

SENATE BILL 46

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9lr0984

SB 494/08 – EHE

(PRE-FILED)

By: **Senator Conway**

Requested: November 13, 2008

Introduced and read first time: January 14, 2009

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Returnable Containers – Purchases of Plastic Milk**
3 **Crates**

4 FOR the purpose of requiring certain persons that purchase certain plastic milk crates
5 to make a certain record of each transaction in which a person sells a certain
6 number of plastic milk crates; requiring certain purchasers to verify the identity
7 of certain sellers in a certain manner; requiring certain purchasers to keep
8 certain records of certain transactions; requiring certain records to be kept for a
9 certain period of time; providing that a person that violates this Act is guilty of
10 a misdemeanor and subject to a certain fine; defining a certain term; and
11 generally relating to purchases of milk crates.

12 BY adding to
13 Article – Business Regulation
14 Section 19–308
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2008 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Business Regulation**

20 **19–308.**

21 (A) IN THIS SECTION, “PLASTIC MILK CRATE” MEANS A PLASTIC CRATE
22 OR SHELL USED BY A MILK PRODUCER, DISTRIBUTOR, OR RETAILER, OR AN
23 AGENT OF A MILK PRODUCER, DISTRIBUTOR, OR RETAILER, AS A MEANS FOR
24 THE BULK TRANSPORTATION, STORAGE, OR CARRYING OF RETAIL CONTAINERS
25 OF MILK.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) (1) EACH PERSON THAT PURCHASES PLASTIC MILK CRATES,**
2 **INCLUDING A PERSON THAT IS IN THE BUSINESS OF RECYCLING, SHREDDING,**
3 **OR DESTRUCTION OF PLASTIC MILK CRATES, SHALL MAKE A WRITTEN RECORD**
4 **OF EACH TRANSACTION IN WHICH A PERSON SELLS FIVE OR MORE PLASTIC**
5 **MILK CRATES THAT SHOWS THAT THE PERSON SELLING THE PLASTIC MILK**
6 **CRATES HAS LAWFUL POSSESSION OR OWNERSHIP OF THE PLASTIC MILK**
7 **CRATES.**

8 **(2) FOR EACH TRANSACTION SUBJECT TO PARAGRAPH (1) OF**
9 **THIS SUBSECTION, THE PURCHASER SHALL:**

10 **(I) VERIFY THE SELLER'S IDENTITY BY A DRIVER'S LICENSE**
11 **OR OTHER GOVERNMENT-ISSUED IDENTIFICATION; AND**

12 **(II) MAKE A RECORD OF EACH TRANSACTION THAT**
13 **INCLUDES:**

14 **1. THE NAME, ADDRESS, TELEPHONE NUMBER, AND**
15 **SIGNATURE OF THE SELLER OR THE SELLER'S AUTHORIZED REPRESENTATIVE;**

16 **2. THE NAME AND ADDRESS OF THE BUYER;**

17 **3. A DESCRIPTION OF THE ITEMS SOLD, INCLUDING**
18 **THE NUMBER OF UNITS; AND**

19 **4. THE DATE OF THE TRANSACTION.**

20 **(C) THE PURCHASER SHALL KEEP THE RECORDS REQUIRED BY THIS**
21 **SECTION FOR 1 YEAR AFTER THE DATE OF PURCHASE.**

22 **(D) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A**
23 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF \$100.**

24 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
25 **October 1, 2009.**