

HOUSE BILL No. 5061

July 16, 1997, Introduced by Reps. Griffin, LeTarte, Profit, Nye, Law, Raczkowski, Brackenridge, Jelinek, Owen, Hale and Oxender and referred to the Committee on Commerce.

A bill to amend the Initiated Law of 1976, entitled

"A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies,"

by amending section 4 (MCL 445.574), as amended by 1982 PA 39, and by adding sections 4a and 4b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. ~~—A—~~ EXCEPT AS PROVIDED IN SECTION 4A, A person,
2 dealer, distributor, or manufacturer who violates this act ~~—shall~~
3 ~~be fined~~ IS SUBJECT TO A FINE OF not less than \$100.00 ~~—nor—~~ OR
4 more than \$1,000.00 and IS LIABLE FOR THE costs of prosecution.
5 ~~—Every—~~ EACH day a violation occurs, ~~—is—~~ a separate offense IS
6 COMMITTED.

1 SEC. 4A. (1) A PERSON, DEALER, OR DISTRIBUTOR SHALL NOT
2 RETURN OR ATTEMPT TO RETURN FOR A REFUND 1 OR MORE OF THE
3 FOLLOWING:

4 (A) A RETURNABLE CONTAINER THAT THE PERSON, DEALER, OR DIS-
5 TRIBUTOR KNOWS OR SHOULD KNOW WAS NOT PURCHASED IN THIS STATE AS
6 A FILLED RETURNABLE CONTAINER.

7 (B) A BEVERAGE CONTAINER THAT THE PERSON, DEALER, OR DIS-
8 TRIBUTOR KNOWS OR SHOULD KNOW DID NOT HAVE A DEPOSIT PAID FOR IT
9 AT THE TIME OF PURCHASE.

10 (C) A BEVERAGE CONTAINER THAT THE PERSON, DEALER, OR DIS-
11 TRIBUTOR KNOWS OR SHOULD KNOW HAS ALREADY HAD A REFUND PAID ON IT
12 FOR THE RETURN OF A RETURNABLE BEVERAGE CONTAINER.

13 (2) A PERSON, DEALER, OR DISTRIBUTOR WHO VIOLATES SUBSECTION
14 (1) IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND IS SUBJECT TO
15 A FINE OF NOT MORE THAN \$250.00.

16 (3) AS USED IN THIS SECTION AND SECTION 4B, "STATE CIVIL
17 INFRACTION" MEANS THAT TERM AS DEFINED IN SECTION 113 OF THE
18 REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.113.

19 SEC. 4B. A DEALER WHO ESTABLISHES AN AREA IN THE DEALER'S
20 PLACE OF BUSINESS TO ACCEPT THE RETURN OF RETURNABLE BEVERAGE
21 CONTAINERS, AS REQUIRED BY THIS ACT, SHALL POST A NOTICE IN THAT
22 IMMEDIATE AREA OR ON A DEVICE USED TO ACCEPT RETURNABLE BEVERAGE
23 CONTAINERS FOR A REFUND THAT SAYS THE FOLLOWING: "IT IS A CIVIL
24 INFRACTION PUNISHABLE BY A FINE OF NOT MORE THAN \$250.00 TO
25 RETURN OR ATTEMPT TO RETURN, FOR A REFUND, A BEVERAGE CONTAINER
26 THAT WAS NOT ORIGINALLY A FILLED RETURNABLE CONTAINER SOLD IN
27 THIS STATE."