

By: Giddings

H.B. No. 2127

A BILL TO BE ENTITLED

AN ACT

relating to regulations 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. Section 35.63, Business & Commerce Code, as added by Chapter 307 (H.B. 1871), Acts of the 80th Legislature, Regular Session, 2007, is amended by adding Subsections (g) and (h) to read as follows:

(g) A person who violates this section commits an offense. Except as provided by Subsection (h), an offense under this subsection is a Class C misdemeanor punishable by:

(1) 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

(2) 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.

(h) If it is shown on the trial of an offense under this section that the defendant has been previously convicted of an offense under this section based on the same type of violation, the offense is punishable by a fine not to exceed twice the maximum amount of the fine prescribed for a first offense under this section.

SECTION 2. Chapter 204, Business & Commerce Code, as

1 effective September 1, 2009, is amended by adding Section 204.005  
2 to read as follows:

3 Sec. 204.005. CRIMINAL PENALTY. (a) A person who violates  
4 this chapter commits an offense.

5 (b) Except as provided by Subsection (c), an offense under  
6 this section is a Class C misdemeanor punishable by:

7 (1) a fine not to exceed \$350, if the total purchase  
8 price of the plastic bulk merchandise containers to which the  
9 offense relates is less than \$1,000; or

10 (2) a fine not to exceed \$700, if the total purchase  
11 price of the plastic bulk merchandise containers to which the  
12 offense relates is \$1,000 or more.

13 (c) If it is shown on the trial of an offense under this  
14 section that the defendant has been previously convicted of an  
15 offense under this section based on the same type of violation, the  
16 offense is punishable by a fine not to exceed twice the maximum  
17 amount of the fine prescribed for a first offense under this  
18 section.

19 SECTION 3. (a) Section 1 of this Act takes effect only if  
20 the Act of the 81st Legislature, Regular Session, 2009, relating to  
21 nonsubstantive additions to and corrections in existing codes does  
22 not become law.

23 (b) Section 2 of this Act takes effect only if the Act of the  
24 81st Legislature, Regular Session, 2009, relating to  
25 nonsubstantive additions to and corrections in existing codes  
26 becomes law.

27 SECTION 4. This Act takes effect September 1, 2009.