

AMENDED IN SENATE JUNE 22, 2006

AMENDED IN SENATE JUNE 15, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2289

Introduced by Assembly Member Ruskin

February 22, 2006

An act to add Chapter 24.5 (commencing with Section 22755) to Division 8 of the Business and Professions Code, relating to plastic merchandise containers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2289, as amended, Ruskin. Plastic merchandise containers.

Existing law makes it a crime for an unauthorized person, as defined, to possess a bakery tray, bakery basket, or merchandise pallet. Under existing law, a purchaser or lessee of a bakery tray, bakery basket, or merchandise pallet is required to retain a copy of the bill of sale or other evidence that supports the sale.

This bill would require any person involved in the recycling, shredding, or destruction of a plastic merchandise container, as defined, to obtain a proof of ownership record *and other identifying information* from the person selling ~~or transferring~~ the container, and to retain the required record for a specified time. A violation of these provisions would be a misdemeanor. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 24.5 (commencing with Section 22755)
2 is added to Division 8 of the Business and Professions Code, to
3 read:

4
5 CHAPTER 24.5. PLASTIC MERCHANDISE CONTAINERS
6

7 22755. (a) For purposes of this section, a plastic merchandise
8 container means ~~plastic crates used by a distributor, retailer, or an~~
9 ~~agent of the distributor or retailer as a means to transport, store,~~
10 ~~or carry milk, eggs, or bottled beverages.~~ *a plastic crate or shell*
11 *used by a product producer, distributor, or retailer, or an agent*
12 *of the product producer, distributor, or retailer as a means for*
13 *the bulk transportation, storage, or carrying of retail containers*
14 *of milk, eggs, or bottled beverage products.*

15 (b) Any person involved in the recycling, shredding, or
16 destruction of a plastic merchandise container shall obtain a
17 proof of ownership record from the person selling ~~or otherwise~~
18 ~~transferring~~ the plastic merchandise container *that shows that the*
19 *person selling the container has lawful possession or ownership*
20 *of the container, and shall also obtain from that person a*
21 *driver's license or state identification card number.* The proof of
22 ownership record shall include all of the following information:

- 23 (1) The name, address, telephone number, and signature of the
24 seller ~~or transferor~~ or the seller's ~~or transferor's~~ authorized
25 representative.
- 26 (2) The name and address of the buyer or consignee if not
27 sold.
- 28 (3) A description of the product including number of units.
- 29 (4) The date of transaction.

1 (c) The information required to be collected by this section
2 shall be kept for one year from the date of purchase or delivery,
3 whichever is later.

4 (d) Any person who violates the provisions of this section is
5 guilty of a misdemeanor.

6 SEC. 2. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the
11 penalty for a crime or infraction, within the meaning of Section
12 17556 of the Government Code, or changes the definition of a
13 crime within the meaning of Section 6 of Article XIII B of the
14 California Constitution.

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