

PLASTIC BULK MERCHANDISE CONTAINER ACT (EXCERPT)
Act 186 of 2012

***** 445.2077.new THIS NEW SECTION IS EFFECTIVE DECEMBER 18, 2012 *****

445.2077.new Record; preparation; retention; information to be included; exception to certain requirements.

Sec. 7. (1) Subject to subsection (3), a dealer must prepare an accurate and legible record of each purchase of 10 or more plastic bulk merchandise containers from a person in a single transaction. The record shall include the information described in subsection (2). A dealer shall retain a record prepared under this section for at least 1 year; shall keep all of the records prepared under this section in a location that is readily accessible to a local, state, or federal law enforcement agency for inspection during normal business hours; and shall make the records or copies of those records available to any local, state, or federal law enforcement agency that reasonably suspects that a violation of this act has occurred.

(2) A record of a purchase transaction described in subsection (1) shall contain all of the following information:

(a) The name, address, and identifying number from the seller's identification document described in section 5(2)(a) or a legible scan or photocopy of that identification document. If a dealer engages in more than 1 transaction with a seller, the purchaser may retain the information described in this subdivision for that seller in a separate file and use the information in that file for future transactions.

(b) The date and time of the transaction.

(c) The quantity of plastic bulk merchandise containers purchased.

(d) A description of the plastic bulk merchandise containers and any identifying information shown on the containers.

(e) The amount paid for the plastic bulk merchandise containers and the method of payment.

(f) A signed statement from the seller that the seller is the owner of the plastic bulk merchandise containers or is otherwise authorized to sell the containers to the dealer.

(g) A thumbprint of the seller.

(3) A dealer is not required to prepare and retain a record of a purchase of 10 or more plastic bulk merchandise containers from a person in a single transaction if all of the following are met:

(a) The dealer has an industrial or commercial account with the seller; payments made by the dealer on the account are made by check or similar financial instrument; and those payments are made directly to the seller.

(b) The personal and business identifying information of the seller described in subsection (2)(a) is on file with the dealer, and at least every 2 years, the dealer periodically reviews the information and determines that the information is current and correct.

History: 2012, Act 186, Eff. Dec. 18, 2012.