

1-1 By: Giddings (Senate Sponsor - Fraser) H.B. No. 1871  
1-2 (In the Senate - Received from the House April 26, 2007;  
1-3 May 1, 2007, read first time and referred to Committee on Business  
1-4 and Commerce; May 9, 2007, reported favorably by the following  
1-5 vote: Yeas 7, Nays 0; May 9, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to information obtained regarding the sale of plastic bulk  
1-9 merchandise containers; providing civil penalties.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter D, Chapter 35, Business & Commerce  
1-12 Code, is amended by adding Section 35.63 to read as follows:

1-13 Sec. 35.63. SALE OF PLASTIC BULK MERCHANDISE CONTAINER.

1-14 (a) In this section:

1-15 (1) "Plastic bulk merchandise container" means a  
1-16 plastic crate or shell used by a product producer, distributor, or  
1-17 retailer for the bulk transportation or storage of retail  
1-18 containers of milk, eggs, or bottled beverage products.

1-19 (2) "Proof of ownership" includes a bill of sale or  
1-20 other evidence showing that an item has been sold to the person  
1-21 possessing the item.

1-22 (b) A person who is in the business of recycling, shredding,  
1-23 or destroying plastic bulk merchandise containers, before  
1-24 purchasing five or more plastic bulk merchandise containers from  
1-25 the same person, shall:

1-26 (1) obtain from that person:

1-27 (A) proof of ownership for the containers; and

1-28 (B) a record that contains:

1-29 (i) the name, address, and telephone number  
1-30 of the person or the person's authorized representative;

1-31 (ii) the name and address of the buyer of  
1-32 the containers or any consignee of the containers;

1-33 (iii) a description of the containers,  
1-34 including the number of the containers to be sold; and

1-35 (iv) the date of the transaction; and

1-36 (2) verify the identity of the individual selling the  
1-37 containers or representing the seller from a driver's license or  
1-38 other government-issued identification card that includes the  
1-39 individual's photograph, and record the verification.

1-40 (c) A person shall retain a record obtained or made under  
1-41 this section until the first anniversary of the later of the date  
1-42 the containers are purchased or delivered.

1-43 (d) A person who violates Subsection (b) or (c) is liable to  
1-44 this state for a civil penalty of \$10,000 for each violation.

1-45 (e) A person who is in the business of recycling, shredding,  
1-46 or destroying plastic bulk merchandise containers may not use an  
1-47 artifice to avoid the application of this section, including  
1-48 documenting purchases from the same person on the same day as  
1-49 multiple transactions. A person who violates this subsection is  
1-50 liable to this state for a civil penalty of \$30,000 for each  
1-51 violation.

1-52 (f) The attorney general or appropriate prosecuting  
1-53 attorney may sue to collect a civil penalty under this section.

1-54 SECTION 2. This Act takes effect September 1, 2007.

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