

**325F.795 UNAUTHORIZED POSSESSION OF MERCHANDISE PALLETS.**

Subdivision 1. **Definitions.** (a) "Merchandise" means objects, wares, goods, or commodities.

(b) "Merchandise pallet" means a plastic carrier or plastic container, ranging in size from 36 inches to 54 inches with a forklift entry, used by a manufacturer or distributor to transport merchandise, which has a notice permanently affixed to it by the owner that does all of the following:

- (1) identifies the company name of the owner of the pallet;
- (2) notifies the public that the unauthorized possession of the pallet is a violation of state law; and
- (3) lists a telephone number or address for the owner.

(c) With respect to possession of a merchandise pallet, "unauthorized person" includes anyone in possession of one or more merchandise pallets, except the following:

- (1) the company owner;
- (2) a person in lawful possession of the merchandise pallet; or
- (3) a person who has temporary possession of the merchandise pallet as a result of the purchase of the products or merchandise transported using the merchandise pallet.

Subd. 2. **Liability.** An unauthorized person in possession of a merchandise pallet, or a person, other than the owner, who maliciously, with intent to damage, obliterates, removes, or distorts the owner's name on a merchandise pallet, shall be liable to the injured party as set forth in subdivision 4.

Subd. 3. **Evidence of ownership or rightful possession.** A person who purchases or leases a merchandise pallet shall retain a copy of the bill of sale or other evidence that supports the purchase or lease.

Subd. 4. **Remedy.** A person injured by a violation of this section may recover damages equal to three times the cost of the merchandise pallet, together with costs and disbursements, including a reasonable attorney's fee.

**History:** 1998 c 282 s 1