

HOUSE BILL No. 6174

November 8, 1990, Introduced by Rep. Stupak and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend section 2 of the Initiated Law of 1976, as amended by Act No. 235 of the Public Acts of 1986, being section 445.572 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2 of the Initiated Law of 1976, as
2 amended by Act No. 235 of the Public Acts of 1986, being section
3 445.572 of the Michigan Compiled Laws, is amended to read as
4 follows:

5 Sec. 2. (1) A dealer shall not, within this state, sell,
6 offer for sale, or give to consumers a nonreturnable container or
7 a beverage in a nonreturnable container.

8 (2) A dealer who regularly sells beverages for consumption
9 off the dealer's premises shall provide on the premises, or
0 within 100 yards of the premises on which the dealer sells or
1 offers for sale a beverage in a returnable container, a

1 convenient means whereby the containers of any kind, size, and
2 brand sold or offered for sale by the dealer may be returned by,
3 and the deposit refunded in cash to, a person whether or not the
4 person is the original customer of that dealer, and whether or
5 not the container was sold by that dealer.

6 (3) Regional centers for redemption of returnable containers
7 may be established in addition to, but not as substitutes for,
8 means for refund of deposits in accordance with subsection (2).

9 (4) A dealer shall not refuse to accept from a person an
10 empty returnable container of any kind, size, and brand sold by
11 that dealer, nor refuse to pay to the person its full refund
12 value in cash, except as provided in subsections (5), ~~and~~ (7),
13 AND (8).

14 (5) A dealer who does not require a deposit on a returnable
15 container when the contents are consumed in the dealer's sale or
16 consumption area shall not be required to pay a refund for
17 accepting that empty container.

18 (6) A distributor shall not refuse to accept from a dealer
19 an empty returnable container of any kind, size, and brand sold
20 by that distributor, nor refuse to pay to the dealer its full
21 refund value in cash, except as provided in ~~subsection~~
22 SUBSECTIONS (7) AND (8).

23 (7) Every beverage container sold or offered for sale by a
24 dealer within this state shall clearly indicate by embossing or
25 by a stamp, a label, or other method securely affixed to the bev-
26 erage container, the refund value of the container and the name
27 of this state. IN ADDITION, IF THE BEVERAGE CONTAINER IS A METAL

BEVERAGE CONTAINER, THE METAL BEVERAGE CONTAINER SHALL ALSO
CLEARLY INDICATE BY EMBOSSING OR BY A STAMP, A LABEL, OR OTHER
METHOD SECURELY AFFIXED TO THE CONTAINER THAT A REFUND OF THE
DEPOSIT ON THAT CONTAINER IS ONLY PAYABLE IF THE STRUCTURE OF THE
CONTAINER IS NOT CRUSHED. A dealer or distributor may, but is not
required to, refuse to accept from a person an empty returnable
container which does not state on the container the refund value
of the container and the name of this state. This subsection
shall not apply to a refillable container having a refund value
of not less than 10 cents which has a brand name permanently
marked on it. Each container of this type shall clearly indi-
cate, by a method securely affixed to the container, that the
container is returnable for deposit.

(8) IF A RETURNABLE METAL BEVERAGE CONTAINER IS CRUSHED, A
DEALER SHALL REFUSE TO ACCEPT FROM A PERSON THE METAL BEVERAGE
CONTAINER, AND SHALL REFUSE TO REFUND THE DEPOSIT ON THAT CON-
TAINER; AND A DISTRIBUTOR SHALL REFUSE TO ACCEPT FROM A DEALER
THE METAL BEVERAGE CONTAINER, AND SHALL REFUSE TO REFUND THE
DEPOSIT ON THAT CONTAINER. AS USED IN SUBSECTION (7) AND THIS
SUBSECTION, "CRUSHED" MEANS TO SQUEEZE OR FORCE BY PRESSURE INTO
A MASS SO AS TO ALTER OR DESTROY THE ORIGINAL STRUCTURE.

(9) ~~(8)~~ A dealer within this state shall not sell, offer
for sale, or give to consumers a metal beverage container, any
part of which becomes detached when opened.

(10) ~~(9)~~ A person, dealer, distributor, or manufacturer
shall not return an empty returnable container to a dealer for a
refund of the deposit if a dealer has already refunded the

1 deposit on that returnable container. This subsection shall not
2 prevent a dealer from refunding the deposit on an empty return-
3 able container each time the returnable container is sanitized by
4 the manufacturer and reused as a beverage container.

5 (11) ~~(+0)~~ A dealer may accept, but is not required to
6 accept, from a person, empty returnable containers for a refund
7 in excess of \$25.00 on any given day.

8 (12) ~~(+1)~~ A manufacturer licensed by the commission shall
9 not require a distributor licensed by the commission to pay a
10 deposit to the manufacturer on a nonrefillable container.
11 However, a manufacturer licensed by the commission and a distrib-
12 utor licensed by the commission may enter into an agreement pro-
13 viding that either or both may originate a deposit or any portion
14 of a deposit on a nonrefillable container if the agreement is
15 entered into freely and without coercion.

16 (13) ~~(+2)~~ A manufacturer shall refund the deposit paid on
17 any container returned by a distributor for which a deposit has
18 been paid by a distributor to the manufacturer.