

HOUSE BILL No. 6317

December 8, 1998, Introduced by Rep. Bodem and referred to the Committee on Commerce.

A bill to require a deposit on the purchase of a major appliance; to provide for the refund of deposits under certain circumstances; and to provide for the establishment of a major appliance deposit fund within the department of treasury.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "major appliance deposit act".

3 Sec. 2. As used in this act:

4 (a) "Buyer" means a person who purchases a major appliance
5 from a dealer for a purpose other than resale.

6 (b) "Dealer" means a person who sells major appliances to
7 buyers in this state.

8 (c) "Major appliance" means an item of equipment that weighs
9 50 pounds or more and that provides heating, cooling, cleaning,
10 washing, drying, entertainment, or other services by converting

1 energy in the form of fossil fuels or electricity into thermal
2 energy or work and is generally used in or around a permanent or
3 temporary household or residence, or in a commercial
4 establishment.

5 (d) "Person" means an individual, partnership, corporation,
6 association, governmental entity, or other legal entity.

7 Sec. 3. (1) A buyer who purchases a major appliance from a
8 dealer shall deposit \$10.00 with the dealer at the time of
9 purchase.

10 (2) Unclaimed deposits on major appliances are not the prop-
11 erty of the dealer who originated the deposit or the department
12 of treasury.

13 Sec. 4. (1) A dealer shall not sell a major appliance to a
14 buyer without collecting the deposit described in section 3 from
15 the buyer.

16 (2) Except as provided in subsection (3), a dealer shall
17 refund the deposit to a person who returns the major appliance to
18 the dealer for disposal or upon presentation to the dealer of a
19 written statement from any licensed or authorized facility for
20 the disposal of major appliances that the person requesting the
21 deposit refund has properly disposed of or arranged for the
22 proper disposal of the major appliance.

23 (3) A dealer is not required to refund a deposit on a major
24 appliance if the dealer has already refunded the deposit on that
25 major appliance to a person or paid its unclaimed deposits to the
26 department of treasury pursuant to section 5.

1 (4) A dealer shall accept for disposal and properly dispose
2 of a major appliance purchased from it when the major appliance
3 is returned to the dealer for disposal.

4 (5) A dealer shall emboss or securely affix a stamp, a
5 label, or other notice to each major appliance sold in this state
6 that provides all of the following information:

7 (a) The name and address of the dealer.

8 (b) That the dealer has received on account a \$10.00 deposit
9 from the buyer who purchased the major appliance.

10 (c) That the deposit unless previously refunded will be paid
11 to the person who returns the major appliance to the dealer for
12 disposal or presents to the dealer a written statement from any
13 licensed or authorized facility for the disposal of major appli-
14 ances that the major appliance has been properly disposed of or
15 arrangement for the proper disposal of the major appliance has
16 been made.

17 (d) That if the dealer no longer acts as a dealer, a refund
18 of the deposit can be obtained from the department of treasury
19 unless previously refunded.

20 Sec. 5. (1) The major appliance deposit fund is created in
21 the department of treasury.

22 (2) A dealer who no longer acts as a dealer shall pay to the
23 department of treasury all of the unclaimed deposits in its pos-
24 session together with an itemized list of the major appliances
25 for which the unclaimed deposits were collected. The dealer
26 shall include on the itemized list the name and business location
27 or locations of the dealer and a serial number of, other

1 identification number of, or information sufficient to identify
2 each major appliance for which an unclaimed deposit was
3 collected.

4 (3) The department of treasury shall refund a deposit to a
5 person upon presentation of a written statement described in sec-
6 tion 4(2) if the major appliance for which the deposit refund is
7 sought can be identified on the dealer's itemized list as a major
8 appliance for which the department of treasury received an
9 unclaimed deposit from the dealer. The department of treasury is
10 not required to accept return of a major appliance for disposal.