



Sen. Kirk W. Dillard

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09700SB3201sam002

LRB097 16915 JLS 67825 a

1 AMENDMENT TO SENATE BILL 3201

2 AMENDMENT NO. _____. Amend Senate Bill 3201, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Plastic Bulk Merchandise Container Act.

7 Section 5. Definitions. As used in this Act:

8 "Bona fide purchaser" means a person who in good faith
9 makes a purchase without notice of any outstanding rights of
10 others.

11 "Plastic bulk merchandise container" means a plastic
12 crate, pallet, or shell used by a product producer,
13 distributor, or retailer for the bulk transportation or storage
14 of goods for sale at retail, including, but not limited to,
15 containers of milk, eggs, or bottled beverage products. For
16 purposes of this definition, a plastic pallet means a plastic

1 portable platform upon which containers, product, or material
2 is placed to facilitate handling.

3 "Proof of ownership" includes a bill of sale or other
4 evidence showing that an item has been sold to the person
5 possessing the item for fair market value and that the person
6 possessing the item is a bona fide purchaser of the item.

7 Section 10. Requirements applicable to the sale of plastic
8 bulk merchandise containers.

9 (a) A person who is purchasing 5 or more plastic bulk
10 merchandise containers from the same person shall:

11 (1) obtain from that person a record that contains:

12 (A) the name, address, and telephone number of the
13 seller of the containers or any consignee of the
14 containers;

15 (B) a description of the containers, including the
16 number of the containers to be sold; and

17 (C) the date of the transaction; and

18 (2) verify the identity of the individual selling the
19 containers from a driver's license or other
20 government-issued identification card that includes the
21 individual's photograph, and record the verification.

22 (b) A person purchasing plastic bulk merchandise
23 containers shall, for each transaction in which the person
24 purchases 5 or more plastic bulk merchandise containers, record
25 the method of payment used to purchase the containers.

1 Section 15. Records. A person shall retain a record
2 obtained or made under this Act until the first anniversary of
3 the later of the date the containers are purchased or
4 delivered.

5 Section 20. Applicability. This Act does not apply to the
6 collection, receipt, or recycling of plastic bulk merchandise
7 containers by a licensed waste hauler.

8 Section 25. Penalty; enforcement.

9 (a) A person who violates this Act shall be guilty of a
10 petty offense and shall be fined an amount not exceeding \$500
11 for each violation, except as provided in subsection (b).

12 (b) A person who purchases or receives \$10,000 or more in
13 violation of this Act shall be guilty of a Class 3 felony. Such
14 person shall also be liable for monetary damages to the owner
15 of the stolen plastic bulk merchandise containers in an amount
16 equal to 3 times the replacement value of the stolen plastic
17 bulk merchandise containers. The owner may bring an action in a
18 court of competent jurisdiction for such monetary damages
19 against such a person."