

IN THIS SUBTITLE, REQUIRING OR ACCEPTING A DEPOSIT ON A REGISTERED RETURNABLE CONTAINER, WHETHER OPTIONAL, CONDITIONAL, OR OTHERWISE, DOES NOT CONSTITUTE A SALE OF THE CONTAINER.

(B) CIVIL AND CRIMINAL ACTIONS.

THIS SUBTITLE DOES NOT PROHIBIT:

(1) THE OWNER OF A RETURNABLE CONTAINER OR RETURNABLE TEXTILE FROM BRINGING A CIVIL ACTION, INCLUDING AN ACTION FOR INJUNCTIVE RELIEF, TO PRESERVE THE RIGHTS OF THE OWNER, TO RECOVER DAMAGES, OR TO RECOVER THE RETURNABLE CONTAINER OR RETURNABLE TEXTILE, FROM A PERSON WHO UNLAWFULLY POSSESSES THE RETURNABLE CONTAINER OR RETURNABLE TEXTILE OF THE OWNER; OR

(2) A PROSECUTION FOR THEFT UNDER § 7-104 OF THE CRIMINAL LAW ARTICLE.

REVISOR'S NOTE: Chapter 26, Acts of 2002, which enacted the Criminal Law Article, also added this section, which is new language derived without substantive change from former Art. 27, § 480A and the second clause of § 478.

In subsection (a) of this section, the former reference to "taking" a deposit is deleted as implicit in the reference to "accepting" a deposit.

Also in subsection (a) of this section, the former reference to requiring or accepting a deposit "for any purpose" is deleted as implicit in requiring or accepting a deposit.

In subsection (b)(1) of this section, the defined term "returnable textile" is substituted for the former references to "article[s]" for consistency within this subtitle.

Also in subsection (b)(1) of this section, the reference to an action against a person who possesses a "returnable container or returnable textile" is substituted for the former reference to an action against a person who possesses "property" for clarity and consistency.

Also in subsection (b)(1) of this section, the former reference to a "type of" returnable container is deleted as surplusage.

Also in subsection (b)(1) of this section, the former reference to an article "described in this subtitle" is deleted as implicit in the reference to a "returnable textile".

Also in subsection (b)(1) of this section, the former reference to an action to "take" a certain item is deleted as implicit in the reference to an action to "recover" a certain item.

Defined terms: "Person" § 1-101

"Returnable container" § 19-301

"Returnable textile" § 19-301