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H.489

Senator Pollina moves that the Senate propose to the House that the bill be amended by adding new Secs. 22b, 22c, and 22d to read as follows:

Sec. 22b. 10 V.S.A. § 1521 is amended to read:

§ 1521. DEFINITIONS

~~For the purpose of~~ As used in this chapter:

(1) “Beverage” means beer or other malt beverages and mineral waters, mixed wine drink, soda water, and carbonated soft drinks in liquid form and intended for human consumption. As of January 1, 1990, “beverage” also shall mean liquor.

* * *

(3) “Container” means the individual, separate, bottle, can, jar, or carton composed of glass, metal, paper, plastic, or any combination of those materials containing a consumer product. This definition shall not include containers made of biodegradable material.

(4) “Distributor” means every person who engages in the sale of consumer products in containers to a dealer in this ~~state~~ State including any manufacturer who engages in such sales. Any dealer or retailer who sells, at the retail level, beverages in containers without having purchased them from a person otherwise classified as a distributor, shall be a distributor.

1 (b) Beginning on July 1, 2015, each deposit initiator shall deposit in its
2 deposit transaction account the refund value established by section 1522 of this
3 title for all beverage containers sold by the deposit initiator. The deposit
4 initiator shall deposit the refund value for each beverage container in the
5 account not more than three business days after the date on which the beverage
6 container is sold. All interest, dividends, and returns earned on the deposit
7 transaction account shall be paid directly to the account. The deposit initiator
8 shall pay all refunds on returned beverage containers from the deposit
9 transaction account.

10 (c) Beginning on August 10, 2015, and by the tenth day of each month
11 thereafter, every deposit initiator shall report to the Secretary of Natural
12 Resources and the Commissioner of Taxes concerning transactions affecting
13 the deposit initiator's deposit transaction account in the preceding month.
14 The deposit initiator shall submit the report on a form provided by the
15 Commissioner of Taxes. The report shall include:

16 (1) the balance of the account at the beginning of the preceding month;

17 (2) the number of nonreusable beverage containers sold in the preceding
18 month and the number of nonreusable beverage containers returned in the
19 preceding month;

20 (3) the amount of beverage container deposits received by the deposit
21 initiator and deposited into the deposit transaction account;

1 (4) the amount of refund payments made from the deposit transaction
2 account in the preceding month;

3 (5) any income earned on the deposit transaction account in the
4 preceding month;

5 (6) any other transactions, withdrawals, or service charges on the
6 deposit transaction account from the preceding month; and

7 (7) any additional information required by the Commissioner of Taxes.

8 (d) On or before August 10, 2015, and on the tenth day of each month
9 thereafter, each deposit initiator shall remit from its deposit transaction account
10 to the Commissioner of Taxes any abandoned beverage container deposits
11 from the preceding month. The amount of abandoned beverage container
12 deposits for a month is the amount equal to the amount of deposits that should
13 be in the fund less the sum of:

14 (1) income earned on amounts on the account during that month; and

15 (2) the total amount of refund value received by the deposit initiator for
16 nonrefillable containers during that month.

17 (e) The Secretary of Natural Resources may prohibit the sale of a beverage
18 that is sold or distributed in the State by a deposit initiator who fails to comply
19 with the requirements of this chapter. The Secretary may allow the sale of a
20 beverage upon the deposit initiator's coming into compliance with the
21 requirements of this chapter.

