

By: Hefner

H.B. No. 4584

A BILL TO BE ENTITLED

AN ACT

relating to sale of returnable containers; creating a criminal offense.

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

SECTION 1. The heading to Chapter 204, Business & Commerce Code, is amended to read as follows:

CHAPTER 204. SALE OF RETURNABLE [~~PLASTIC BULK MERCHANDISE~~]
CONTAINER

SECTION 2. Section 204.001, Business & Commerce Code, is amended to read as follows:

Sec. 204.001. DEFINITIONS. In this chapter:

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

[~~(2)~~] "Proof of ownership" includes a bill of sale or other evidence showing that an item has been sold to the person possessing the item.

(2) "Returnable container" means a device made of any material that is used to hold, contain, or convert goods into a package and is suitable for repeated use. The term includes baskets, trays, or other containers used by a product producer, distributor, or retailer for the transportation or storage of goods.

1 SECTION 3. The heading to Section 204.002, Business &
2 Commerce Code, is amended to read as follows:

3 Sec. 204.002. REQUIREMENTS APPLICABLE TO SALE OF RETURNABLE
4 [~~PLASTIC BULK MERCHANDISE~~] CONTAINER.

5 SECTION 4. Sections 204.002(a) and (c), Business & Commerce
6 Code, are amended to read as follows:

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

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

- 21 (2) verify:
- 22 (A) the identity of the individual selling the
 - 23 containers or representing the seller from a driver's license or
 - 24 other government-issued identification card that includes the
 - 25 individual's photograph, and record the verification; or

- 26 (B) in a manner determined by the purchaser that
- 27 the individual is acting on behalf of a corporation, business,

1 government, or governmental subdivision or agency.

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

9 (1) may not pay for the purchase of any returnable
10 [~~plastic bulk merchandise~~] container with cash; and

11 (2) shall, for each transaction in which the person
12 purchases one or more returnable [~~plastic bulk merchandise~~]
13 containers, record the method of payment used to purchase the
14 containers.

15 SECTION 5. Section 204.003(a), Business & Commerce Code, is
16 amended to read as follows:

17 (a) A person who is in the business of recycling, shredding,
18 or destroying returnable [~~plastic bulk merchandise~~] containers may
19 not use an artifice to avoid the application of Section 204.002,
20 including documenting purchases from the same person on the same
21 day as multiple transactions.

22 SECTION 6. Sections 204.005(a) and (b), Business & Commerce
23 Code, are amended to read as follows:

24 (a) A person who is in the business of recycling, shredding,
25 or destroying returnable [~~plastic bulk merchandise~~] containers who
26 violates this chapter commits an offense.

27 (b) Except as provided by Subsection (c), an offense under

1 this section is a Class C misdemeanor punishable by:

2 (1) a fine not to exceed \$350, if the total purchase
3 price of the returnable [~~plastic bulk merchandise~~] containers to
4 which the offense relates is less than \$1,000; or

5 (2) a fine not to exceed \$700, if the total purchase
6 price of the returnable [~~plastic bulk merchandise~~] containers to
7 which the offense relates is \$1,000 or more.

8 SECTION 7. The changes in law made by this Act apply only to
9 an offense committed on or after the effective date of this Act. An
10 offense committed before the effective date of this Act is governed
11 by the law in effect on the date the offense was committed, and the
12 former law is continued in effect for that purpose. For purposes of
13 this section, an offense was committed before the effective date of
14 this Act if any element of the offense occurred before that date.

15 SECTION 8. This Act takes effect September 1, 2019.