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SENATE BILL 252

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY
Clemente Sanchez

AN ACT

RELATING TO THE ENVIRONMENT; PROVIDING FOR A RECORD OF PAYMENT
USED TO PURCHASE PLASTIC BULK MERCHANDISE CONTAINERS; PROVIDING
A CIVIL PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] PLASTIC BULK MERCHANDISE
CONTAINER--RECORDS REQUIRED--CIVIL PENALTY.--

A. As used in this section:

(1) "plastic bulk merchandise container" means
a plastic crate, pallet or shell used by a product producer,
distributor or retailer for the bulk transportation or storage
of retail containers of milk, eggs, bakery items or bottled
beverage products; and

(2) "proof of ownership" means evidence that
shows that an item has been sold to the person who possesses

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1 the item, including a bill of sale.

2 B. A person who is in the business of recycling,
3 shredding or destroying plastic bulk merchandise containers
4 shall not pay for the purchase of any plastic bulk merchandise
5 container with cash and shall, for each transaction in which
6 the person purchases five or more plastic bulk merchandise
7 containers, make or obtain a record of the method of payment
8 used to purchase the containers.

9 C. Before purchasing five or more plastic bulk
10 merchandise containers from the same seller, a person who is in
11 the business of recycling, shredding or destroying plastic bulk
12 merchandise containers shall:

13 (1) obtain from the seller proof of ownership
14 for the containers;

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

16 (a) the name, address and telephone
17 number of the seller or the seller's authorized representative;

18 (b) the identifying number from the
19 seller's driver's license, military identification card,
20 passport or personal identification card and a copy of the
21 identification card or document containing such identifying
22 number. For the purpose of this subparagraph, the identifying
23 number from an official governmental document for a country
24 other than the United States may be used to meet this
25 requirement only if a legible fingerprint is also obtained from

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1 the seller;

2 (c) the name and address of the buyer of
3 the containers or any consignee of the containers;

4 (d) a description of the containers,
5 including the number of the containers to be sold; and

6 (e) the date of the transaction; and

7 (3) verify the identity of the individual
8 selling the containers or representing the seller from a
9 driver's license or other government-issued identification card
10 that includes the individual's photograph and record the
11 verification.

12 D. A person who violates the provisions of this
13 section shall be liable for the payment of a civil penalty not
14 to exceed ten thousand dollars (\$10,000) for each violation,
15 recoverable in an individual action brought by the attorney
16 general or a county or district attorney. Each cash
17 transaction made in violation of this section is a separate
18 violation for purposes of imposing a penalty pursuant to this
19 section. A civil penalty recovered by the attorney general or
20 a county or district attorney shall be paid into the current
21 school fund.

22 E. Nothing in this section shall be construed to
23 apply to plastic bulk merchandise containers collected by
24 public or private recycling or refuse haulers as part of a
25 municipal solid waste recycling or trash collection program

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1 where the plastic bulk merchandise containers are voluntarily
2 deposited into collection containers by a resident or
3 commercial entity without the receipt of payment for the
4 purposes of disposal or recycling.

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