

California Code of Regulations, Title 14, Division 2, Chapter 5, Subchapter 11.1 (excerpt):

§ 2830. DEFINITIONS

(a) Notwithstanding the definitions provided in the California Beverage Container Recycling and Litter Reduction Act and Section 2000 of these regulations, the following definitions shall apply whenever the terms are used in this subchapter.

- (1) "Empty beverage container material" means glass, plastic, aluminum or bimetal beverage containers or pieces of beverage containers, whether or not they are labeled with the message required in Section 14561 of the Act, that:
 - (A) Have the seal or closure installed by the manufacturer broken or removed; and
 - (B) Are imported into this State.
- (2) "Imported Material Report" means the report required by Section 2835 of these regulations.
- (3) "Persons importing empty beverage container material" means any person bringing or transporting empty beverage container material into this State and any persons responsible for hiring, paying, directing, contributing to, participating in, or otherwise influencing others to bring or transport empty beverage container material into this State.
- (4) "Persons receiving imported empty beverage container material" means any person that takes delivery of empty beverage container material that was imported into this State and any persons responsible for hiring, paying, directing, contributing to, participating in, or otherwise influencing others to take delivery of empty beverage container material imported into this State.
- (5) "Proof of inspection" means a written document issued by a California Department of Food and Agriculture inspector, Division staff person, law enforcement officer, or other appropriate official after a load of empty beverage container material passes inspection for entry into this State.

Authority: Sections 14530.5(b), 14536, 14596, and 14599, Public Resources Code. Reference: Sections 14512, 14536.5, 14553(b), 14561, 14595, 14595 – 149599. Public Resources Code.

Public Resources Code – Division 12.1, California Beverage Container Recycling and Litter Reduction Act § 14596:

(a) Any person importing more than 25 pounds of empty aluminum, bimetal, or plastic beverage container material, or more than 250 pounds of empty glass beverage container material, into the state, shall report the material to the department and provide the department with all of the following:

- (1) Documentation on the source of the material.
- (2) Documentation on the destination of the material.
- (3) Any other information deemed necessary by the department as it relates to the importation of empty beverage container material.
- (4) An opportunity for inspection, in accordance with the regulations adopted by the department.

(b) (1)(A) In addition to inspections required by the regulations adopted by the department pursuant to subdivision (a), a vehicle entering the state that contains more than 25 pounds of empty beverage container material shall pass through the nearest plant quarantine inspection station maintained pursuant to Section 5341 of the Food and Agricultural Code, and shall obtain proof of inspection from the department.

(B) The department may enter into an interagency agreement with the Department of Food and Agriculture to implement the requirements of this subdivision.

(2) The operator of a vehicle that contains more than 25 pounds of empty beverage container material is in violation of this chapter if the operator does any of the following:

- (A) Fails to stop the vehicle at a plant quarantine inspection station.
- (B) Willfully avoids a plant quarantine inspection station.
- (C) Fails to stop upon demand of a clearly identified plant quarantine inspection station officer, an officer of the California Highway Patrol, or an officer of a state or local law enforcement agency, when the officer orders the operator to stop for the purpose of determining whether this operator is in violation of this section.

(c) The department may impose civil penalties pursuant to Section 14591.1 or take disciplinary action pursuant to Section 14591.2 for a violation of this section.

(d) Subdivision (c) does not prohibit the imposition of a criminal penalty pursuant to subdivision (a) of Section 14591 for a violation of subdivision (b). A second or subsequent violation of subdivision (b) within three years of a prior conviction of a violation of subdivision (b) shall be punishable as a misdemeanor.

Amended by Chapter 540, Statutes of 2012 (AB 1933); effective September 25, 2012)