

House Bill 51

By: Representative Jones of the 44<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 10 of the Official Code of Georgia Annotated, relating to commerce and  
2 trade, so as to provide for a deposit on beverage containers in order to encourage collection  
3 and recycling of such containers; to provide for legislative findings; to provide for  
4 definitions; to provide for payment of deposits and refunds; to provide for mandatory  
5 acceptance by dealers; to provide labeling requirements for beverage containers; to provide  
6 for the deposit and disposition of refunds; to provide for registration and reports; to provide  
7 for redemption centers; to provide for issuance of rules and regulations by the revenue  
8 commissioner; to provide for public education; to provide for related matters; to provide for  
9 an effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is  
13 amended by adding a new chapter, to read as follows:

14 "CHAPTER 16

15 10-16-1.

16 The General Assembly finds that litter composed of discarded beverage containers is a  
17 growing problem of state concern and a direct threat to the health and safety of the citizens  
18 of this state. Discarded beverage containers create a hazard to vehicular traffic, a source  
19 of physical injury to pedestrians and farm animals, a hazard to farm and other machinery,  
20 and an unsightly accumulation of litter which must be disposed of at increasing public  
21 expense. Beverage containers also create an unnecessary addition to the state's and  
22 municipalities' already overburdened solid waste and refuse disposal systems.  
23 Unsegregated disposal of such containers creates an impediment to the efficient operation  
24 of resource recovery plants. Further, the General Assembly finds that the uninhibited  
25 discarding of beverage containers constitutes a waste of both mineral and energy resources.

26 The General Assembly hereby finds that requiring a deposit on all beverage containers,  
 27 along with certain other facilitating measures, will provide a necessary incentive for the  
 28 economically efficient and environmentally benign collection and recycling of such  
 29 containers.

30 10-16-2.

31 As used in this chapter, the term:

32 (1) 'Beverage' means carbonated soft drinks, water, beer, other malt beverages, and wine.

33 (2) 'Beverage container' means the individual, separate, sealed glass, metal, aluminum,  
 34 steel, or plastic bottle, can, or jar used for containing less than one gallon or 3.78 liters  
 35 at the time of sale or offer for sale of a beverage intended for use or consumption in this  
 36 state. Beverage containers sold or offered for sale or distributed aboard aircraft or ships  
 37 shall be considered as intended for use or consumption outside this state.

38 (3) 'Bottler' means a person, firm, or corporation who:

39 (A) Bottles, cans, or otherwise packages beverages in beverage containers except that  
 40 if such packaging is for a distributor having the right to bottle, can, or otherwise  
 41 package the same brand of beverage, then such distributor shall be the bottler; or

42 (B) Imports filled beverage containers into the United States.

43 (4) 'Commissioner' means the revenue commissioner.

44 (5) 'Dealer' means every person, firm, or corporation who engages in the sale of  
 45 beverages in beverage containers to a consumer for off-premises consumption in this  
 46 state.

47 (6) 'Department' means the Department of Revenue.

48 (7) 'Deposit initiator' for each beverage container for which a refund value is established  
 49 under Code Section 10-16-3 means:

50 (A) The bottler of the beverage in such container;

51 (B) The distributor of such container if such distributor's purchase of such container  
 52 was not, directly or indirectly, from a registered deposit initiator;

53 (C) A dealer of such container who sells or offers for sale such container in this state,  
 54 whose purchase of such container was not, directly or indirectly, from a registered  
 55 deposit initiator; or

56 (D) An agent acting on behalf of a registered deposit initiator.

57 (8) 'Distributor' means any person, firm, or corporation which engages in the sale or offer  
 58 for sale of beverages in beverage containers to a dealer.

59 (9) 'Malt beverages' means any beverage obtained by the alcoholic fermentation or  
 60 infusion or decoction of barley, malt, hops, or other wholesome grain or cereal and water,  
 61 including, but not limited to, ale, stout, or malt liquor.

62 (10) 'Place of business' means the location at which a dealer sells or offers for sale  
63 beverages in beverage containers to consumers.

64 (11) 'Redeemer' means every person who demands the refund value provided for in this  
65 chapter in exchange for the empty beverage container, but shall not include a dealer.

66 (12) 'Redemption center' means any person offering to pay the refund value of an empty  
67 beverage container to a redeemer, or any person who contracts with one or more dealers  
68 or distributors to collect, sort, and obtain the refund value and handling fee of empty  
69 beverage containers for, or on behalf of, such dealer or distributor under the provisions  
70 of Code Section 10-16-8.

71 (13) 'Reverse vending machine' means an automated device that uses a laser scanner,  
72 microprocessor, or other technology to accurately recognize the universal product code  
73 on containers to determine if the container is redeemable and accumulates information  
74 regarding containers redeemed, including the number of such containers redeemed,  
75 thereby enabling the reverse vending machine to accept containers from redeemers and  
76 to issue a scrip or receipt for their refund value.

77 (14) 'Ship' or 'ships' means any ocean-going vessel used to carry passengers or freight  
78 in interstate or foreign commerce.

79 (15) 'Universal product code' or 'UPC code' means a standard for encoding a set of lines  
80 and spaces that can be scanned and interpreted into numbers to identify a product.  
81 Universal product code may also mean any accepted industry barcode which replaces the  
82 UPC code, including EAN and other codes that may be used to identify a product.

83 (16) 'Use or consumption' means the exercise of any right or power incident to the  
84 ownership of a beverage, other than the sale or the keeping or retention of a beverage for  
85 the purpose of sale.

86 (17) 'Water' means any beverage identified through the use of letters, words, or symbols  
87 on its product label as a type of water, including any flavored water or nutritionally  
88 enhanced water; provided, however, that 'water' does not include any beverage identified  
89 as a type of water to which a sugar has been added.

90 10-16-3.

91 No person shall sell or offer for sale a beverage container in this state unless the deposit on  
92 such beverage container is or has been collected by a registered deposit initiator and unless  
93 such container has a refund value of not less than five cents which is clearly indicated  
94 thereon as provided in Code Section 10-16-6.

95 10-16-4.

96 (a) Except as provided in Code Section 10-16-5:

97 (1) A dealer shall accept at his or her place of business from a redeemer any empty  
 98 beverage containers of the design, shape, size, color, composition, and brand sold or  
 99 offered for sale by the dealer and shall pay to the redeemer the refund value of each such  
 100 beverage container as established in Code Section 10-16-3. Redemptions of refund value  
 101 shall be in legal tender, or a scrip or receipt from a reverse vending machine, provided  
 102 that the scrip or receipt can be exchanged for legal tender for a period of not less than 60  
 103 days without requiring the purchase of other goods. The use or presence of a reverse  
 104 vending machine shall not relieve a dealer of any obligations imposed pursuant to this  
 105 chapter. If a dealer utilizes a reverse vending machine to redeem containers, the dealer  
 106 shall provide redemption of beverage containers when the reverse vending machine is  
 107 full, broken, under repair, or does not accept a type of beverage container sold or offered  
 108 for sale by such dealer and shall not limit the hours or days of redemption except as  
 109 provided by subsection (c) of this Code section;

110 (2) Beginning January 1, 2012, a dealer whose place of business is part of a chain  
 111 engaged in the same general field of business which operates ten or more units in this  
 112 state under common ownership and whose business exceeds:

113 (A) Forty thousand square feet but is less than 60,000 square feet shall install and  
 114 maintain at least three reverse vending machines at the dealer's place of business;

115 (B) Sixty thousand square feet but is less than 85,000 square feet shall install and  
 116 maintain at least four reverse vending machines at the dealer's place of business; or

117 (C) Eighty-five thousand square feet shall install and maintain at least eight reverse  
 118 vending machines at the dealer's place of business;

119 provided, however, that the requirements of this paragraph to install and maintain reverse  
 120 vending machines shall not apply to a dealer that sells only refrigerated beverage  
 121 containers of 20 ounces or less where each beverage container is sold as an individual  
 122 container that is not connected to or packaged with any other beverage container;

123 (3) A dealer to which paragraph (2) of this subsection does not apply and whose place  
 124 of business is at least 40,000 square feet which does not utilize reverse vending machines  
 125 to process empty beverage containers for redemption shall:

126 (A) Establish and maintain a dedicated area within such business to accept beverage  
 127 containers for redemption;

128 (B) Adequately staff such area to facilitate efficient acceptance and processing of such  
 129 containers during business hours; and

130 (C) Post one or more conspicuous signs conforming to the size and color requirements  
 131 described in subsection (b) of this Code section at each public entrance to the business  
 132 which describes where in the business the redemption area is located.

133 The commissioner may establish in rules and regulations additional standards for the  
 134 efficient processing of beverage containers by such dealers; and

135 (4) For the purposes of this subsection, on any day that a dealer is open for less than 24  
 136 hours, the dealer may restrict or refuse the payment of refund values during the first and  
 137 last hour the dealer is open for business.

138 (b) A dealer shall post a conspicuous sign, at the point of sale, that states:

139 'GEORGIA BOTTLE REFUND BILL OF RIGHTS

140 STATE LAW REQUIRES US TO REDEEM EMPTY RETURNABLE BEVERAGE

141 CONTAINERS OF THE SAME TYPE AND BRAND THAT WE SELL OR OFFER

142 FOR SALE

143 YOU HAVE CERTAIN RIGHTS UNDER THE GEORGIA BOTTLE REFUND ACT:

144 THE RIGHT to return your empties for refund to any dealer who sells the same brand,  
 145 type, and size, whether you bought the beverage from the dealer or not. It is illegal to  
 146 return containers for refund that you did not pay a deposit on in Georgia.

147 THE RIGHT to get your deposit refund in cash, without proof of purchase.

148 THE RIGHT to return your empties any day, any hour, except for the first and last hour of  
 149 the dealer's business day (empty containers may be redeemed at any time in 24 hour  
 150 stores).

151 THE RIGHT to return your containers if they are empty and intact. Washing containers is  
 152 not required by law, but is strongly recommended to maintain sanitary conditions.

153 These provisions can be enforced by the Georgia Department of Revenue.'

154 Such sign shall be no less than eight inches by ten inches in size and have lettering a  
 155 minimum of one-quarter inch high, and of a color which contrasts with the background.

156 The department shall maintain a toll-free telephone number for a 'bottle complaint line' that  
 157 shall be available from 9:00 A.M. to 5:00 P.M. each business day to receive reports of  
 158 violations of this chapter. The telephone number shall be listed on any sign required by  
 159 this Code section.

160 (c) On or after June 1, 2012, a dealer may limit the number of empty beverage containers  
 161 to be accepted for redemption at the dealer's place of business to no less than 72 containers  
 162 per visit, per redeemer, per day, provided that:

163 (1) The dealer has a written agreement with a redemption center, be it either at a fixed  
 164 physical location within the same county and within one-half mile of the dealer's place  
 165 of business, or a mobile redemption center, operated by a redemption center, that is  
 166 located within one-quarter mile of the dealer's place of business. The redemption center  
 167 shall have a written agreement with the dealer to accept containers on behalf of the  
 168 dealer; and the redemption center's hours of operation shall cover at least 9:00 A.M.  
 169 through 7:00 P.M. daily or in the case of a mobile redemption center, the hours of

170 operation shall cover at least four consecutive hours between 8:00 A.M. and 8:00 P.M.  
171 daily. The dealer shall post a conspicuous, permanent sign, meeting the size and color  
172 specifications set forth in subsection (b) of this Code section, open to public view,  
173 identifying the location and hours of operation of the affiliated redemption center or  
174 mobile redemption center;

175 (2) The dealer provides, at a minimum, a consecutive two-hour period between 7:00  
176 A.M. and 7:00 P.M. daily whereby the dealer will accept up to 240 containers, per  
177 redeemer, per day, and posts a conspicuous, permanent sign, meeting the size and color  
178 specifications set forth in subsection (b) of this Code section, open to public view,  
179 identifying those hours. The dealer shall not change the hours of redemption without first  
180 posting a 30 day notice; and

181 (3) The dealer's primary business is the sale of food or beverages for consumption off  
182 premises, and the dealer's place of business is less than 10,000 square feet in size.

183 (d) A deposit initiator shall accept from a dealer or operator of a redemption center any  
184 empty beverage container of the design, shape, size, color, composition, and brand sold or  
185 offered for sale by the deposit initiator and shall pay the dealer or operator of a redemption  
186 center the refund value of each such beverage container as established by Code Section  
187 10-16-3. A deposit initiator shall accept and redeem all such empty beverage containers  
188 from a dealer or redemption center without limitation on quantity.

189 (e) A deposit initiator's or distributor's failure to pick up empty beverage containers,  
190 including containers processed in a reverse vending machine, from a redemption center,  
191 dealer, or the operator of a reverse vending machine shall be a violation of this chapter.

192 (f) In addition to the refund value of a beverage container as established by Code Section  
193 10-16-3, a deposit initiator shall pay to any dealer or operator of a redemption center a  
194 handling fee of three and one-half cents for each beverage container accepted by the  
195 deposit initiator from such dealer or operator of a redemption center. Payment of the  
196 handling fee shall be as compensation for collecting, sorting, and packaging of empty  
197 beverage containers for transport back to the deposit initiator or its designee. Payment of  
198 the handling fee shall not be conditioned on the purchase of any goods or services, nor shall  
199 such payment be made out of the refund value account established pursuant to Code  
200 Section 10-16-7. A distributor who does not initiate deposits on a type of beverage  
201 container shall be considered a dealer only for the purpose of receiving a handling fee from  
202 a deposit initiator.

203 (g) A deposit initiator on a brand shall accept from a distributor who does not initiate  
204 deposits on that brand any empty beverage containers of that brand accepted by the  
205 distributor from a dealer or operator of a redemption center and shall reimburse the  
206 distributor the refund value of each such beverage container, as established by Code

207 Section 10-16-3. In addition, the deposit initiator shall reimburse such distributor for each  
208 such beverage container the handling fee established under subsection (f) of this Code  
209 section. Without limiting the rights of the department or any person, firm, or corporation  
210 under this subsection or any other provision of this Code section, a distributor shall have  
211 a civil right of action to enforce this subsection, including, upon three days notice, the right  
212 to apply for temporary and preliminary injunctive relief against continuing violations and  
213 until arrangements for collection and return of empty containers or reimbursement of such  
214 distributor for such deposits and handling fees are made.

215 (h) It shall be the responsibility of the deposit initiator or distributor to provide to a dealer  
216 or redemption center a sufficient number of bags, cartons, or other suitable containers, at  
217 no cost, for the packaging, handling, and pickup of empty beverage containers that are not  
218 redeemed through a reverse vending machine. The bags, cartons, or containers shall be  
219 provided by the deposit initiator or distributor on a schedule that allows the dealer or  
220 redemption center sufficient time to sort the empty beverage containers prior to pickup by  
221 the deposit initiator or distributor. In addition:

222 (1) When picking up empty beverage containers, a deposit initiator or distributor shall  
223 not require a dealer or redemption center to load their own bags, cartons, or containers  
224 onto or into the deposit initiator's or distributor's vehicle or vehicles or provide the staff  
225 or equipment needed to do so;

226 (2) A deposit initiator or distributor shall not require empty containers to be counted at  
227 a location other than the redemption center or dealer's place of business. The dealer or  
228 redemption center shall have the right to be present at the count; and

229 (3) A deposit initiator or distributor shall pick up empty beverage containers from the  
230 dealer or redemption center at reasonable times and intervals as determined in rules or  
231 regulations promulgated by the department.

232 (i) No person shall return or assist another to return to a dealer or redemption center an  
233 empty beverage container for its refund value if such container had previously been  
234 accepted for redemption by a dealer, redemption center, or deposit initiator who initiates  
235 deposits on beverage containers of the same brand.

236 (j) A redeemer, dealer, distributor, or redemption center shall not knowingly redeem an  
237 empty beverage container on which a deposit was never paid in Georgia.

238 (k) Notwithstanding the provisions of subsection (b) of Code Section 10-16-5, a deposit  
239 initiator or distributor shall accept and redeem beverage containers if the dealer or operator  
240 of a redemption center shall have accepted and paid the refund value of such beverage  
241 containers.

242 10-16-5.

243 (a) A dealer or operator of a redemption center may refuse to accept from a redeemer, and  
244 a deposit initiator or distributor may refuse to accept from a dealer or operator of a  
245 redemption center, any empty beverage container which does not state thereon a refund  
246 value as established by Code Section 10-16-3 and provided by Code Section 10-16-6.

247 (b) A dealer or operator of a redemption center may also refuse to accept any broken  
248 bottle, corroded or dismembered can, or any beverage container which contains a  
249 significant amount of foreign material, as determined in rules and regulations to be  
250 promulgated by the commissioner.

251 10-16-6.

252 (a) Every beverage container sold or offered for sale in this state by a distributor or dealer  
253 shall clearly indicate by permanently marking or embossing the container or by printing  
254 as part of the product label the refund value of the container and the words 'Georgia' or the  
255 letters 'GA'; provided, however, that in the case of private label beverages, such  
256 information may be embossed or printed on a label which is securely or permanently  
257 affixed to the beverage container. As used in this Code section, the term 'private label  
258 beverage' means beverages purchased from a beverage manufacturer in beverage containers  
259 bearing a brand name or trademark for sale at retail directly by the owner or licensee of  
260 such brand name or trademark or through retail dealers affiliated with such owner or  
261 licensee by a cooperative or franchise agreement.

262 (b) Such embossing or permanent imprinting on the beverage container shall be the  
263 responsibility of the person, firm, or corporation which bottles, cans, or otherwise fills or  
264 packages a beverage container or a brand owner for whose exclusive account private label  
265 beverages are bottled, canned, or otherwise packaged; provided, however, that the duly  
266 authorized agent of any such person, firm, or corporation may indicate such refund value  
267 by a label securely affixed on any beverage container containing beverages imported into  
268 the United States.

269 (c) No deposit initiator, distributor, or dealer shall sell or offer for sale, at wholesale or  
270 retail in this state, any metal beverage container designed and constructed with a part of the  
271 container which is detachable in opening the container unless such detachable part will  
272 decompose by photodegradation or biodegradation.

273 (d) No deposit initiator, distributor, or dealer shall sell or offer for sale in this state  
274 beverage containers connected to each other by a separate holding device constructed of  
275 plastic which does not decompose by photodegradation or biodegradation.

276 10-16-7.

277 (a) Each deposit initiator shall deposit in a refund value account an amount equal to the  
 278 refund value initiated under Code Section 10-16-3 which is received with respect to each  
 279 beverage container sold by such deposit initiator. Such deposit initiator shall hold the  
 280 amounts in the refund value account in trust for the state. A refund value account shall be  
 281 an interest-bearing account established in a banking institution located in this state, the  
 282 deposits in which are insured by an agency of the federal government. Deposits of such  
 283 amounts into the refund value account shall be made not less frequently than every five  
 284 business days. All interest, dividends, and returns earned on the refund value account shall  
 285 be paid directly into said account. The moneys in such accounts shall be kept separate and  
 286 apart from all other moneys in the possession of the deposit initiator. The commissioner  
 287 may specify a system of accounts and records to be maintained with respect to accounts  
 288 established under this subsection.

289 (b) Payments of refund values pursuant to Code Section 10-16-4 shall be paid from each  
 290 deposit initiator's refund value account. No other payment or withdrawal from such  
 291 account shall be made except as prescribed by this Code section.

292 (c) Each deposit initiator shall file quarterly reports with the commissioner on a form and  
 293 in the manner prescribed by the commissioner. The commissioner may require such  
 294 reports to be filed electronically. The quarterly reports required by this subsection shall be  
 295 filed for the quarterly periods ending on the last day of May, August, November, and  
 296 February of each year, and each such report shall be filed within 20 days after the end of  
 297 the quarterly period covered thereby. Each such report shall include all information the  
 298 commissioner shall determine appropriate, including, but not limited to, the following  
 299 information:

300 (1) The balance in the refund value account at the beginning of the quarter for which the  
 301 report is prepared;

302 (2) All such deposits credited to the refund value account and all interest, dividends, or  
 303 returns received on such account, during such quarter;

304 (3) All withdrawals from the refund value account during such quarter, including all  
 305 reimbursements paid pursuant to subsection (b) of this Code section, all service charges  
 306 on the account, and all payments made pursuant to subsection (d) of this Code section;  
 307 and

308 (4) The balance in the refund value account at the close of such quarter.

309 (d)(1) Quarterly payments. An amount equal to 80 percent of the balance outstanding in  
 310 the refund value account at the close of each quarter shall be paid to the commissioner  
 311 at the time the report provided for in subsection (c) of this Code section is required to be  
 312 filed. The commissioner may require that the payments be made electronically. The

313 remaining 20 percent of the balance outstanding at the close of each quarter shall be the  
314 moneys of the deposit initiator and may be withdrawn from such account by the deposit  
315 initiator. If the provisions of this Code section with respect to such account have not  
316 been fully complied with, each deposit initiator shall pay to the commissioner at such  
317 time, in lieu of the amount described in the preceding sentence, an amount equal to the  
318 balance which would have been outstanding on such date had such provisions been fully  
319 complied with. The commissioner may require that the payments be made electronically.

320 (2) Refund value account shortfall. In the event a deposit initiator pays out more in  
321 refund values than it collects in deposits of refund values during the course of a quarterly  
322 period as described in subsection (c) of this Code section, the deposit initiator may apply  
323 to the commissioner for a refund of the amount of such excess payment of refund values  
324 from sources other than the refund value account, in the manner as provided by the  
325 commissioner. A deposit initiator shall apply for a refund no later than 12 months after  
326 the due date for filing the quarterly report for the quarterly period for which the refund  
327 claim is made. No interest shall be payable for any refund paid pursuant to this  
328 paragraph.

329 (3) Final report. A deposit initiator who ceases to do business in this state as a deposit  
330 initiator shall file a final report and remit payment of 80 percent of all amounts remaining  
331 in the refund value account as of the close of the deposit initiator's last day of business.  
332 The commissioner may require that the payments be made electronically. The deposit  
333 initiator shall indicate on the report that it is a 'final report.' The final report shall be due  
334 to be filed with payment 20 days after the close of the quarterly period in which the  
335 deposit initiator ceases to do business. In the event the deposit initiator pays out more in  
336 refund values than it collects in such final quarterly period, the deposit initiator may  
337 apply to the commissioner for a refund of the amount of such excess payment of refund  
338 values from sources other than the refund value account, in the manner as provided by  
339 the commissioner.

340 (e) All moneys collected or received by the department pursuant to this chapter shall be  
341 deposited with such responsible banks or trust companies as may be designated by the  
342 commissioner. Such deposits shall be kept separate and apart from all other moneys in the  
343 possession of the commissioner. The commissioner shall require adequate security from  
344 all such depositories. Of the total revenue collected, the commissioner shall retain the  
345 amount determined by the commissioner to be necessary for refunds out of which the  
346 commissioner shall pay any refunds to which a deposit initiator may be entitled. After  
347 reserving the amount to pay refunds, the commissioner shall, by the tenth day of each  
348 month, pay into the state treasury to the credit of the general fund the revenue deposited  
349 under this subsection during the preceding calendar month.

350 (f) The commissioner shall promulgate such rules and regulations as may be necessary to  
351 effectuate the purposes of this chapter.

352 (g)(1) Any person who is a deposit initiator under this chapter before January 1, 2012,  
353 shall apply by June 1, 2012, to the commissioner for registration as a deposit initiator.  
354 Any person who becomes a deposit initiator on or after January 1, 2012, shall apply for  
355 registration prior to collecting any deposits as such a deposit initiator. Such application  
356 shall be in a form prescribed by the commissioner and shall require such information  
357 deemed to be necessary for proper administration of this chapter. The commissioner may  
358 require that applications for registration shall be submitted electronically. The  
359 commissioner shall electronically issue a deposit initiator registration certificate in a form  
360 prescribed by the commissioner within 15 days of receipt of such application. A  
361 registration certificate issued pursuant to this subsection may be issued for a specified  
362 term of not less than three years and shall be subject to renewal in accordance with  
363 procedures specified by the commissioner. The commissioner shall maintain a complete  
364 list of registered deposit initiators and shall continually update such list as warranted.

365 (2) The commissioner shall have the authority to revoke or refuse to renew any  
366 registration issued pursuant to this subsection when he or she has determined that any of  
367 the provisions of this chapter or rules and regulations promulgated thereunder have been  
368 violated. Such violations shall include, but not be limited to, the failure to file quarterly  
369 reports, the failure to make payments pursuant to this chapter, the providing of false or  
370 fraudulent information to the department, or knowingly aiding or abetting another person  
371 in violating any of the provisions of this chapter. A deposit initiator whose registration  
372 has been revoked or not renewed shall cease to do business as a deposit initiator in this  
373 state until this chapter has been complied with and a new registration has been issued.  
374 Any deposit initiator whose registration has been revoked shall not apply for registration  
375 for two years from the date such revocation takes effect.

376 (h) The commissioner may require the maintenance of such accounts, records, or  
377 documents relating to the sale of beverage containers by any deposit initiator, bottler,  
378 distributor, dealer, or redemption center as the commissioner may deem appropriate for the  
379 administration of this chapter. The commissioner may make examinations, including the  
380 conduct of facility inspections during regular business hours, with respect to the accounts,  
381 records, or documents required to be maintained under this chapter. Such accounts,  
382 records, and documents shall be preserved for a period of three years, except that the  
383 commissioner may require that they be kept longer. Such accounts, records, and documents  
384 may be kept within the meaning of this subsection when reproduced by any photographic,  
385 photostatic, microfilm, micro-card, miniature photographic, or other process which actually  
386 reproduces the original accounts, records, or documents.

387 (i)(1) Any person required to be registered under this chapter who, without being so  
 388 registered, sells or offers for sale beverage containers in this state, in addition to any other  
 389 penalty imposed by this chapter, shall be subject to a penalty to be assessed by the  
 390 commissioner in an amount not to exceed \$500.00 for the first day on which such sales  
 391 or offers for sale are made, plus an amount not to exceed \$500.00 for each subsequent  
 392 day on which such sales or offers for sale are made, not to exceed \$25,000.00 in the  
 393 aggregate.

394 (2) Any deposit initiator who fails to maintain accounts or records pursuant to this  
 395 chapter, unless it is shown that such failure was due to reasonable cause and not due to  
 396 negligence or willful neglect, in addition to any other penalty imposed by this chapter,  
 397 shall be subject to a penalty to be assessed by the commissioner of not more than  
 398 \$1,000.00 for each quarter during which such failure occurred and an additional penalty  
 399 of not more than \$1,000.00 for each quarter such failure continues.

400 (j) Beginning on January 1, 2012, each deposit initiator shall register the container label  
 401 of any beverage offered for sale in this state on which it initiates a deposit. Any such  
 402 registered container label shall bear a universal product code. Such universal product code  
 403 shall be Georgia specific, in order to identify the beverage container as offered for sale  
 404 exclusively in Georgia and as a means of preventing illegal redemption of beverage  
 405 containers purchased out of state. Registration shall be on forms as prescribed by the  
 406 department and shall include the universal product code for each combination of beverage  
 407 and container manufactured. The commissioner may require that such forms be filed  
 408 electronically. The deposit initiator shall renew a label registration whenever that label is  
 409 revised by altering the universal product code or whenever the container on which it  
 410 appears is changed in size, composition, or glass color.

411 10-16-8.

412 The commissioner shall be empowered to promulgate rules and regulations governing:

413 (1) The circumstances in which dealers and distributors, individually or collectively, are  
 414 required to accept the return of empty beverage containers and make payment therefor;

415 (2) The sorting of the containers which a deposit initiator or distributor may require of  
 416 dealers and redemption centers;

417 (3) The collection of returned beverage containers by deposit initiators or distributors,  
 418 including the party to whom such expense is to be charged, the frequency of such  
 419 pickups, and the payment for refunds and handling fees thereon;

420 (4) The right of dealers to restrict or limit the number of containers redeemed, the rules  
 421 for redemption at the dealers' place of business, and the redemption of containers from  
 422 a beverage for which sales have been discontinued and to issue permits to persons, firms,

423 or corporations which establish redemption centers, subject to applicable provisions of  
424 local and state laws, at which redeemers and dealers may return empty beverage  
425 containers and receive payment of the refund value of such beverage containers. No  
426 dealer or distributor shall be required to obtain a permit to operate a redemption center  
427 at the same location as the dealer's or distributor's place of business. Operators of such  
428 redemption centers shall receive payment of the refund value of each beverage container  
429 from the appropriate deposit initiator or distributor as provided under Code Section  
430 10-16-4.

431 10-16-9.

432 The commissioner shall establish a public education program to disseminate information  
433 regarding implementation of this chapter. Such information shall include, but not be  
434 limited to, publication of information specifying the procedures necessary to establish a  
435 redemption center; publication of information delineating the relevant rights and  
436 responsibilities of deposit initiators, distributors, dealers, redemption centers, and  
437 redeemers under the provisions of this chapter; publication of information regarding the  
438 requirement that deposit initiators register with the department; and publication of  
439 information on the general benefits of recycling."

440 **SECTION 2.**

441 This Act shall become effective on January 1, 2012.

442 **SECTION 3.**

443 All laws and parts of laws in conflict with this Act are repealed.