

**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.

3  
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

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Senate Commerce  
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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 \$10,000 for each violation,  
10 recoverable in an individual action brought by the attorney general or  
11 county or district attorney. Each cash transaction made in violation of this  
12 section is a separate violation for purposes of imposing a penalty pursuant  
13 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. This act shall take effect and be in force from and after its  
19 publication in the statute book.

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

and by renumbering sections accordingly