

HOUSE BILL 2

IN THE HOUSE

February 15, 1979	Introduced and referred to Committee on Natural Resources.
February 20, 1979	Committee recommend bill, do pass.
February 21, 1979	Printed and placed on members' desks.
February 22, 1979	Second reading, do pass, as amended.
February 23, 1979	Third reading, not passed.

1 STATEMENT OF INTENT RE: HB 2

2

3

4 The intent of this act is to cause maximum return of  
5 beverage containers with minimum adverse impact on  
6 consumers, retailers, and distributors. A retailer should be  
7 allowed the discretion to refuse redemption of an otherwise  
8 acceptable container where (a) a redemption center exists  
9 with its primary purpose to redeem single metal containers  
10 in a manner convenient to consumers, and (b) a container is  
11 offered in a clearly unsanitary condition and the retailer  
12 judges its acceptance would create a health hazard. A  
13 distributor may under no circumstance refuse redemption of a  
14 beverage container meeting specifications, but may establish  
15 means of reimbursing retailers and redemption centers  
16 electing to retain redeemed containers together with such  
17 verification as is necessary to insure that such retained  
18 containers are not reredeemed. The educational program  
19 should use only existing state informational materials  
20 unless the department concludes that supplemental materials  
21 are necessary to explain the purpose of the deposit and the  
22 manner by which containers can be redeemed.

23 First adopted by the HOUSE COMMITTEE ON NATURAL  
24 RESOURCES on February 20, 1979.

HB 2

1 HOUSE BILL NO. 2  
 2 INTRODUCED BY VINCENT Kessler Waldron Wade Hummer  
 3 Gezek Pulver Kammer Huerfener

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH REFUND  
 5 VALUES FOR BEVERAGE CONTAINERS SOLD IN MONTANA, LABELING  
 6 REQUIREMENTS FOR BEVERAGE CONTAINERS, REQUIREMENTS FOR  
 7 REDEMPTION CENTERS, RETAILERS, AND DISTRIBUTORS AND THE  
 8 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES; PROVIDING  
 9 FOR VIOLATIONS AND PROVIDING AN EFFECTIVE DATE."

10  
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Short title. [This act] may be cited as the  
 13 "Montana Beverage Container Reuse and Recycling Act".

14 Section 2. Purpose. The purposes of [this act] are to:

15 (1) facilitate the recycling and reuse of beverage  
 16 containers used in this state;

17 (2) promote citizen participation in reducing wasteful  
 18 use of material and energy resources; and

19 (3) reduce beverage container litter and disposal  
 20 costs.

21 Section 3. Definitions. As used in [this act], unless  
 22 the context indicates otherwise, the following definitions  
 23 apply:

24 (1) "Beverage" means beer or other malt beverages,  
 25 mineral waters, soda water, tea, and carbonated soft drinks

1 in liquid form and intended for human consumption.

2 (2) "Beverage container" means the individual,  
 3 separate, sealed glass, metal, or plastic bottle, can, jar,  
 4 or carton containing a beverage.

5 (3) "Bottler" means a person who bottles, cans, or  
 6 otherwise fills beverage containers for sale to distributors  
 7 or retailers in this state.

8 (4) "Consumer" means a person who purchases a beverage  
 9 in a beverage container for use or consumption.

10 (5) "Department" means the department of health and  
 11 environmental sciences.

12 (6) "Deposit" means the amount collected upon sale of  
 13 a beverage in a beverage container to be refunded upon  
 14 return of the container.

15 (7) "Distributor" means a person who engages in the  
 16 sale of beverages in beverage containers to distributors or  
 17 retailers in this state.

18 (8) "Redemption center" means an operation established  
 19 pursuant to [section 7] where any person may obtain the  
 20 refund value for a beverage container.

21 (9) "Retailer" means a person who engages in the sale  
 22 of beverages in beverage containers to consumers.

23 (10) "Single-metal beverage container" means a beverage  
 24 container comprised 99.5% or more by weight of one metal.

25 Section 4. Refund value required. Each beverage

1 container sold or offered for sale in this state shall have  
 2 a refund value of not less than 10 cents. This refund value  
 3 shall be determined by the bottler according to the type,  
 4 kind, and size of the beverage container. A metal beverage  
 5 container retains its refund value even if flattened,  
 6 crushed, or otherwise bent, provided that the label provided  
 7 for in [section 6] is visible.

8 Section 5. Notice of refunds on vending machines.  
 9 Every operator of a vending machine that sells beverages in  
 10 beverage containers shall post a conspicuous notice on each  
 11 vending machine indicating that a refund value of not less  
 12 than 10 cents is available on each beverage container  
 13 purchased and specifying the nearest location where refunds  
 14 may be obtained.

15 Section 6. Labeling. (1) Except as provided in  
 16 subsection (2), the word "Montana", the phrase "Return for  
 17 Deposit", and the refund value shall be clearly indicated on  
 18 every beverage container sold or offered for sale in this  
 19 state in letters and numerals not less than one-fourth of an  
 20 inch in height. The information required by this section  
 21 shall be firmly affixed to the beverage container, may not  
 22 be indicated on the bottom of the container, and shall be  
 23 embossed or stamped on the top of metal beverage containers.

24 (2) Any type of glass beverage container having a  
 25 refund value of not less than 10 cents prior to [the

1 effective date of this act] and having a brand name  
 2 permanently marked thereon is not required to indicate the  
 3 refund value under subsection (1).

4 Section 7. Redemption center establishment and  
 5 requirements. (1) To facilitate the return and recycling of  
 6 beverage containers, any person may establish a redemption  
 7 center by complying with this section.

8 (2) A redemption center may not refuse to accept from  
 9 any consumer or to pay in cash the refund value for any  
 10 single-metal beverage container that is empty and labeled as  
 11 provided for in [section 6]. A redemption center may elect  
 12 to accept beverage containers other than single-metal  
 13 containers.

14 (3) A redemption center shall file a statement with  
 15 the department specifying the name, location, address, and  
 16 owner of the center and all retailers served by the center  
 17 and shall notify the department and each retailer the center  
 18 serves at least 30 days prior to ceasing operations.

19 Section 8. Retailer requirements. (1) Except as  
 20 provided in subsections (2) and (3), a retailer may not  
 21 refuse to accept from any consumer or to pay in cash the  
 22 refund value for any beverage container that is:

- 23 (a) empty, reasonably clean, and unbroken;  
 24 (b) labeled as provided for in [section 6];  
 25 (c) of the kind, size, and brand sold by the retailer;

1 and

2 (d) presented to the retailer at the retailer's place  
3 of business.

4 (2) A retailer selling a beverage in a beverage  
5 container solely for consumption on the premises of the  
6 retailer may choose not to charge a deposit at the time of  
7 sale and, if so choosing, is not required to pay a refund  
8 for accepting the container back.

9 (3) If a retailer's place of business is located  
10 within a municipality in which a redemption center is  
11 located or within a 5-mile radius of a redemption center,  
12 the retailer may refuse to accept or to pay the refund value  
13 of a single-metal beverage container.

14 (4) A retailer served by a redemption center or  
15 centers shall prominently display the location and hours of  
16 operation of each such redemption center.

17 Section 9. Distributor requirements. (1) A distributor  
18 may not refuse to accept from any retailer or redemption  
19 center or to pay the refund value for all beverage  
20 containers that are:

- 21 (a) empty, reasonably clean, and unbroken;  
22 (b) labeled as provided for in [section 6];  
23 (c) of the kind, size, and brand sold by the  
24 distributor;  
25 (d) presented for collection at the retailer's or

1 redemption center's place of business; and

2 (e) accounted and billed for by the retailer or  
3 redemption center.

4 (2) The distributor shall remit payment under  
5 subsection (1) within 14 days of the receipt of reasonable  
6 verification as provided for in subsection (4)(a).

7 (3) In addition to the payment of the refund value,  
8 the distributor shall reimburse the retailer or redemption  
9 center for the cost of handling at least:

10 (a) 2 cents per redeemed container until July 1, 1981;  
11 and

12 (b) 1 cent per redeemed container after July 1, 1981.

13 (4) A distributor is entitled to:

14 (a) written or personal verification, at the  
15 distributor's request, from a retailer or redemption center  
16 accounting for all beverage containers billed for but not  
17 returned to the distributor; and

18 (b) unclaimed deposits.

19 Section 10. Department requirements. To encourage the  
20 return of beverage containers as established by [this act]  
21 and to acquaint the citizens of and visitors to Montana with  
22 [this act], the department shall:

23 (1) utilize, whenever appropriate, existing  
24 information materials of the department and recommend to  
25 other state agencies complementary utilization of similar

1 materials. Such information materials may include but are  
2 not limited to road maps, travel pamphlets, promotional  
3 materials, and materials normally distributed to educational  
4 institutions.

5 (2) maintain a current list of all redemption centers  
6 and the retailers they serve and distribute such list to any  
7 person upon request;

8 (3) investigate, for the purposes of enforcing [this  
9 act], any reasonable complaint against a retailer,  
10 redemption center, distributor, or bottler.

11 Section 11. Violations. A violation of [this act] is a  
12 misdemeanor. Each day on which a violation occurs is a  
13 separate offense.

14 Section 12. Severability. If a part of this act is  
15 invalid, all valid parts that are severable from the invalid  
16 part remain in effect. If a part of this act is invalid in  
17 one or more of its applications, the part remains in effect  
18 in all valid applications that are severable from the  
19 invalid applications.

20 Section 13. Effective date. This act is effective July  
21 1, 1980, except that redemption centers as provided for in  
22 [section 7] may be established prior to that date.

-End-

SECOND READING

MISSING

1 HOUSE BILL NO. 2  
 2 INTRODUCED BY VINCENT, KESSLER, WALDRON, UMDE,  
 3 DUSSAULT, GESEK, PALMER, KEMMIS, HUENNEKENS  
 4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH REFUND  
 6 VALUES FOR BEVERAGE CONTAINERS SOLD IN MONTANA, LABELING  
 7 REQUIREMENTS FOR BEVERAGE CONTAINERS, REQUIREMENTS FOR  
 8 REDEMPTION CENTERS, RETAILERS, AND DISTRIBUTORS AND THE  
 9 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES; PROVIDING  
 10 FOR VIOLATIONS AND PROVIDING AN EFFECTIVE DATE."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Short title. [This act] may be cited as the  
13 "Montana Beverage Container Reuse and Recycling Act".

14 Section 2. Purpose. The purposes of [this act] are to:

- 15 (1) facilitate the recycling and reuse of beverage
- 16 containers used in this state;
- 17 (2) promote citizen participation in reducing wasteful
- 18 use of material and energy resources; and
- 19 (3) reduce beverage container litter and disposal
- 20 costs.

21 Section 3. Definitions. As used in [this act], unless  
22 the context indicates otherwise, the following definitions  
23 apply:

- 24 (1) "Beverage" means beer or other malt beverages,

1 mineral waters, soda water, tea, and carbonated soft drinks  
2 in liquid form and intended for human consumption.

3 (2) "Beverage container" means the individual,  
4 separate, sealed glass, metal, or plastic bottle, can, jar,  
5 or carton containing a beverage.

6 (3) "Bottler" means a person who bottles, cans, or  
7 otherwise fills beverage containers for sale to distributors  
8 or retailers in this state.

9 (4) "Consumer" means a person who purchases a beverage  
10 in a beverage container for use or consumption.

11 (5) "Department" means the department of health and  
12 environmental sciences.

13 (6) "Deposit" means the amount collected upon sale of  
14 a beverage in a beverage container to be refunded upon  
15 return of the container.

16 (7) "Distributor" means a person who engages in the  
17 sale of beverages in beverage containers to distributors or  
18 retailers in this state.

19 (8) "Redemption center" means an operation established  
20 pursuant to [section 7] where any person may obtain the  
21 refund value for a beverage container.

22 (9) "Retailer" means a person who engages in the sale  
23 of beverages in beverage containers to consumers.

24 (10) "Single-metal beverage container" means a beverage  
25 container comprised 99.5% or more by weight of one metal.



1 Section 4. Refund value required. Each beverage  
2 container sold or offered for sale in this state shall have  
3 a refund value of not less than 10 cents. This refund value  
4 shall be determined by the bottler according to the type,  
5 kind, and size of the beverage container. A metal beverage  
6 container retains its refund value even if flattened,  
7 crushed, or otherwise bent, provided that the label provided  
8 for in [section 6] is visible.

9 Section 5. Notice of refunds on vending machines.  
10 Every operator of a vending machine that sells beverages in  
11 beverage containers shall post a conspicuous notice on each  
12 vending machine indicating that a refund value of not less  
13 than 10 cents is available on each beverage container  
14 purchased and specifying the nearest location where refunds  
15 may be obtained.

16 Section 6. Labeling. (1) Except as provided in  
17 subsection (2), the word "Montana", the phrase "Return for  
18 Deposit", and the refund value shall be clearly indicated on  
19 every beverage container sold or offered for sale in this  
20 state in letters and numerals not less than one-fourth of an  
21 inch in height. The information required by this section  
22 shall be firmly affixed to the beverage container, may not  
23 be indicated on the bottom of the container, and shall be  
24 embossed or stamped on the top of metal beverage containers.

25 (2) Any type of glass beverage container having a

1 refund value of not less than 10 cents prior to [the  
2 effective date of this act] and having a brand name  
3 permanently marked thereon is not required to indicate the  
4 refund value under subsection (1).

5 Section 7. Redemption center establishment and  
6 requirements. (1) To facilitate the return and recycling of  
7 beverage containers, any person may establish a redemption  
8 center by complying with this section.

9 (2) A redemption center may not refuse to accept from  
10 any consumer or to pay in cash the refund value for any  
11 single-metal beverage container that is empty and labeled as  
12 provided for in [section 6]. A redemption center may elect  
13 to accept beverage containers other than single-metal  
14 containers.

15 (3) A redemption center shall file a statement with  
16 the department specifying the name, location, address, and  
17 owner of the center and all retailers served by the center  
18 and shall notify the department and each retailer the center  
19 serves at least 30 days prior to ceasing operations.

20 Section 8. Retailer requirements. (1) Except as  
21 provided in subsections (2) and (3), a retailer may not  
22 refuse to accept from any consumer or to pay in cash the  
23 refund value for any beverage container that is:

- 24 (a) empty, reasonably clean, and unbroken;  
25 (b) labeled as provided for in [section 6];

1 (c) of the kind, size, and brand sold by the retailer;  
 2 and

3 (d) presented to the retailer at the retailer's place  
 4 of business.

5 (2) A retailer selling a beverage in a beverage  
 6 container solely for consumption on the premises of the  
 7 retailer may choose not to charge a deposit at the time of  
 8 sale and, if so choosing, is not required to pay a refund  
 9 for accepting the container back.

10 (3) If a retailer's place of business is located  
 11 within a municipality in which a redemption center is  
 12 located or within a 5-mile radius of a redemption center,  
 13 the retailer may refuse to accept or to pay the refund value  
 14 of a single-metal beverage container.

15 (4) A retailer served by a redemption center or  
 16 centers shall prominently display the location and hours of  
 17 operation of each such redemption center.

18 Section 9. Distributor requirements. (1) A distributor  
 19 may not refuse to accept from any retailer or redemption  
 20 center or to pay the refund value for all beverage  
 21 containers that are:

- 22 (a) empty, reasonably clean, and unbroken;
- 23 (b) labeled as provided for in [section 6];
- 24 (c) of the kind, size, and brand sold by the  
 25 distributor;

1 (d) presented for collection at the retailer's or  
 2 redemption center's place of business; and

3 (e) accounted and billed for by the retailer or  
 4 redemption center.

5 (2) The distributor shall remit payment under  
 6 subsection (1) within 14 days of the receipt of reasonable  
 7 verification as provided for in subsection (4)(a).

8 (3) In addition to the payment of the refund value,  
 9 the distributor shall reimburse the retailer or redemption  
 10 center for the cost of handling at least:

11 (a) 2 cents per redeemed container until July 1, 1981;  
 12 and

13 (b) 1 cent per redeemed container after July 1, 1981.

14 (4) A distributor is entitled to:  
 15 (a) written or personal verification, at the  
 16 distributor's request, from a retailer or redemption center  
 17 accounting for all beverage containers billed for but not  
 18 returned to the distributor; and

19 (b) unclaimed deposits.

20 Section 10. Department requirements. To encourage the  
 21 return of beverage containers as established by [this act]  
 22 and to acquaint the citizens of and visitors to Montana with  
 23 [this act], the department shall:

- 24 (1) utilize, whenever appropriate, existing  
 25 information materials of the department and recommend to

1 other state agencies complementary utilization of similar  
2 materials. Such information materials may include but are  
3 not limited to road maps, travel pamphlets, promotional  
4 materials, and materials normally distributed to educational  
5 institutions.

6 (2) maintain a current list of all redemption centers  
7 and the retailers they serve and distribute such list to any  
8 person upon request;

9 (3) investigate, for the purposes of enforcing [this  
10 act], any reasonable complaint against a retailer,  
11 redemption center, distributor, or bottler.

12 Section 11. Violations. A violation of [this act] is a  
13 misdemeanor. Each day on which a violation occurs is a  
14 separate offense.

15 Section 12. Severability. If a part of this act is  
16 invalid, all valid parts that are severable from the invalid  
17 part remain in effect. If a part of this act is invalid in  
18 one or more of its applications, the part remains in effect  
19 in all valid applications that are severable from the  
20 invalid applications.

21 Section 13. Effective date. This act is effective July  
22 1, 1980, except that redemption centers as provided for in  
23 [section 7] may be established prior to that date.

-End-

1 HOUSE BILL NO. 2  
 2 INTRODUCED BY VINCENT, KESSLER, WALDRON, UMDE,  
 3 DUSSAULT, GESEK, PALMER, KEMMIS, HUENNEKENS  
 4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH REFUND  
 6 VALUES FOR BEVERAGE CONTAINERS SOLD IN MONTANA, LABELING  
 7 REQUIREMENTS FOR BEVERAGE CONTAINERS, REQUIREMENTS FOR  
 8 REDEMPTION CENTERS, RETAILERS, AND DISTRIBUTORS AND THE  
 9 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES; PROVIDING  
 10 FOR VIOLATIONS AND PROVIDING AN EFFECTIVE DATE."  
 11  
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 13 Section 1. Short title. [This act] may be cited as the  
 14 "Montana Beverage Container Reuse and Recycling Act".  
 15 Section 2. Purpose. The purposes of [this act] are to:  
 16 (1) facilitate the recycling and reuse of beverage  
 17 containers used in this state;  
 18 (2) promote citizen participation in reducing wasteful  
 19 use of material and energy resources; and  
 20 (3) reduce beverage container litter and disposal  
 21 costs.  
 22 Section 3. Definitions. As used in [this act], unless  
 23 the context indicates otherwise, the following definitions  
 24 apply:  
 25 (1) "Beverage" means beer or other malt beverages,

1 mineral waters, soda water, tea, and carbonated soft drinks  
 2 in liquid form and intended for human consumption.  
 3 (2) "Beverage container" means the individual,  
 4 separate, sealed glass, metal, or plastic bottle, can, jar,  
 5 or carton containing a beverage.  
 6 (3) "Bottler" means a person who bottles, cans, or  
 7 otherwise fills beverage containers for sale to distributors  
 8 or retailers in this state.  
 9 (4) "Consumer" means a person who purchases a beverage  
 10 in a beverage container for use or consumption.  
 11 (5) "Department" means the department of health and  
 12 environmental sciences.  
 13 (6) "Deposit" means the amount collected upon sale of  
 14 a beverage in a beverage container to be refunded upon  
 15 return of the container.  
 16 (7) "Distributor" means a person who engages in the  
 17 sale of beverages in beverage containers to distributors or  
 18 retailers in this state.  
 19 (8) "Redemption center" means an operation established  
 20 pursuant to [section 7] where any person may obtain the  
 21 refund value for a beverage container.  
 22 (9) "Retailer" means a person who engages in the sale  
 23 of beverages in beverage containers to consumers.  
 24 (10) "Single-metal beverage container" means a beverage  
 25 container comprised 99.5% or more by weight of one metal.

1 Section 4. Refund value required. Each beverage  
 2 container sold or offered for sale in this state shall have  
 3 a refund value of not less than 10 cents. This refund value  
 4 shall be determined by the bottler according to the type,  
 5 kind, and size of the beverage container. A metal beverage  
 6 container retains its refund value even if flattened,  
 7 crushed, or otherwise bent, provided that the label provided  
 8 for in [section 6] is visible.

9 Section 5. Notice of refunds on vending machines.  
 10 Every operator of a vending machine that sells beverages in  
 11 beverage containers shall post a conspicuous notice on each  
 12 vending machine indicating that a refund value of not less  
 13 than 10 cents is available on each beverage container  
 14 purchased and specifying the nearest location where refunds  
 15 may be obtained.

16 Section 6. Labeling. (1) Except as provided in  
 17 subsection (2), the word "Montana", the phrase "Return for  
 18 Deposit", and the refund value shall be clearly indicated on  
 19 every beverage container sold or offered for sale in this  
 20 state in letters and numerals not less than one-fourth of an  
 21 inch in height. The information required by this section  
 22 shall be firmly affixed to the beverage container, may not  
 23 be indicated on the bottom of the container, and shall be  
 24 embossed or stamped on the top of metal beverage containers.

25 (2) Any type of glass beverage container having a

1 refund value of not less than 10 cents prior to [the  
 2 effective date of this act] and having a brand name  
 3 permanently marked thereon is not required to indicate the  
 4 refund value under subsection (1).

5 Section 7. Redemption center establishment and  
 6 requirements. (1) To facilitate the return and recycling of  
 7 beverage containers, any person may establish a redemption  
 8 center by complying with this section.

9 (2) A redemption center may not refuse to accept from  
 10 any consumer or to pay in cash the refund value for any  
 11 single-metal beverage container that is empty and labeled as  
 12 provided for in [section 6]. A redemption center may elect  
 13 to accept beverage containers other than single-metal  
 14 containers.

15 (3) A redemption center shall file a statement with  
 16 the department specifying the name, location, address, and  
 17 owner of the center and all retailers served by the center  
 18 and shall notify the department and each retailer the center  
 19 serves at least 30 days prior to ceasing operations.

20 Section 8. Retailer requirements. (1) Except as  
 21 provided in subsections (2) and (3), a retailer may not  
 22 refuse to accept from any consumer or to pay in cash the  
 23 refund value for any beverage container that is:

- 24 (a) empty, reasonably clean, and unbroken;  
 25 (b) labeled as provided for in [section 6];

1 (c) of the kind, size, and brand sold by the retailer;  
 2 and

3 (d) presented to the retailer at the retailer's place  
 4 of business.

5 (2) A retailer selling a beverage in a beverage  
 6 container solely for consumption on the premises of the  
 7 retailer may choose not to charge a deposit at the time of  
 8 sale and, if so choosing, is not required to pay a refund  
 9 for accepting the container back.

10 (3) If a retailer's place of business is located  
 11 within a municipality in which a redemption center is  
 12 located or within a 5-mile radius of a redemption center,  
 13 the retailer may refuse to accept or to pay the refund value  
 14 of a single-metal beverage container.

15 (4) A retailer served by a redemption center or  
 16 centers shall prominently display the location and hours of  
 17 operation of each such redemption center.

18 Section 9. Distributor requirements. (1) A distributor  
 19 may not refuse to accept from any retailer or redemption  
 20 center or to pay the refund value for all beverage  
 21 containers that are:

- 22 (a) empty, reasonably clean, and unbroken;
- 23 (b) labeled as provided for in [section 6];
- 24 (c) of the kind, size, and brand sold by the  
 25 distributor;

1 (d) presented for collection at the retailer's or  
 2 redemption center's place of business; and

3 (e) accounted and billed for by the retailer or  
 4 redemption center.

5 (2) The distributor shall remit payment under  
 6 subsection (1) within ~~14~~ 1 days of the receipt of reasonable  
 7 verification as provided for in subsection (4)(a).

8 (3) In addition to the payment of the refund value,  
 9 the distributor shall reimburse the retailer or redemption  
 10 center for the cost of handling at least:

11 (a) 2 cents per redeemed container until July 1, 1981;  
 12 and

13 (b) 1 cent per redeemed container after July 1, 1981.

14 (4) A distributor is entitled to:

15 (a) written or personal verification, at the  
 16 distributor's request, from a retailer or redemption center  
 17 accounting for all beverage containers billed for but not  
 18 returned to the distributor; and

19 (b) unclaimed deposits.

20 Section 10. Department requirements. ~~11~~ To encourage  
 21 the return of beverage containers as established by [this  
 22 act] and to acquaint the citizens of and visitors to Montana  
 23 with [this act], the department shall:

24 ~~{}~~ ~~1A~~ utilize, whenever appropriate, existing  
 25 information materials of the department and recommend to

1 other state agencies complementary utilization of similar  
2 materials. Such information materials may include but are  
3 not limited to road maps, travel pamphlets, promotional  
4 materials, and materials normally distributed to educational  
5 institutions.

6 ~~†2†(B)~~ maintain a current list of all redemption  
7 centers and the retailers they serve and distribute such  
8 list to any person upon request;

9 ~~†3†(C)~~ investigate, for the purposes of enforcing  
10 [this act], any reasonable complaint against a retailer,  
11 redemption center, distributor, or bottler.

12 (2) THE DEPARTMENT MAY ADOPT RULES TO ADMINISTER AND  
13 ENFORCE [THIS ACT].

14 Section 11. Violations. A violation of [this act] is a  
15 misdemeanor. Each day on which a violation occurs is a  
16 separate offense.

17 Section 12. Severability. If a part of this act is  
18 invalid, all valid parts that are severable from the invalid  
19 part remain in effect. If a part of this act is invalid in  
20 one or more of its applications, the part remains in effect  
21 in all valid applications that are severable from the  
22 invalid applications.

23 Section 13. Effective date. This act is effective July  
24 1, 1980, except that redemption centers as provided for in  
25 [section 7] may be established prior to that date.

-End-

-7-

HB 2