PART II: DEPOSIT.

§ 201. This section would impose the deposit requirement proposed in the Task Force recommendation. By virtue of the definitions of "consumer" and "dealer," the deposit would be imposed only at the retail level of trade, as the Task Force recommended. Read together with § 202, this section would require every included transaction to include a deposit of at least five cents, to be held by the dealer until the container is returned. Once the container has been returned, the deposit is returned in full. Consequently, this section would not impose a tax or charge or other payment which is permanently transfered from one pocket to another in violation of § 27 of the Environmental Protection Act. The regulation would leave to the operation of the free market, and the economic self-interest of the parties, development of relationships between dealers, distributors, bottlers, and manufacturers. Since the point of the proposed regulation is to get containers back to a point in the distribution system where they can be recycled and where they will not be littered, the public interest is satisfied when the return to the dealer occurs.

§ 202. This section sets forth the specific obligations of the dealer at the time of the sale to collect the deposit, and to promise to accept the return of empty containers and return the deposits. The dealer need only accept containers sold by him. Any obligation to accept any container, regardless of origin, might impose disproportionate burdens on some dealers. However, the dealer's right to reject empty containers would be subject to the burden of proof provision of § 205.

§ 203. This section sets forth the specific obligations of the dealer at the time of return, to accept containers offered for return, and to return the deposits which he is holding. The proposal would impose a deposit--a form of security or collateral--to induce consumers to return empty containers. When the return occurs, the collateral must be returned in full. The returns must be accepted from "any person," a class larger than the class of the purchasers. This would permit the practice of group and charitable collections and returns. The consumer need not return the containers in person; the deposit will be paid to whomever makes the return.