

SENATE BILL No. 75

By Committee on Commerce

1-24

1 AN ACT concerning plastic bulk merchandise containers; relating to sales;
2 records; civil penalties.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) As used in this section:

6 (1) "Plastic bulk merchandise container" means a plastic crate, pallet
7 or shell used by a product producer, distributor or retailer for the bulk
8 transportation or storage of retail containers of milk, eggs, bakery items or
9 bottled beverage products.

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

12 (b) A person who is in the business of recycling, shredding or
13 destroying plastic bulk merchandise containers:

14 (1) Shall not pay for the purchase of any plastic bulk merchandise
15 container with cash; and

16 (2) shall, for each transaction in which the person purchases one or
17 more plastic bulk merchandise containers, make or obtain a record of the
18 method of payment used to purchase the containers.

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

22 (1) Obtain from that person proof of ownership for the containers;

23 (2) make or obtain a record that contains:

24 (A) The name, address, telephone number and the identifying number
25 from the seller's driver's license, military identification card, passport or
26 personal identification card of the person or the person's authorized
27 representative. For the purpose of this subsection, the identifying number
28 from an official governmental document for a country other than the
29 United States may be used to meet this requirement only if a legible
30 fingerprint is also obtained from the seller;

31 (B) a copy of the identification card or document containing such
32 identifying number;

33 (C) the name and address of the buyer of the containers or any
34 consignee of the containers;

35 (D) a description of the containers, including the number of the
36 containers to be sold; and

1 (E) the date of the transaction;

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

6 (4) attach the record made or obtained pursuant to subsection (b)(2)
7 to the record made or obtained pursuant to this subsection.

8 (d) Any person who violates the provisions of this section shall be
9 liable for the payment of a civil penalty of *not to exceed* \$10,000 for each
10 violation, recoverable in an individual action brought by the attorney
11 general or county or district attorney. Each cash transaction made in
12 violation of this section is a separate violation for purposes of imposing a
13 penalty pursuant to this section.

14 (e) Any civil penalty sued for and recovered by the attorney general
15 shall be paid into the state general fund. Any civil penalty sued for and
16 recovered by a county or district attorney shall be paid into the general
17 fund of the county in which the proceedings are instigated.

18 ***Sec. 2. Nothing in this act shall be construed to apply to plastic bulk***
19 ***merchandise containers collected by public or private recycling or refuse***
20 ***haulers as part of a municipal solid waste recycling or trash collection***
21 ***program where the plastic bulk merchandise containers are voluntarily***
22 ***deposited into collection containers by a resident or commercial entity***
23 ***without the receipt of payment for the purposes of disposal or recycling.***

24 ~~Sec. 2. 3.~~ This act shall take effect and be in force from and after its
25 publication in the statute book.