

House Engrossed  
**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fiftieth Legislature  
First Regular Session  
2011

CHAPTER 109

# **HOUSE BILL 2168**

AN ACT

AMENDING TITLE 44, CHAPTER 11, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 24; RELATING TO BULK MERCHANDISE CONTAINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, chapter 11, Arizona Revised Statutes, is amended  
3 by adding article 24, to read:

4 ARTICLE 24. BULK MERCHANDISE CONTAINERS

5 44-1799.81. Recycling, shredding, reselling or destroying bulk  
6 plastic or wood merchandise containers; record  
7 keeping; civil penalty; violation;  
8 classification; definition

9 A. A PERSON WHO IS IN THE BUSINESS OF RECYCLING, SHREDDING, RESELLING  
10 OR DESTROYING PLASTIC OR WOOD BULK MERCHANDISE CONTAINERS SHALL NOT PURCHASE  
11 FIVE OR MORE PLASTIC BULK MERCHANDISE CONTAINERS THAT ARE MARKED WITH A  
12 COMPANY NAME OR LOGO OR TEN OR MORE WOOD BULK MERCHANDISE CONTAINERS FROM ANY  
13 OTHER PERSON AT ONE TIME, UNLESS THE PERSON DOES BOTH OF THE FOLLOWING:

14 1. OBTAINS FROM THE PERSON SELLING THE CONTAINERS A RECORD THAT  
15 CONTAINS:

16 (a) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE SELLER OR THE  
17 SELLER'S AUTHORIZED REPRESENTATIVE.

18 (b) A DESCRIPTION OF THE CONTAINERS, INCLUDING THE NUMBER OF THE  
19 CONTAINERS TO BE PURCHASED.

20 (c) THE DATE OF THE TRANSACTION.

21 (d) THE LICENSE PLATE NUMBER OF ANY VEHICLE USED IN THE DELIVERY OF  
22 THE BULK MERCHANDISE CONTAINERS.

23 2. VERIFIES AND RECORDS THE IDENTITY OF THE PERSON SELLING THE  
24 CONTAINERS OR REPRESENTING THE SELLER FROM A DRIVER LICENSE OR OTHER  
25 GOVERNMENT ISSUED IDENTIFICATION CARD THAT INCLUDES THE PERSON'S PHOTOGRAPH.

26 B. A PERSON WHO IS IN THE BUSINESS OF RECYCLING, SHREDDING, RESELLING  
27 OR DESTROYING PLASTIC OR WOOD BULK MERCHANDISE CONTAINERS SHALL RETAIN THE  
28 RECORD OBTAINED PURSUANT TO SUBSECTION A FOR ONE YEAR AFTER THE DATE THE  
29 CONTAINERS ARE PURCHASED OR DELIVERED, WHICHEVER IS LATER.

30 C. A PERSON WHO IS IN THE BUSINESS OF RECYCLING, SHREDDING, RESELLING  
31 OR DESTROYING PLASTIC OR WOOD BULK MERCHANDISE CONTAINERS SHALL NOT USE AN  
32 ARTIFICE TO AVOID THE REQUIREMENTS OF THIS SECTION, INCLUDING DOCUMENTING  
33 PURCHASES FROM THE SAME PERSON ON THE SAME DAY AS MULTIPLE TRANSACTIONS.

34 D. A PERSON WHO IS IN THE BUSINESS OF RECYCLING, SHREDDING, RESELLING  
35 OR DESTROYING PLASTIC OR WOOD BULK MERCHANDISE CONTAINERS SHALL BE OPEN  
36 DURING BUSINESS HOURS FOR REASONABLE INSPECTION BY A PEACE OFFICER. BEFORE  
37 AN INSPECTION TAKES PLACE A PEACE OFFICER SHALL FIRST IDENTIFY HIMSELF AND  
38 THE PURPOSE FOR THE INSPECTION TO THE BUSINESS, THE BUSINESS'S MANAGER OR ANY  
39 OTHER RESPONSIBLE PERSON AND COMPLY WITH ALL REASONABLE AND CUSTOMARY SAFETY  
40 REQUIREMENTS OF THAT BUSINESS FOR THE PREMISES INSPECTED. THE BUSINESS MAY  
41 REQUIRE THE PEACE OFFICER TO SIGN AN INSPECTION LOG THAT INCLUDES THE  
42 OFFICER'S NAME AND SERIAL OR BADGE NUMBER, AGENCY AND THE TIME, THE DATE AND  
43 THE PURPOSE FOR THE INSPECTION.

44 E. IN ADDITION TO THE PENALTIES IMPOSED UNDER SUBSECTION F, A PERSON  
45 WHO VIOLATES:

1           1. SUBSECTION A OR B SHALL PAY A CIVIL PENALTY OF UP TO TEN THOUSAND  
2 DOLLARS FOR EACH VIOLATION.

3           2. SUBSECTION C SHALL PAY A CIVIL PENALTY OF UP TO THIRTY THOUSAND  
4 DOLLARS FOR EACH VIOLATION.

5           F. A VIOLATION OF THIS SECTION IS:

6           1. A CLASS 2 MISDEMEANOR IF THE TOTAL PURCHASE PRICE OF THE PLASTIC OR  
7 WOOD BULK MERCHANDISE CONTAINERS IS ONE THOUSAND DOLLARS OR MORE, EXCEPT THAT  
8 A SECOND OR SUBSEQUENT VIOLATION INVOLVING A TOTAL PURCHASE PRICE OF ONE  
9 THOUSAND DOLLARS OR MORE IS A CLASS 1 MISDEMEANOR.

10          2. A PETTY OFFENSE IF THE TOTAL PURCHASE PRICE OF THE PLASTIC OR WOOD  
11 BULK MERCHANDISE CONTAINERS IS LESS THAN ONE THOUSAND DOLLARS, EXCEPT THAT A  
12 SECOND OR SUBSEQUENT VIOLATION INVOLVING A TOTAL PURCHASE PRICE OF LESS THAN  
13 ONE THOUSAND DOLLARS IS A CLASS 2 MISDEMEANOR.

14          G. FOR THE PURPOSES OF THIS SECTION, "BULK MERCHANDISE CONTAINER"  
15 MEANS A PLASTIC OR WOODEN CARRIER OR HOLDER USED BY A MANUFACTURER OR  
16 DISTRIBUTOR TO TRANSPORT MERCHANDISE TO WHOLESALE AND RETAIL OUTLETS.

APPROVED BY THE GOVERNOR APRIL 14, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2011.

Passed the House March 3, 20 11

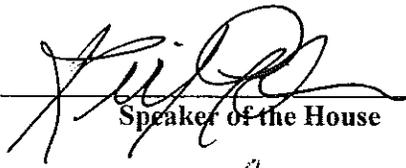
Passed the Senate April 7, 20 11

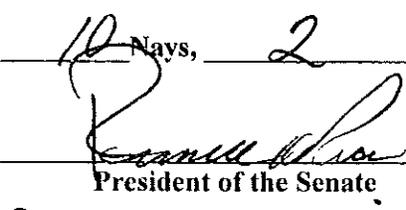
by the following vote: 35 Ayes,

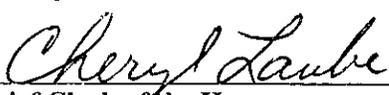
by the following vote: 18 Ayes,

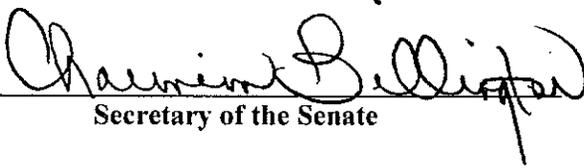
23 Nays, 2 Not Voting

10 Nays, 2 Not Voting

  
Speaker of the House

  
President of the Senate

  
Cheryl Laube  
Chief Clerk of the House

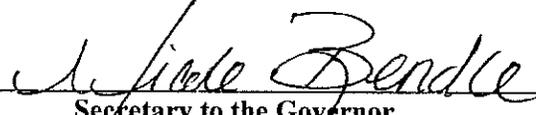
  
Dawnine Bellinger  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

11 day of April, 2011

at 2:40 o'clock P. M.

  
Nicole Bendle  
Secretary to the Governor

Approved this 14th day of

April

at 2:20 o'clock P. M.

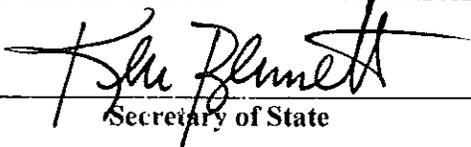
  
James K. Brewer  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 14th day of April, 2011

at 5:07 o'clock P. M.

  
Klu Bennett  
Secretary of State

H.B. 2168