HOUSE BILL 214

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

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AN ACT

RELATING TO GLASS BEVERAGE CONTAINERS; ENACTING THE BEVERAGE CONTAINER DEPOSIT ACT; ESTABLISHING A DEPOSIT FEE; ESTABLISHING A REFUND FEE AND PROVIDING FOR REFUNDS ON GLASS BEVERAGE CONTAINERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

    Section 1. SHORT TITLE.--This act may be cited as the "Beverage Container Deposit Act".

    Section 2. DEFINITIONS.--As used in the Beverage Container Deposit Act:

        A. "beverage" means beer or other malt beverages and mineral water, soda water and similar carbonated soft drinks in liquid form and intended for human consumption;

        B. "beverage container" means the individual, separate, sealed glass container containing a beverage;

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C.   "consumer" means a person who purchases a

beverage in a beverage container for use or consumption;

D.   "dealer" means a person in New Mexico who

engages in the sale of beverages in beverage containers to a

consumer;

E.   "department" means the department of

environment;

F.   "distributor" means a person who engages in the

sale of beverages in beverage containers to a dealer,

including a manufacturer who engages in these sales;

G.   "manufacturer" means a person bottling

beverages or filling glass beverage containers for sale to

distributors or dealers; and

H.   "place of business" means the location at which

a dealer sells or offers for sale beverages in beverage

containers to consumers.

Section 3.   REFUND VALUE REQUIRED.--The price of every

beverage container sold or offered for sale shall include a

deposit fee of five cents ($.05) and have a refund value of

not less than five cents ($.05).

Section 4.   PRACTICES REQUIRED OF DEALERS AND

DISTRIBUTORS.--

A.   A dealer shall not refuse to accept from a

person an empty beverage container of the kind, size and brand

sold by the dealer or refuse to pay to that person the refund

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1   value of a beverage container as established by Section 3 of

2   the Beverage Container Deposit Act.

3   B.   A distributor shall not refuse to accept from a

4   dealer an empty beverage container of the kind, size and brand

5   sold by the distributor or refuse to pay to that dealer the

6   refund value of a beverage container as established by Section

7   3 of the Beverage Container Deposit Act.

8   Section 5.   DEALER OR DISTRIBUTOR AUTHORIZED TO REFUSE TO

9   ACCEPT OR PAY REFUND IN CERTAIN CASES--NOTICE.--

10   A.   A dealer may refuse to accept from a person,

11 and a distributor may refuse to accept from a dealer, an empty

12 beverage container that does not state thereon a refund value

13 as established by Section 3 of the Beverage Container Deposit

14 Act.

15   B.   A dealer may refuse to accept and to pay the

16 refund value of a beverage container visibly containing or

17 contaminated by a substance other than water, residue of the

18 original contents or ordinary dust.

19   C.   A dealer may refuse to accept and to pay the

20 refund value of more than one hundred forty-four individual

21 beverage containers returned by one person during one day.

22   D.   In order to refuse containers under Subsection

23 B or C of this section, the dealer must post in each area of

24 its place of business where containers are received a clearly

25 visible and legible sign containing the following information:

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1   "NOTICE

2   New Mexico law allows a dealer to refuse to accept:

3   1.   beverage containers visibly containing or

4   contaminated by a substance other than water, residue of the

5   original contents or ordinary dust; or

6   2.   more than 144 individual beverage containers

7   from one person during one day.".

8   Section 6.   INDICATION OF REFUND VALUE REQUIRED.--Every

9   beverage container sold or offered for sale in this state by a

10   dealer shall clearly indicate by embossing or by a stamp,

11   label or other method securely affixed to the beverage

12   container, the refund value of the container.

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