

HOUSE BILL No. 4346

February 20, 1991, Introduced by Reps. Jondahl, Leland, Scott, Clack, Gilmer, DeMars and Dolan and referred to the Committee on Judiciary.

A bill to amend Act No. 328 of the Public Acts of 1931, entitled

"The Michigan penal code,"

as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding section 562a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding section 562a to read as follows:

4 SEC. 562A. (1) AS USED IN THIS SECTION:

5 (A) "BAKERY BASKET" MEANS A WIRE OR PLASTIC CONTAINER THAT
6 CAN HOLD BREAD OR OTHER BAKED GOODS AND IS USED BY DISTRIBUTORS,
7 RETAILERS, OR THEIR AGENTS TO TRANSPORT, STORE, OR CARRY BAKERY
8 PRODUCTS.

1 (B) "BAKERY TRAY" MEANS A METAL, WIRE, OR PLASTIC CONTAINER
2 THAT CAN HOLD BREAD OR OTHER BAKED GOODS AND IS USED BY
3 DISTRIBUTORS, RETAILERS, OR THEIR AGENTS TO TRANSPORT, STORE, OR
4 CARRY BAKERY PRODUCTS.

5 (C) "CONTAINER" MEANS A BAKERY BASKET, BAKERY TRAY, DAIRY
6 CASE, EGG BASKET, HANDLED GROCERY BASKET, ICE CREAM CART, MILK
7 CART, POULTRY BOX, OR SHOPPING CART THAT IS IDENTIFIED BY A
8 LABEL, NAME, BRAND, DESIGN, TRADEMARK, STAMP, DEVICE, OR OTHER
9 MARK OF OWNERSHIP THAT IS PROMINENTLY DISPLAYED AND PERMANENTLY
10 AFFIXED TO THE CONTAINER.

11 (D) "DAIRY CASE" MEANS A WIRE OR PLASTIC CONTAINER THAT CAN
12 HOLD 4 OR MORE GALLONS, OR THE EQUIVALENT, OF BEVERAGE AND IS
13 USED BY DISTRIBUTORS, RETAILERS, OR THEIR AGENTS TO TRANSPORT,
14 STORE, OR CARRY DAIRY FOODS.

15 (E) "EGG BASKET" MEANS ANY PERMANENT TYPE OF CONTAINER THAT
16 CAN CONTAIN 4 DOZEN OR MORE SHELL EGGS AND IS USED BY DISTRIBUTU-
17 TORS, RETAILERS, OR THEIR AGENTS TO TRANSPORT, STORE, OR CARRY
18 EGGS.

19 (F) "HANDLED GROCERY BASKET" MEANS A SMALL CARRYING BASKET
20 WITH ATTACHED HANDLES USED IN A STORE TO CARRY GOODS.

21 (G) "ICE CREAM CART" MEANS A STEEL ZINC-ELECTROPLATED OR
22 EQUALLY CONSTRUCTED CART ON WHEELS OR CASTERS THAT IS DESIGNED SO
23 THAT THE NUMBER OF SHELVES IS VARIABLE AND 1 SIDE OF THE CART IS
24 OPEN AND IS USED TO TRANSPORT ICE CREAM AND OTHER FROZEN DAIRY
25 PRODUCTS FROM THE DAIRY PLANT TO THE RETAIL STORE AND EVENTUALLY
26 TO A FROZEN FOOD CASE.

1 (H) "MILK CART" MEANS A STAINLESS STEEL CART ON WHEELS OR
2 CASTERS WITH STAINLESS STEEL SOLID OR WIRE SHELVES OR PLASTIC
3 SHELVES THAT IS USED TO TRANSPORT PACKAGED FLUID MILK PRODUCTS
4 FROM THE DAIRY PLANT TO THE RETAIL STORE AND EVENTUALLY TO A
5 DAIRY CASE.

6 (I) "PARKING AREA" MEANS A LOT OR OTHER PROPERTY PROVIDED BY
7 A RETAIL ESTABLISHMENT FOR THE USE OF CUSTOMERS TO PARK MOTOR
8 VEHICLES OR OTHER VEHICLES WHILE DOING BUSINESS IN THAT
9 ESTABLISHMENT.

10 (J) "POULTRY BOX" MEANS ANY PERMANENT TYPE OF CONTAINER THAT
11 IS USED BY PROCESSORS, DISTRIBUTORS, RETAILERS, FOOD SERVICE
12 ESTABLISHMENTS, OR THEIR AGENTS TO TRANSPORT, STORE, OR CARRY
13 POULTRY.

14 (K) "SHOPPING CART" MEANS A BASKET THAT IS MOUNTED ON WHEELS
15 OR A SIMILAR DEVICE AND IS GENERALLY USED IN A RETAIL ESTABLISH-
16 MENT BY A CUSTOMER FOR THE PURPOSE OF TRANSPORTING GOODS OF ANY
17 KIND.

18 (2) A PERSON SHALL NOT DO EITHER OF THE FOLLOWING WITH THE
19 INTENT TO DEPRIVE THE OWNER OF POSSESSION:

20 (A) EXCEPT WITH THE OWNER'S CONSENT, REMOVE A CONTAINER FROM
21 THE PREMISES OR PARKING AREA OF A RETAIL ESTABLISHMENT OR POSSESS
22 A CONTAINER THAT HAS BEEN REMOVED FROM THE PREMISES OR PARKING
23 AREA OF A RETAIL ESTABLISHMENT.

24 (B) EXCEPT WITH THE OWNER'S WRITTEN CONSENT, ALTER, REMOVE,
25 OR CONCEAL A MARK OF OWNERSHIP ON A CONTAINER OR POSSESS ANY CON-
26 TAINER WHOSE MARK HAS BEEN ALTERED, REMOVED, OR CONCEALED.

1 (3) SUBSECTION (2)(A) DOES NOT APPLY UNLESS A WARNING TO THE
2 PUBLIC THAT UNAUTHORIZED REMOVAL OF A CONTAINER OR POSSESSION OF
3 A CONTAINER THAT HAS BEEN REMOVED FROM THE PREMISES OR PARKING
4 AREA IS A VIOLATION AND PUNISHABLE BY LAW HAS BEEN PROMINENTLY
5 DISPLAYED EITHER ON THE PREMISES OR THE CONTAINER.

6 (4) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-
7 MEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$250.00.

8 (5) A PERSON WHO HAS VIOLATED THIS SECTION IS NOT SUBJECT TO
9 PROSECUTION UNDER THIS SECTION IF THE PERSON RETURNS THE CON-
10 TAINER WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
11 ACT THAT ADDED THIS SECTION.

12 (6) THIS SECTION DOES NOT PRECLUDE OR IMPAIR PROSECUTION
13 UNDER ANY OTHER APPLICABLE STATUTE OF THIS STATE.