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 Subsections (a) and (c) and adding Subsections (d), (e), and (f) to read as follows:

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

(1) obtain from that person:

(A) proof of ownership for the containers; and

(B) a record that contains:

(i) the name, address, and telephone number of the person or the person's authorized representative;

(ii) the name and address of the buyer of the containers or any consignee of the containers;

(iii) a description of the containers, including the number of the containers to be sold; and

(iv) the date of the transaction; and

(2) verify:

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

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

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

(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 $5,000 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 civil penalty imposed under this subsection, the court shall consider the
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1 amount necessary to deter future violations.
2 SECTION 2. Subsection (a), Section 204.004, Business &
3 Commerce Code, is 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) sue to collect a civil penalty under this
11 chapter.
12 SECTION 3. This Act takes effect September 1, 2013.
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President of the Senate

I hereby certify that S.B. No. 875 passed the Senate on April 11, 2013, by the following vote: Yeas 30, Nays 1; and that the Senate concurred in House amendment on May 20, 2013, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 875 passed the House, with amendment, on May 15, 2013, by the following vote: Yeas 116, Nays 30, two present not voting.

Chief Clerk of the House

Approved:

14 June '13

Date

Rick Perry
Governor