

By: Cook

H.B. No. 389

A BILL TO BE ENTITLED

AN ACT

relating to the purchase of plastic bulk merchandise containers by certain businesses; providing a civil penalty.

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

SECTION 1. Section 204.002, Business & Commerce Code, is amended by amending Subsection (c) and adding Subsections (d), (e), and (f) to read as follows:

(c) A person who is in the business of recycling, shredding, or destroying plastic bulk merchandise containers:

(1) may not pay for the purchase of any plastic bulk merchandise container with cash; and

(2) shall, for each transaction in which the person purchases one or more plastic bulk merchandise containers, record the method of payment used to purchase the containers.

(d) A record made under Subsection (c)(2) shall be attached to a record made or obtained under Subsection (a) if a record is required under that subsection.

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

(f) A person who violates Subsection (c) is liable to this state for a civil penalty in an amount not to exceed \$10,000 for each violation. Each cash transaction made in violation of Subsection (c)(1) is a separate violation for purposes of imposing a penalty under this subsection. In determining the amount of the

1 civil penalty imposed under this subsection, the court shall
2 consider the amount necessary to deter future violations.

3 SECTION 2. Section 204.004(a), Business & Commerce Code, is
4 amended to read as follows:

5 (a) The attorney general or appropriate prosecuting
6 attorney may:

7 (1) inspect a record retained by a person under
8 Section 204.002;

9 (2) investigate an alleged violation of this chapter;
10 and

11 (3) [~~(2)~~] sue to collect a civil penalty under this
12 chapter.

13 SECTION 3. This Act takes effect September 1, 2011.