

AN ACT

relating to information obtained regarding the sale of plastic bulk merchandise containers; providing civil penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 35, Business & Commerce Code, is amended by adding Section 35.63 to read as follows:

Sec. 35.63. SALE OF PLASTIC BULK MERCHANDISE CONTAINER.

(a) In this section:

(1) "Plastic bulk merchandise container" means a plastic crate or shell used by a product producer, distributor, or retailer for the bulk transportation or storage of retail containers of milk, eggs, or bottled beverage products.

(2) "Proof of ownership" includes a bill of sale or other evidence showing that an item has been sold to the person possessing the item.

(b) A person who is in the business of recycling, shredding, or destroying plastic bulk merchandise containers, before purchasing five or more plastic bulk merchandise containers from the same person, shall:

(1) obtain from that person:

(A) proof of ownership for the containers; and

(B) a record that contains:

(i) the name, address, and telephone number of the person or the person's authorized representative;

1 (ii) the name and address of the buyer of
2 the containers or any consignee of the containers;

3 (iii) a description of the containers,
4 including the number of the containers to be sold; and

5 (iv) the date of the transaction; and

6 (2) verify the identity of the individual selling the
7 containers or representing the seller from a driver's license or
8 other government-issued identification card that includes the
9 individual's photograph, and record the verification.

10 (c) A person shall retain a record obtained or made under
11 this section until the first anniversary of the later of the date
12 the containers are purchased or delivered.

13 (d) A person who violates Subsection (b) or (c) is liable to
14 this state for a civil penalty of \$10,000 for each violation.

15 (e) A person who is in the business of recycling, shredding,
16 or destroying plastic bulk merchandise containers may not use an
17 artifice to avoid the application of this section, including
18 documenting purchases from the same person on the same day as
19 multiple transactions. A person who violates this subsection is
20 liable to this state for a civil penalty of \$30,000 for each
21 violation.

22 (f) The attorney general or appropriate prosecuting
23 attorney may sue to collect a civil penalty under this section.

24 SECTION 2. This Act takes effect September 1, 2007.

H.B. No. 1871

President of the Senate

Speaker of the House

I certify that H.B. No. 1871 was passed by the House on April 25, 2007, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1871 was passed by the Senate on May 17, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor