

By: Giddings

H.B. No. 1871

A BILL TO BE ENTITLED

AN ACT

relating to information obtained regarding the sale of plastic bulk merchandise containers; providing a criminal penalty.

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 this section commits an offense.
14 An offense under this subsection is a Class C misdemeanor.

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