



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3384

Introduced 2/24/2011, by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

New Act

Creates the Plastic Bulk Merchandise Container Act. Provides that a person who is in the business of recycling, shredding, or destroying plastic bulk merchandise containers, before purchasing 5 or more plastic bulk merchandise containers from the same person, shall obtain a proof of ownership, create a record of the sale, and verify the identity of the seller. Provides that a person who is in the business of recycling, shredding, or destroying plastic bulk merchandise containers shall not pay for the containers in cash and shall record the method of payment used to purchase the containers. Requires the purchaser to keep a record of the sale for one year. Provides that a person who violates the Act is liable to this State for a civil penalty not to exceed \$10,000 for each violation. Provides that the Attorney General may inspect records, investigate an alleged violation, and take action to collect civil penalties.

LRB097 09079 AEK 49214 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 "Plastic bulk merchandise container" means a plastic crate
8 or shell used by a product producer, distributor, or retailer
9 for the bulk transportation or storage of retail containers of
10 milk, eggs, or bottled beverage products.

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

14 Section 10. Requirements applicable to the sale of plastic
15 bulk merchandise containers.

16 (a) A person who is in the business of recycling,
17 shredding, or destroying plastic bulk merchandise containers,
18 before purchasing 5 or more plastic bulk merchandise containers
19 from the same person, shall:

20 (1) obtain from that person:

21 (A) proof of ownership for the containers; and

22 (B) a record that contains:

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

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

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

9 (iv) the date of the transaction; and

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

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

17 (1) shall not pay for the purchase of any plastic bulk
18 merchandise container with cash; and

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

23 Section 15. Records. A person shall retain a record
24 obtained or made under this Act until the first anniversary of
25 the later of the date the containers are purchased or

1 delivered.

2 Section 20. Penalty; enforcement.

3 (a) A person who violates this Act is liable to this State
4 for a civil penalty not to exceed \$10,000 for each violation.

5 (b) The Attorney General may:

6 (1) inspect a record retained by a person under this
7 Act;

8 (2) investigate an alleged violation of this Act; and

9 (3) take action to collect a civil penalty under this
10 Act.