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HEALTH AND SAFETY CODE - HSC

DIVISION 20. MISCELLANEOUS HEALTH AND SAFETY PROVISIONS [24000 - 27007] (*Division 20 enacted by Stats. 1939, Ch. 60.*)

CHAPTER 22. Trash Receptacles and Storage Containers [26275- 26275.] (*Chapter 22 added by Stats. 2022, Ch. 244, Sec. 2.*)

26275. (a) (1) A manufacturer who sells or provides for compensation a trash receptacle or storage container that is on a roadway or the curb of a roadway in order to be emptied or picked up shall mark the trash receptacle or storage container with a reflector on each side. This paragraph applies to any trash receptacle or storage container marketed for sale on and after January 1, 2025, as well as any trash receptacle or storage container that was manufactured before January 1, 2025, that remains under the ownership of the manufacturer as of January 1, 2025.

(2) (A) An owner, other than a manufacturer, of a trash receptacle or storage container that is on a roadway or the curb of a roadway in order to be emptied or picked up shall mark the trash receptacle or storage container with a reflector on each side. This paragraph applies to any trash receptacle or storage container purchased before, on, or after January 1, 2026.

(B) Notwithstanding subdivision (g), this paragraph shall not become operative until January 1, 2026.

(b) (1) Subject to paragraphs (2) and (3), a trash receptacle or storage container subject to subdivision (a) shall have at least eight strips of reflective tape, each a minimum of two inches wide and two feet long. One tape strip shall be applied horizontally to each of the top and bottom portions of the four corners where the vertical walls of the trash receptacle or storage container meet, and be oriented so that approximately 12 inches of each tape strip is visible on each of the two outside walls to which it is applied. The reflective tape shall be fluorescent yellow and be made of high-performance retroreflective sheeting of American Society for Testing and Materials D4956-13 Type V, VIII, IX, or XI.

(2) If reflective tape cannot be applied to a trash receptacle or storage container in the manner prescribed in paragraph (1) because of the design or a physical characteristic of the trash receptacle or storage container, the reflective tape shall be placed as close to the top and bottom of the trash receptacle or storage container as possible or on the center of the smaller outside facing walls of the trash receptacle or storage container.

(3) A trash receptacle or storage container subject to subdivision (a) shall not be required to comply with the requirements in paragraph (1) if the reflective tape was applied to the trash receptacle or storage container before July 1, 2023, and if the reflective tape is made of high-performance retroreflective sheeting of American Society for Testing and Materials D4956-13 Type V, VIII, IX, or XI.

(c) An owner of a trash receptacle or storage container that is on a roadway or the curb of a roadway in order to be emptied or picked up shall clearly label the trash receptacle or storage container with the owner's name and current telephone number.

(d) (1) A manufacturer or an owner who violates this section shall be guilty of an infraction punishable by a fine of one hundred dollars (\$100) for the first violation of this section if not corrected within 14 days of notice, five hundred dollars (\$500) for the second violation of this section if not corrected within 14 days of notice, and one thousand dollars (\$1,000) for the third violation, or any subsequent violation, of this section if not corrected within 14 days of notice. The fines shall be deposited into the Accident Prevention and Road Safety Fund, which is hereby created in the State Treasury. Moneys in the fund are available upon appropriation by the Legislature.

(2) The Attorney General, or the district attorney or city attorney in the location where the violation is observed, may enforce this section.

(3) For purposes of this subdivision, a violation means the failure to mark an individual trash receptacle or storage container as required pursuant to subdivision (a), (b), or (c).

(4) For purposes of this subdivision, "owner" shall not mean a local governmental entity.

(e) This section only applies to trash receptacles and storage containers that are longer than three feet in length and taller than four feet in height.

(f) For purposes of this section, "provides for compensation" includes containers that are rented or provided as part of a service for which the owner or manufacturer receives compensation.

(g) This section shall become operative on January 1, 2025.

(Amended by Stats. 2023, Ch. 722, Sec. 1. (SB 806) Effective January 1, 2024. Operative January 1, 2025, by its own provisions.)