

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

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

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

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

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

22 Section 10. Requirements applicable to the sale of plastic

1 bulk merchandise containers.

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

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

5 (A) the name, address, and telephone number of the
6 seller of the containers or any consignee of the
7 containers;

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

10 (C) the date of the transaction; and

11 (2) verify the identity of the individual selling the
12 containers from a driver's license or other
13 government-issued identification card that includes the
14 individual's photograph, and record the verification.

15 (b) A person purchasing plastic bulk merchandise
16 containers shall, for each transaction in which the person
17 purchases 5 or more plastic bulk merchandise containers, record
18 the method of payment used to purchase the containers.

19 (c) A person who pays \$5,000 or more for plastic bulk
20 merchandise containers in any single transaction, or in
21 aggregate from any one person or entity over a 7-day period,
22 shall obtain proof of ownership from the seller and shall
23 retain a copy of such proof of ownership.

24 Section 15. Records. A person shall retain a record
25 obtained or made under this Act until the first anniversary of

1 the later of the date the containers are purchased or
2 delivered.

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

6 Section 25. Penalty; enforcement.

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

10 (b) A person who purchases or receives plastic bulk
11 merchandise containers in violation of this Act and pays or
12 receives \$10,000 or more therefor shall be guilty of a Class 2
13 felony. Such person shall also be liable for monetary damages
14 to the owner of the stolen plastic bulk merchandise containers
15 in an amount equal to 3 times the replacement value of the
16 stolen plastic bulk merchandise containers. The owner may bring
17 an action in a court of competent jurisdiction for such
18 monetary damages against such a person.