

By: Smith of Harris

H.B. No. 1648

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the purchase of plastic bulk merchandise containers by
3 certain businesses; providing a civil penalty.

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

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

8 (a) A person who is in the business of recycling, shredding,
9 or destroying plastic bulk merchandise containers, before
10 purchasing five or more plastic bulk merchandise containers from
11 the same person, shall:

- 12 (1) obtain from that person:
- 13 (A) proof of ownership for the containers; and
 - 14 (B) a record that contains:
 - 15 (i) the name, address, and telephone number
 - 16 of the person or the person's authorized representative;
 - 17 (ii) the name and address of the buyer of
 - 18 the containers or any consignee of the containers;
 - 19 (iii) a description of the containers,
 - 20 including the number of the containers to be sold; and
 - 21 (iv) the date of the transaction; and

22 (2) verify:

- 23 (A) the identity of the individual selling the
- 24 containers or representing the seller from a driver's license or

1 other government-issued identification card that includes the
2 individual's photograph, and record the verification; or

3 (B) in a manner determined by the purchaser that
4 the individual is acting on behalf of a corporation, business,
5 government, or governmental subdivision or agency.

6 (c) A person who is in the business of recycling, shredding,
7 or destroying plastic bulk merchandise containers and who purchases
8 a plastic bulk merchandise container from an individual, unless the
9 person verifies in a manner determined by the purchaser that the
10 individual is acting on behalf of a corporation, business,
11 government, or governmental subdivision or agency:

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

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

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

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

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

1 consider the amount necessary to deter future violations.

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

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

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

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

10 (3) [~~(2)~~] sue to collect a civil penalty under this
11 chapter.

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