



General Assembly

**Amendment**

January Session, 2017

LCO No. 8088



Offered by:

REP. DEMICCO, 21<sup>st</sup> Dist.  
REP. MUSHINSKY, 85<sup>th</sup> Dist.  
REP. GRESKO, 121<sup>st</sup> Dist.

REP. URBAN, 43<sup>rd</sup> Dist.  
REP. FLOREN, 149<sup>th</sup> Dist.  
REP. LAVIELLE, 143<sup>rd</sup> Dist.

To: House Bill No. 5618

File No. 383

Cal. No. 278

**"AN ACT CONCERNING AN INCREASE IN THE HANDLING FEE FOR BOTTLE REDEMPTION CENTERS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 22a-243 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2017*):

5 For purposes of sections 22a-243 to 22a-245c, inclusive:

6 (1) "Carbonated beverage" means beer or other malt beverages, and  
7 mineral waters, soda water and similar carbonated soft drinks in liquid  
8 form and intended for human consumption;

9 (2) "Noncarbonated beverage" means juice, tea, sports drink or  
10 water, including flavored water, nutritionally enhanced water and any  
11 beverage that is identified through the use of letters, words or symbols  
12 on such beverage's product label as a type of juice, tea, sports drink or

13 water, but excluding [juice and] mineral water;

14 (3) "Beverage container" means the individual, separate, sealed  
15 glass, metal or plastic bottle, can, jar or carton containing a carbonated  
16 or noncarbonated beverage, but does not include a bottle, can, jar or  
17 carton (A) three liters or more in size if containing a noncarbonated  
18 beverage, or (B) made of high-density polyethylene;

19 (4) "Consumer" means every person who purchases a beverage in a  
20 beverage container for use or consumption;

21 (5) "Dealer" means every person who engages in the sale of  
22 beverages in beverage containers to a consumer;

23 (6) "Distributor" means every person who engages in the sale of  
24 beverages in beverage containers to a dealer in this state including any  
25 manufacturer who engages in such sale and includes a dealer who  
26 engages in the sale of beverages in beverage containers on which no  
27 deposit has been collected prior to retail sale;

28 (7) "Manufacturer" means every person bottling, canning or  
29 otherwise filling beverage containers for sale to distributors or dealers  
30 or, in the case of private label brands, the owner of the private label  
31 trademark;

32 (8) "Place of business of a dealer" means the fixed location at which  
33 a dealer sells or offers for sale beverages in beverage containers to  
34 consumers;

35 (9) "Redemption center" means any facility established to redeem  
36 empty beverage containers from consumers or to collect and sort  
37 empty beverage containers from dealers and to prepare such  
38 containers for redemption by the appropriate distributors;

39 (10) "Use or consumption" includes the exercise of any right or  
40 power over a beverage incident to the ownership thereof, other than  
41 the sale or the keeping or retention of a beverage for the purposes of  
42 sale;

43 (11) "Nonrefillable beverage container" means a beverage container  
44 which is not designed to be refilled and reused in its original shape;  
45 and

46 (12) "Deposit initiator" means the first distributor to collect the  
47 deposit on a beverage container sold to any person within this state.

48 Sec. 2. Subsection (d) of section 22a-245 of the general statutes is  
49 repealed and the following is substituted in lieu thereof (*Effective*  
50 *October 1, 2017*):

51 (d) In addition to the refund value of a beverage container, a  
52 distributor shall pay to any dealer or operator of a redemption center a  
53 handling fee of at least [one] three and one-half cents for each  
54 container of beer or other malt beverage and [two] three and one-half  
55 cents for each beverage container of mineral waters, soda water and  
56 similar carbonated soft drinks or noncarbonated beverage returned for  
57 redemption. A distributor shall not be required to pay to a  
58 manufacturer the refund value of a nonrefillable beverage container.

59 Sec. 3. Subsection (d) of section 22a-245a of the general statutes is  
60 repealed and the following is substituted in lieu thereof (*Effective*  
61 *October 1, 2017*):

62 (d) (1) On or before April 30, 2009, each deposit initiator shall pay  
63 the balance outstanding in the special account that is attributable to the  
64 period from December 1, 2008, to March 31, 2009, inclusive, to the  
65 Commissioner of Energy and Environmental Protection for deposit in  
66 the General Fund. Thereafter, the balance outstanding in the special  
67 account that is attributable to the immediately preceding calendar  
68 quarter shall be paid by the deposit initiator one month after the close  
69 of such quarter to the Commissioner of Energy and Environmental  
70 Protection for deposit in the General Fund. If the amount of the  
71 required payment pursuant to this subdivision is not paid by the date  
72 seven days after the due date, a penalty of ten per cent of the amount  
73 due shall be added to the amount due. The amount due shall bear  
74 interest at the rate of one and one-half per cent per month or fraction

75 thereof, from the due date. Any such penalty or interest shall not be  
76 paid from funds maintained in the special account.

77 (2) On or before October 31, 2010, each deposit initiator shall pay the  
78 balance outstanding in the special account that is attributable to the  
79 period from July 1, 2010, to September 30, 2010, inclusive, to the  
80 Commissioner of Revenue Services for deposit in the General Fund.  
81 [Subsequently] Until October 1, 2017, the balance outstanding in the  
82 special account that is attributable to the immediately preceding  
83 calendar quarter shall be paid by the deposit initiator on or before the  
84 last day of the month next succeeding the close of such quarter to the  
85 Commissioner of Revenue Services for deposit in the General Fund.  
86 On and after October 1, 2017, eighty per cent of the balance  
87 outstanding in the special account that is attributable to the  
88 immediately preceding calendar quarter shall be paid by the deposit  
89 initiator on or before the last day of the month next succeeding the  
90 close of such quarter to the Commissioner of Revenue Services for  
91 deposit in the General Fund. If the amount of the required payment  
92 pursuant to this subdivision is not paid on or before the due date, a  
93 penalty of ten per cent of the amount due and unpaid, or fifty dollars,  
94 whichever is greater, shall be imposed. The amount due and unpaid  
95 shall bear interest at the rate of one per cent per month or fraction  
96 thereof, from the due date. Any such penalty or interest shall not be  
97 paid from funds maintained in such special account. Such required  
98 payment shall be made by electronic funds transfer to the  
99 Commissioner of Revenue Services, in the manner provided by  
100 chapter 228g."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2017	22a-243
Sec. 2	October 1, 2017	22a-245(d)
Sec. 3	October 1, 2017	22a-245a(d)