

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

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

445.667.new Violations; penalties; restitution.

Sec. 17. (1) A person who violates section 11 or 13(1) is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$10,000.00, or both.

(2) Except as provided in subsection (1), and subject to subsections (3) and (4), a person that violates this act is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$5,000.00, or both.

(3) A dealer or reverse vending machine manufacturer is not considered in violation of section 7(1) or 9(1) if the department has not made money available to the reverse vending machine manufacturer under the beverage container redemption antifraud act to update the dealer's reverse vending machines.

(4) A dealer is not considered in violation of the requirements imposed on a dealer in section 7(1) or 9(1) if the dealer is using the reverse vending machines of a reverse vending machine manufacturer and the reverse vending machines of that reverse vending machine manufacturer cannot be retrofitted due to the lack of technology to meet the standards described in subdivisions (a) and (b) of section 7(1) or 9(1).

(5) In addition to the penalty imposed under subsection (1) or (2), a court shall order a person convicted of a violation of this act to make restitution to this state and to any dealer or distributor for any loss caused by the violation.

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."