

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 546
Second Edition Engrossed 5/3/89

Short Title: Unauthorized Use/Milk Crate.

(Public)

Sponsors: Senators Speed; Allran, Ballance, Basnight, Daughtry, Hardin, Martin of Pitt, Marvin, Murphy, Parnell, Plyler, Raynor, Sherron, Soles, and Taft.

Referred to: Agriculture.

March 20, 1989

A BILL TO BE ENTITLED

1 AN ACT RELATING TO THE UNAUTHORIZED USE OR POSSESSION OF
2 LABELED DAIRY MILK CASES OR CRATES BEARING THE NAME OR
3 LABEL OF ITS OWNER.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. Article 16 of Chapter 14 of the General Statutes is amended by
7 adding a new section to read:

8 **"§ 14-72.4. Unauthorized use or possession of labeled dairy milk cases or milk**
9 **crates bearing the name or label of owner.**

10 (a) A person is guilty of the unauthorized use or possession of a dairy milk case
11 or milk crate if he:

12 (1) Takes, buys, receives, sells, disposes of, uses, or otherwise acquires
13 possession of any dairy milk case or milk crate, bearing the name or
14 label of the owner, without the express or implied consent of the owner
15 or his designated agent; or

16 (2) Refuses upon demand of the owner or his designated agent to return to
17 the owner or his designated agent any dairy milk case or milk crate,
18 bearing the name or label of the owner; or

19 (3) Defaces, obliterates, erases, covers up, or otherwise removes or
20 conceals any name, label, registered trademark, insignia, or other
21 business identification of an owner of a dairy milk case or milk crate.

1 for the purpose of destroying or removing from the milk case or milk
2 crate evidence of its ownership.

3 (b) For purposes of this section dairy milk cases or milk crates shall be deemed to
4 bear a name or label of an owner when there is imprinted or attached on the case or
5 crate a name, insignia, mark, business identification or label showing ownership or
6 sufficient information to ascertain ownership. For purposes of this section, the term
7 'dairy case' shall be defined as a wire or plastic container which holds 16 quarts or more
8 of beverage and is used by distributors or retailers, or their agents, as a means to
9 transport, store, or carry dairy products.

10 (c) A violation of this section is a misdemeanor punishable by a fine not to
11 exceed three hundred dollars (\$300.00), imprisonment not to exceed six months, or
12 both, in the discretion of the court.

13 (d) Nothing in this section shall preclude the prosecution of any misdemeanor or
14 felony offense that is applicable under any other statute or common law."

15 Sec. 2. This act shall become effective January 1, 1990, and shall apply to
16 offenses occurring on or after that date.