

**SENATE BILL No. 164**

By Committee on Judiciary

2-9

1 AN ACT concerning plastic bulk merchandise containers; relating to  
2 sales; 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  
9 or 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  
15 merchandise container with cash; and

16 (2) shall, for each transaction in which the person purchases  
17 one or more plastic bulk merchandise containers, make or obtain a record  
18 of the 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 10 or  
21 more plastic bulk merchandise containers from the same person, shall:

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

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

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

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

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

36 (D) a description of the containers, including the number of the

- 1 containers to be sold; and
- 2 (E) the date of the transaction;
- 3 (3) verify the identity of the individual selling the containers or
- 4 representing the seller from a driver's license or other government-issued
- 5 identification card that includes the individual's photograph, and record
- 6 the verification; and
- 7 (4) attach the record made or obtained pursuant to subsection (b)(2)
- 8 to the record made or obtained pursuant to this subsection.
- 9 (d) Any person who violates the provisions of this section shall be
- 10 liable for the payment of a civil penalty of \$10,000 for each violation,
- 11 recoverable in an individual action brought by the attorney general or
- 12 county or district attorney. Each cash transaction made in violation of this
- 13 section is a separate violation for purposes of imposing a penalty pursuant
- 14 to this section.
- 15 (e) Any civil penalty sued for and recovered by the attorney general
- 16 shall be paid into the state general fund. Any civil penalty sued for and
- 17 recovered by a county or district attorney shall be paid into the general
- 18 fund of the county in which the proceedings are instigated.
- 19 Sec. 2. This act shall take effect and be in force from and after its
- 20 publication in the statute book.

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