

BEVERAGE CONTAINERS (EXCERPT)

Initiated Law 1 of 1976

445.573b Unclaimed bottle deposits; audit, assessment, and collection by department of treasury; payment by underredeemer; overredemption credit; payment of refund to overredeemer; report; definitions.

Sec. 3b. (1) The department of treasury may audit, assess, and collect the amount of money reflecting unclaimed bottle deposits owed to this state by underredeemers, pay refunds to overredeemers, and enforce the obligation to pay the amount of money reflecting unclaimed bottle deposits owed to this state, in the same manner as revenues and according to the provisions of 1941 PA 122, MCL 205.1 to 205.31.

(2) Not later than March 1 of each year, an underredeemer shall pay to the department of treasury an amount that is equal to the amount by which the sum of the total value of deposits it collected in the preceding year and the refunds it received under subsection (5) in the preceding year exceeds the total value of refunds it made on redeemed beverage containers in the preceding year.

(3) An underredeemer who becomes an overredeemer in a subsequent year before 2022 may credit the value of the overredemption in order to reduce the amount of money owed to the department of treasury under this section in 1 or more subsequent years as a result of that person again becoming an underredeemer. The value of the overredemption may be carried forward for not more than 3 years or until the credit granted in this section is completely depleted, whichever occurs first.

(4) Beginning January 1, 2023, not later than April 1 of each year, the department of treasury shall pay an overredeemer a refund in an amount that is equal to the amount by which the total value of refunds it made in the preceding year to participating customers exceeds the sum of the total value of deposits it collected in the preceding year from participating customers and the refunds it received under subsection (5) in the preceding year.

(5) Beginning January 1, 2023, if a distributor or manufacturer is an overredeemer at the end of the first, second, or third quarter of each year after 2022, the overredeemer may request a refund from the department of treasury for that 3-, 6-, or 9-month period in an amount that is equal to the amount by which the total value of refunds it made in that period to participating customers exceeds the sum of the total value of deposits it collected in that period from participating customers and any refund previously received under this subsection during that period. An overredeemer may request a refund under this subsection by submitting a report, in the form prescribed by the department of treasury, not more than 30 days after the end of the period for which the overredeemer is requesting the refund, and the department shall pay the refund not more than 30 days after it receives the report.

(6) In addition to the report required under section 3a, if an underredeemer purchases empty returnable containers from an overredeemer, that purchase must be reported by the underredeemer as a "refund made" and be reported by the overredeemer as a "deposit originated" in the report required under section 3a. The report made by an underredeemer must include the name and address of each overredeemer and the refund value of the empty returnable beverage containers purchased from each overredeemer. The report made by an overredeemer must include the name and address of each underredeemer who purchased the returnable containers from that overredeemer and the refund value of the empty returnable beverage containers sold. The total consideration paid by an underredeemer to an overredeemer as authorized by this subsection must equal the redemption value of the container.

(7) A purchase or sale made under subsection (6) during January of each year must be included in the report under section 3a for the preceding calendar year only.

(8) As used in this section:

(a) "Overredeemer" means a distributor or manufacturer whose sum of the total value of deposits collected from participating customers on beverage containers sold in this state in a specified period and the refunds received under subsection (5) in the specified period is less than the total value of refunds made to participating customers on beverage containers redeemed in this state in that specified period.

(b) "Participating customer" means a customer from whom a distributor or manufacturer collects a deposit under this act on every beverage container sold to the customer.

(c) "Underredeemer" means a distributor or manufacturer whose sum of the total value of deposits collected from participating customers on beverage containers sold in this state in a specified period and the refunds received under subsection (5) in the specified period exceeds the total value of refunds made to participating customers on beverage containers redeemed in this state in that specified period.

History: Add. 1989, Act 148, Eff. July 27, 1989;—Am. 1996, Act 384, Imd. Eff. July 24, 1996;—Am. 1998, Act 473, Eff. Apr. 1, 1999;—Am. 2022, Act 198, Eff. Jan. 1, 2023.

Popular name: Bottle Bill