

**ASSEMBLY BILL**

**No. 1583**

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**Introduced by Assembly Member Roger Hernández**

February 2, 2012

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An act to add Section 21609.7 to the Business and Professions Code, relating to junk dealers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1583, as introduced, Roger Hernández. Junk dealers: indicia of ownership: merchandise pallets.

Existing law authorizes junk dealers and recyclers, as defined, to sell and purchase junk, which includes secondhand and used furniture, pallets, or other personal property, as specified. Existing law requires junk dealers and recyclers to maintain written records of specified information, and makes a violation of the recordkeeping requirements a misdemeanor.

This bill would prohibit junk dealers and recyclers from purchasing or receiving merchandise pallets, as defined, marked with an indicia of ownership, as defined, from anyone except the indicated owner, unless specified information is provided to the junk dealer or recycler, and would require the junk dealer or recycler to maintain a written record of that information.

Because this bill would expand the scope of a crime by expanding the recordkeeping requirements for junk dealers and recyclers, 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. Section 21609.7 is added to the Business and  
2 Professions Code, to read:

3 21609.7. (a) Except as provided in subdivision (b), no junk  
4 dealer or recycler may purchase or receive merchandise pallets  
5 marked with an indicia of ownership from any person or entity  
6 other than the indicated owner. For purposes of this section,  
7 “indicia of ownership” means words, symbols, or registered  
8 trademarks printed, stamped, etched, attached, or otherwise  
9 displayed on the exterior surface of the merchandise pallet that  
10 reasonably identifies the owner.

11 (b) If the seller is not the indicated owner, a junk dealer or  
12 recycler may purchase or receive merchandise pallets only if the  
13 seller or transferor provides a receipt from the indicated owner  
14 verifying the seller’s current ownership or a document indicating  
15 that the seller or transferor is authorized by the indicated owner  
16 to sell or transfer the merchandise pallets. Copies of these  
17 documents shall be maintained by the junk dealer or recycler as  
18 part of the written record of the transaction.

19 (c) For purposes of this section, “merchandise pallets” means  
20 plastic or wood containers, carriers, or holders used by a  
21 manufacturer or distributor for bulk transport of merchandise to  
22 wholesale or retail outlets.

23 SEC. 2. No reimbursement is required by this act pursuant to  
24 Section 6 of Article XIII B of the California Constitution because  
25 the only costs that may be incurred by a local agency or school  
26 district will be incurred because this act creates a new crime or  
27 infraction, eliminates a crime or infraction, or changes the penalty  
28 for a crime or infraction, within the meaning of Section 17556 of  
29 the Government Code, or changes the definition of a crime within  
30 the meaning of Section 6 of Article XIII B of the California  
31 Constitution.

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