

# HOUSE BILL No. 5907

June 4, 1998, Introduced by Rep. Profit and referred to the Committee on Regulatory Affairs.

A bill to provide standards for reverse vending machines; to require certain design standards of beverage containers; to regulate the deposits on and the return of deposits on beverage containers; to provide for penalties for violations of this act; and to prescribe certain powers and duties of certain state agencies and officials.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. As used in this act:

2       (a) "Beverage container" means an airtight metal, glass,  
3 paper, or plastic container that contains 1 gallon or less of a  
4 beverage at the time of sale.

5       (b) "Dealer" means a person engaged in the business of sell-  
6 ing a beverage in a beverage container. Dealer includes a  
7 vending machine operator or owner.

1 (c) "Distributor" means a person in the business of selling  
2 a beverage in a beverage container to a dealer. Distributor  
3 includes a manufacturer or a dealer that sells to a dealer.

4 (d) "Manufacturer" means a person who fills beverage con-  
5 tainers for sale to distributors, dealers, or consumers.

6 (e) "Nonreturnable container" means a container of a bever-  
7 age on which a 10-cent deposit has not been paid at the time of  
8 purchase and is not included in the provisions of the Initiated  
9 Law of 1976, MCL 445.571 to 445.576.

10 (f) "Person" means an individual, partnership, corporation,  
11 association, governmental entity, or other legal entity, and  
12 includes a dealer, distributor, or manufacturer.

13 (g) "Returnable container" means that term as defined in  
14 section 1 of the Initiated Law of 1976, MCL 445.571.

15 (h) "Reverse vending machine" means a device designed to  
16 properly identify an empty returnable container and provide a  
17 means to obtain a refund.

18 (i) "Uniform code council" means the uniform code council,  
19 inc.

20 (j) "Universal product code" means a 12-digit numeric code  
21 that identifies a consumer product, for retail and nonretail  
22 applications, assigned by the uniform code council and the  
23 product's manufacturer.

24 Sec. 2. A person shall not return an empty beverage con-  
25 tainer for a refund unless the beverage container is a returnable  
26 container.

1       Sec. 3. A manufacturer shall not sell or offer for sale a  
2 returnable container or beverage in a returnable container unless  
3 the universal product code is affixed and identifies that con-  
4 tainer as a returnable container sold in this state.

5       Sec. 4. A dealer, distributor, or manufacturer shall not  
6 use a reverse vending machine unless the reverse vending machine  
7 is designed to do all of the following:

8       (a) From the universal product code, determine whether a  
9 beverage container is a returnable container sold in this state.

10       (b) Capture and destroy a nonreturnable container placed in  
11 it for a refund.

12       (c) Provide an accurate printed report containing all of the  
13 following:

14       (i) The number of returnable containers placed in the  
15 reverse vending machine over a predetermined time period.

16       (ii) The brand name of each beverage container placed in the  
17 reverse vending machine.

18       (iii) The kind, type, and size of beverage container placed  
19 in the reverse vending machine.

20       (iv) The number of nonreturnable containers captured and  
21 destroyed.

22       Sec. 5. The report provided by a dealer's reverse vending  
23 machine pursuant to section 4 shall be made available to a manu-  
24 facturer or distributor who provides a refund to that dealer.

25       Sec. 6. A reverse vending machine and a report that it pro-  
26 vides are subject to an inspection and audit by the Michigan

1 department of treasury in enforcing the provisions of the  
2 Initiated Law of 1976, MCL 445.571 to 445.576.

3       Sec. 7. (1) A person who violates this act is guilty of a  
4 misdemeanor punishable by imprisonment for not more than 6 months  
5 or a fine of not more than \$10,000.00, or both.

6       (2) In addition to a penalty imposed under subsection (1), a  
7 person who violates this act shall be ordered by the court to pay  
8 restitution for any loss caused by the violation.