

BILL ANALYSIS

H.B. 2127
By: Giddings
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2007, the 80th Texas Legislature, Regular Session, enacted H.B. 1871 to address the fact that there was no law regulating the resale of plastic bulk merchandise containers to a person or business that recycles, shreds, or destroys these types of containers. H.B. 1871 also required a person in the business of recycling these containers to obtain proof of ownership from an individual who attempts to recycle five or more of the containers. The theft of plastic bulk merchandise continues to rise and is very costly.

H.B. 2127 establishes a fine for a violation of these provisions based on the total purchase price of the plastic bulk containers in order to deter this type of theft.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2127 amends the Business & Commerce Code to make it a Class C misdemeanor to violate requirements imposed on a person who purchases five or more plastic bulk merchandise containers from the same person for the purpose of recycling, shredding, or destroying such containers. The bill makes such a misdemeanor punishable by a fine not to exceed \$350 if the total purchase price of the plastic bulk merchandise containers to which the offense relates is less than \$1,000, or a fine not to exceed \$700 if the total purchase price of the plastic bulk merchandise containers to which the offense relates is \$1,000 or more. The bill enhances the penalty for a subsequent conviction for such a violation to a fine not to exceed twice the maximum amount of the fine prescribed for the first offense.

H.B. 2127 establishes that its provisions take effect either as amendments to Section 35.63, Business & Commerce Code, as added by Chapter 307 (H.B. 1871), Acts of the 80th Legislature, Regular Session, 2007, or as amendments to Chapter 204, Business & Commerce Code, as added by the general code update bill, contingent on whether that Act of the 81st Legislature, Regular Session, 2009, relating to nonsubstantive additions to and corrections in existing codes is enacted.

EFFECTIVE DATE

September 1, 2009.