 5. Section 342G-116, Hawaii Revised Statutes, is amended to read as follows:

“~~[§342G-116]~~ **Refusal of refund value payment for a deposit beverage container.** Redemption centers shall refuse to pay the refund value on any broken, corroded, or dismembered[, flattened] deposit beverage container, or any deposit beverage container ~~[which:]~~ that:

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

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 7. This Act shall take effect upon its approval.

(Approved July 7, 2005.)

Note

1. Edited pursuant to HRS §23G-16.5.