

REVERSE VENDING MACHINE ANTIFRAUD ACT (EXCERPT)
Act 387 of 2008

***** 445.653.new *THIS NEW SECTION IS CONDITIONALLY EFFECTIVE: See Compiler's note* *****

445.653.new Definitions.

Sec. 3. As used in this act:

(a) "Beverage container" means that term as defined in section 1 of the beverage container law, MCL 445.571.

(b) "Beverage container law" means 1976 IL 1, MCL 445.571 to 445.576.

(c) "Brand" means any word, name, group of letters, symbol, or trademark, or any combination of them, adopted and used by a manufacturer to identify a specific flavor or type of beverage and to distinguish that flavor or type of beverage from another beverage produced or marketed by that manufacturer or another manufacturer.

(d) "Dealer" means that term as defined in section 1 of the beverage container law, MCL 445.571.

(e) "Department" means the department of treasury.

(f) "Designated glass container" means a 12-ounce glass beverage container that contains a symbol, mark, or other distinguishing characteristic that allows a reverse vending machine to determine if the beverage container is or is not a returnable container.

(g) "Designated metal container" means a 12-ounce metal beverage container that contains a symbol, mark, or other distinguishing characteristic that allows a reverse vending machine to determine if the beverage container is or is not a returnable container.

(h) "Designated plastic container" means a 20-ounce plastic beverage container that contains a symbol, mark, or other distinguishing characteristic that allows a reverse vending machine to determine if the beverage container is or is not a returnable container.

(i) "Distributor" means that term as defined in section 1 of the beverage container law, MCL 445.571.

(j) "Glass beverage container" means a beverage container composed primarily of glass.

(k) "Install" or "installation" means to equip an existing, new, or replacement reverse vending machine with vision technology for designated metal, plastic, or glass containers, including all reasonable and necessary technology, equipment, hardware, software, and labor and including 1 year of service by the reverse vending machine vendor.

(l) "Law enforcement agency" means the attorney general or a law enforcement agency as defined in section 2804 of the public health code, 1978 PA 368, MCL 333.2804.

(m) "Lease" does not include to renew or extend an existing lease for an existing reverse vending machine at the same location.

(n) "Manufacturer" means that term as defined in section 1 of the beverage container law, MCL 445.571.

(o) "Metal beverage container" means a beverage container composed primarily of metal.

(p) "Nonreturnable container" means that term as defined in section 1 of the beverage container law, MCL 445.571.

(q) "Person" means an individual, partnership, corporation, association, limited liability company, governmental entity, or other legal entity. The term includes a dealer, distributor, or manufacturer.

(r) "Plastic beverage container" means a beverage container composed primarily of plastic.

(s) "Returnable container" means that term as defined in section 1 of the beverage container law, MCL 445.571.

(t) "Reverse vending machine" means a device designed to properly identify and process empty beverage containers and provide a means for a deposit refund on returnable containers.

(u) "Reverse vending machine manufacturer" means a person that engages in any of the following and the representatives of that person:

(i) Designing or manufacturing a reverse vending machine.

(ii) Selling or leasing a reverse vending machine to a dealer in this state.

(iii) Servicing or replacing a reverse vending machine of a dealer in this state.

(v) "Update" means to install vision technology for designated metal, plastic, or glass beverage containers in an existing, new, or replacement reverse vending machine.

(w) "Vision technology" means a camera or other scanning device that allows a reverse vending machine to determine if beverage containers are returnable containers based on symbols, marks, or other distinguishing characteristics on the beverage containers.

History: 2008, Act 387, Eff. (pending).

Compiler's note: Enacting section 1 of Act 387 of 2008 provides:

"Enacting section 1. This act takes effect on the date that deposits into the beverage container redemption antifraud fund created in the beverage container redemption antifraud act from money appropriated by the legislature equal or exceed \$1,000,000.00."