

1-1 By: Hefner (Senate Sponsor - Hughes) H.B. No. 4584
1-2 (In the Senate - Received from the House May 6, 2019;
1-3 May 6, 2019, read first time and referred to Committee on Business
1-4 & Commerce; May 20, 2019, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 20, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to sale of returnable containers; creating a criminal
1-20 offense.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. The heading to Chapter 204, Business & Commerce
1-23 Code, is amended to read as follows:

1-24 CHAPTER 204. SALE OF RETURNABLE [~~PLASTIC BULK MERCHANDISE~~]
1-25 CONTAINER

1-26 SECTION 2. Section 204.001, Business & Commerce Code, is
1-27 amended to read as follows:

1-28 Sec. 204.001. DEFINITIONS. In this chapter:

1-29 (1) [~~"Plastic bulk merchandise container" means a~~
1-30 ~~plastic crate or shell used by a product producer, distributor, or~~
1-31 ~~retailer for the bulk transportation or storage of retail~~
1-32 ~~containers of milk, eggs, or bottled beverage products.~~

1-33 [(2)] "Proof of ownership" includes a bill of
1-34 sale or other evidence showing that an item has been sold to the
1-35 person possessing the item.

1-36 (2) "Returnable container" means a device made of any
1-37 material that is used to hold, contain, or convert goods into a
1-38 package and is suitable for repeated use. The term includes
1-39 baskets, trays, or other containers used by a product producer,
1-40 distributor, or retailer for the transportation or storage of
1-41 goods.

1-42 SECTION 3. The heading to Section 204.002, Business &
1-43 Commerce Code, is amended to read as follows:

1-44 Sec. 204.002. REQUIREMENTS APPLICABLE TO SALE OF RETURNABLE
1-45 [~~PLASTIC BULK MERCHANDISE~~] CONTAINER.

1-46 SECTION 4. Sections 204.002(a) and (c), Business & Commerce
1-47 Code, are amended to read as follows:

1-48 (a) A person who is in the business of recycling, shredding,
1-49 or destroying returnable [~~plastic bulk merchandise~~] containers,
1-50 before purchasing five or more returnable [~~plastic bulk~~
1-51 ~~merchandise~~] containers from the same person, shall:

1-52 (1) obtain from that person:

1-53 (A) proof of ownership for the containers; and

1-54 (B) a record that contains:

1-55 (i) the name, address, and telephone number
1-56 of the person or the person's authorized representative;

1-57 (ii) the name and address of the buyer of
1-58 the containers or any consignee of the containers;

1-59 (iii) a description of the containers,
1-60 including the number of the containers to be sold; and

1-61 (iv) the date of the transaction; and

2-1 (2) verify:
2-2 (A) the identity of the individual selling the
2-3 containers or representing the seller from a driver's license or
2-4 other government-issued identification card that includes the
2-5 individual's photograph, and record the verification; or

2-6 (B) in a manner determined by the purchaser that
2-7 the individual is acting on behalf of a corporation, business,
2-8 government, or governmental subdivision or agency.

2-9 (c) A person who is in the business of recycling, shredding,
2-10 or destroying returnable [~~plastic bulk merchandise~~] containers and
2-11 who purchases a returnable [~~plastic bulk merchandise~~] container
2-12 from an individual, unless the person verifies in a manner
2-13 determined by the purchaser that the individual is acting on behalf
2-14 of a corporation, business, government, or governmental
2-15 subdivision or agency:

2-16 (1) may not pay for the purchase of any returnable
2-17 [~~plastic bulk merchandise~~] container with cash; and

2-18 (2) shall, for each transaction in which the person
2-19 purchases one or more returnable [~~plastic bulk merchandise~~]
2-20 containers, record the method of payment used to purchase the
2-21 containers.

2-22 SECTION 5. Section 204.003(a), Business & Commerce Code, is
2-23 amended to read as follows:

2-24 (a) A person who is in the business of recycling, shredding,
2-25 or destroying returnable [~~plastic bulk merchandise~~] containers may
2-26 not use an artifice to avoid the application of Section 204.002,
2-27 including documenting purchases from the same person on the same
2-28 day as multiple transactions.

2-29 SECTION 6. Sections 204.005(a) and (b), Business & Commerce
2-30 Code, are amended to read as follows:

2-31 (a) A person who is in the business of recycling, shredding,
2-32 or destroying returnable [~~plastic bulk merchandise~~] containers who
2-33 violates this chapter commits an offense.

2-34 (b) Except as provided by Subsection (c), an offense under
2-35 this section is a Class C misdemeanor punishable by:

2-36 (1) a fine not to exceed \$350, if the total purchase
2-37 price of the returnable [~~plastic bulk merchandise~~] containers to
2-38 which the offense relates is less than \$1,000; or

2-39 (2) a fine not to exceed \$700, if the total purchase
2-40 price of the returnable [~~plastic bulk merchandise~~] containers to
2-41 which the offense relates is \$1,000 or more.

2-42 SECTION 7. The changes in law made by this Act apply only to
2-43 an offense committed on or after the effective date of this Act. An
2-44 offense committed before the effective date of this Act is governed
2-45 by the law in effect on the date the offense was committed, and the
2-46 former law is continued in effect for that purpose. For purposes of
2-47 this section, an offense was committed before the effective date of
2-48 this Act if any element of the offense occurred before that date.

2-49 SECTION 8. This Act takes effect September 1, 2019.

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