



§ 19-301. **Definitions.**

(a) In general. - In this subtitle the following words have the meanings indicated.

Revisor's Note.

Chapter 26, Acts of 2002, which enacted the Criminal Law Article, also enacted this subsection, which is new language added as the standard introductory language to a definition section.

(b) Returnable container.-

(1) "Returnable container" means a device made of any material:

(i) that is used to hold, contain, or convert goods into a package, either by necessity or for convenience of delivery or sale;

(ii) that is suitable for repeated use; and

(iii) the title to which the seller does not intend to pass with the sale of the goods or the transport or return of the goods, as provided in item (2) (ii) of this section.

(2) "Returnable container" includes:

(i) a basket, tray, milk crate, or any type of container that is used by a bakery, dairy, distributor, retailer, food service establishment, or its agent, to transport, store, or carry goods including bakery or dairy products; and

(ii) a bag, box, basket, or any other device:

1. that is intended for repeated use;

2. that is used to hold or contain goods that are being:
 - A. transported to a laundry, dry cleaning, or dyeing establishment to be washed, laundered, dry cleaned, or dyed; or
 - B. returned to the person entitled to the return; and
3. the title to which the seller does not intend to pass by the transport or return of the goods.

Revisor's Note.

Chapter 26, Acts of 2002, which enacted the Criminal Law Article, also added this subsection, which is new language derived without substantive change from the first clause of former Art. 27, § 478, which defined "returnable container".

Throughout this subsection, the references to "goods that are" transported or returned are substituted for the former references to an "article, material or thing" being transported or returned for brevity and consistency within this subsection.

Also throughout this subsection, the former reference to a device that is used "for the purpose of" listed functions is deleted as surplusage.

Also throughout this subsection, the former references to "wares, or merchandise", "contents", and "packages" are deleted as implicit in the references to "goods".

In paragraph (1) of this subsection, the former reference to any material "whatsoever" is deleted as surplusage.

In paragraph (1) (ii) of this subsection, the reference to a device that is "suitable for repeated use" is substituted for the former reference to a device that is "susceptible of repeated use for such purpose" for brevity and grammatical accuracy.

Also in paragraph (1) (ii) of this subsection, the former reference to a container that "by its very nature" has certain characteristics is deleted as surplusage.

In paragraph (1) (iii) of this subsection, the reference to a "seller" is substituted for the former reference to a "vendor" for clarity and consistency.

In paragraph (2) (i) of this subsection, the former reference to goods being "sent, [or] conveyed" is deleted as implicit in the reference to goods being "transported".

In paragraph (2) (ii) 2B of this subsection, the former reference to a "partnership or body corporate" is deleted in light of the reference to a "person". See § 1-101 of this article.

Defined Terms.

§ 19-303. Registration.

(a) In general.-

(1) A person may register:

(i) a class of returnable containers if:

1. the person owns or deals in goods handled or delivered in a returnable container; and
2. the returnable container has an identifying name, mark, or device securely attached, impressed, or imprinted; or

§ 19-304. Prohibited acts; penalties.

(a) Improper use of registered container.-

(1) After the recordation, a person may not:

(i) use a registered returnable container of another with contents of a nature different from that delivered; or

(ii) sell, buy, rent, or otherwise traffic in a registered returnable textile of another.

(2) A person who violates this subsection:

(i) is guilty of a misdemeanor and on conviction is subject to:

1. for a first violation, imprisonment not exceeding 1 year or a fine not exceeding \$50; and
2. for each subsequent violation, imprisonment not exceeding 1 year or a fine not exceeding \$250 or both; and

(ii) shall forfeit to the rightful owner possession of the property involved in the violation.

(b) Defacing identification.-

(1) After the recordation, a person may not willfully deface, remove, conceal, or destroy an identifying name, mark, or device attached, impressed, or imprinted on a returnable container or returnable textile of another.

(2) A person who violates this subsection:

(i) is guilty of a misdemeanor and on conviction is subject to:

1. for a first violation, imprisonment not exceeding 1 year or a fine not exceeding \$50; and
2. for each subsequent violation, imprisonment not exceeding 1 year or a fine not exceeding \$250 or both; and

(ii) shall forfeit to the rightful owner possession of the property involved in the violation.

(c) Damaging registered items.-

(1) After the recordation, a person may not willfully break, destroy, or otherwise injure a returnable container or returnable textile of another.

(2) A person who violates this subsection:

(i) is guilty of a misdemeanor and on conviction is subject to:

1. for a first violation, imprisonment not exceeding 1 year or a fine not exceeding \$50; and
2. for each subsequent violation, imprisonment not exceeding 1 year or a fine not exceeding \$250 or both; and

(ii) shall forfeit to the rightful owner possession of the property involved in the violation.

(d) Improper transfer.-

(1) After the recordation, a person may not buy, offer for sale, sell, use, give, receive, hire, rent, lend, transport, collect from ash or garbage receptacles, dumps, or premises, keep in stock or store, or dispose of a returnable container or returnable textile of another without an assignment from or the written consent of the registered owner.

(2) A person who violates this subsection:

(i) is guilty of a misdemeanor and on conviction is subject to:

1. For each first violation, imprisonment not exceeding 1 year or a fine not exceeding \$50; and

2. for each subsequent violation, imprisonment not exceeding 1 year or a fine not exceeding \$250 or both; and

(ii) shall forfeit to the rightful owner possession of the property involved in the violation.

(e) Improper registration.- A person may not adopt and register under this subtitle a returnable container or returnable textiles, or a description, name, mark or device, that:

(1) has been previously registered by another; or

(2) is in use by another in good faith.

(f) Failure to surrender to proper custodian.-

(1) A person who receives a registered returnable container or registered returnable textile may not fail on demand to surrender promptly the container or textile to the person from whom the container or textile was received.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine of \$1.

(g) Failure to clean after contact with a dairy product.-

(1) A person who receives a registered returnable container that has come into immediate contact with a dairy product shall thoroughly clean the inside of the container immediately after emptying the contents.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine of \$1.

[An. Code 1957, art. 27, §§ 474, 475, 477, 479; 2002, ch. 26, § 4.]