
A BILL FOR AN ACT

RELATING TO SHOPPING CARTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that increasing incidents
2 of shopping carts being removed from the premises of local
3 businesses have generated community concern regarding the
4 accumulation of abandoned shopping carts in public spaces. The
5 legislature further finds that while existing law prohibits the
6 unauthorized removal of shopping carts from the premises of
7 local businesses, there is no mechanism for counties to recover
8 cleanup costs or incentivize local businesses to retrieve their
9 property. The legislature believes that the implementation of
10 appropriate security measures by businesses that provide
11 shopping carts can reduce incidents of shopping cart abandonment
12 and the associated impacts on communities.

13 Accordingly, the purpose of this Act is to:

- 14 (1) Require every business establishment that provides a
15 shopping cart to mark each cart with identifying
16 information;



(2) Authorize a county to impound and dispose of a shopping cart and assess impound fees, storage fees, and disposal fees under certain circumstances;

(3) Authorize the counties to establish policies for managing and impounding shopping carts that have been vandalized or no longer display an owner's identifying mark;

(4) Require the counties to establish a buyback program for impounded shopping carts; and

(5) Authorize the counties to return a shopping cart, in lieu of impoundment, to the business establishment, subject to certain fines.

SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART . REGULATION OF SHOPPING CARTS AND SIMILAR DEVICES

§46-A Definitions. As used in this part, unless the context otherwise requires:

"Business establishment" means any business that provides shopping carts for customer use, regardless of whether the business is:



(1) Advertised or operated as a retail or wholesale business; and

(2) Open to the general public, a private club or business, or a membership store.

"Owner" means the owner or retailer identified by an identification sign on a shopping cart.

"Security measures" means methods designed to prevent the unauthorized removal of a shopping cart from the premises of a business establishment or to facilitate its return, including:

(1) Electronically activated self-braking wheels on a shopping cart;

(2) A pole or other physical barrier mounted to a shopping cart that prevents the removal of the cart from the interior of the business establishment;

(3) Utilization of a patrol and retrieval company that recovers shopping carts on behalf of the business establishment, within a two-mile radius of the contracting business establishment, no fewer than two times per week; and

(4) Security personnel whose duties include control and retention of shopping carts.



1 "Shopping cart" means a device used by customers to
2 temporarily hold items for purchase and includes shopping
3 baskets and other similar devices.

4 **§46-B Labeling requirements.** (a) Every business
5 establishment that provides a shopping cart for customer use
6 shall permanently and conspicuously mark each shopping cart with
7 identifying information that includes, at minimum, the business
8 establishment's name or logo.

9 (b) Each county shall assess a fine, to be determined by
10 ordinance, for violation of this section.

11 **§46-C Impoundment; disposal; notification; fee; fee**
12 **deferral; vandalized shopping carts; buyback program.** (a) A
13 county may impound a shopping cart as follows:

14 (1) After three business days, if the shopping cart:

15 (A) Is located beyond the premises or parking area of
16 the business establishment to which it belongs;
17 and

18 (B) Is not retrieved within three business days of
19 the owner's receipt of notice from the county
20 regarding the discovery of the shopping cart and
21 its location; or



1 (2) Immediately, if the:

2 (A) Location of the shopping cart on public or
3 private property impedes emergency services; or

4 (B) Shopping cart has been abandoned on private land
5 within the county and the owner or occupant of
6 the land consents to the impoundment.

7 (b) The county shall notify in writing the owner of each
8 shopping cart that is subject to prospective impoundment under
9 subsection (a)(1) or that has been impounded under subsection
10 (a)(2) if the shopping cart has the signage required by section
11 46-B. The county clerk may establish by rule a process for
12 owners to register a preferred method of notification. If
13 delivered by United States mail, the notice shall be deemed to
14 have been received three business days after mailing.

15 (c) The notice shall include the following information:

16 (1) In the case of a prospective impoundment under
17 subsection (a)(1):

18 (A) That the owner has three business days from the
19 date of receipt of the notice to retrieve the
20 shopping cart; and



1 (B) That failure to timely retrieve the shopping cart
2 may result in impoundment and disposal of the
3 shopping cart and the assessment of impound,
4 storage, and disposal fees; or

5 (2) In the case of an impoundment that has already
6 occurred under subsection (a)(2):

7 (A) The amount of the impound fee to be assessed on
8 the owner for each shopping cart;

9 (B) That the owner has three business days from the
10 date of receipt of the notice to retrieve the
11 shopping cart from the impound facility; and

12 (C) That the owner's failure to timely retrieve the
13 shopping cart from the impound facility may
14 result in disposal of the cart and the assessment
15 of storage and disposal fees.

16 (d) A county that has impounded a shopping cart pursuant
17 to this section shall assess the owner a fee for each impounded
18 shopping cart unless the fee is eligible for deferral under
19 subsection (e) and may assess reasonable storage fees. If the
20 business owner does not retrieve the shopping cart within three
21 business days of receipt of the notice under subsection (b), the



1 county shall dispose of the shopping cart and assess the owner a
2 disposal fee. The county clerk shall establish the amount of
3 each type of fee assessed under this section and shall post the
4 fee schedule on the county's website.

5 (e) A county that has impounded a shopping cart pursuant
6 to this section shall defer impound fees for the initial three
7 shopping carts owned by the same business establishment that
8 were impounded within any calendar month if, before the
9 impoundment, the owner implemented one or more security
10 measures; provided that the county may charge the owner
11 reasonable storage fees. No county shall defer impound fees for
12 a business establishment in a calendar month if four or more
13 shopping carts owned by the business establishment were
14 impounded within that calendar month.

15 (f) No county shall assess an impound, storage, or
16 disposal fee or any fine to a business establishment if a
17 shopping cart is removed from the business establishment's
18 premises without its consent and is subsequently impounded.

19 (g) A county may establish a policy for managing and
20 impounding shopping carts that have been vandalized or no longer
21 display an owner's identifying mark.



1 (h) Each county shall establish a buyback program for
2 impounded shopping carts. The program shall allow an owner to
3 recover an impounded cart upon payment of a buyback fee, without
4 any fines. The buyback fee shall be an amount sufficient to
5 account for impoundment and program operating costs.

6 **§46-D Retrieval and return; fine.** In lieu of impoundment
7 under section 46-C, a county may return a shopping cart to the
8 business establishment and charge the owner:

9 (1) The costs of retrieval and delivery of the shopping
10 cart; and

11 (2) A fine of \$500 per shopping cart."

12 SECTION 3. In codifying the new sections added by section
13 2 of this Act, the revisor of statutes shall substitute
14 appropriate section numbers for the letters used in designating
15 the new sections in this Act.

16 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Counties; Shopping Carts; Labeling; Impoundment; Disposal;
Buyback Program; Fees; Fines

Description:

Requires every business establishment that provides a shopping cart to mark each cart with identifying information. Authorizes a county to impound and dispose of a shopping cart and assess impound fees, storage fees, and disposal fees under certain circumstances. Authorizes the counties to establish policies for managing and impounding shopping carts that have been vandalized or no longer display an owner's identifying mark. Requires the counties to establish a buyback program for impounded shopping carts. Authorizes the counties to return a shopping cart, in lieu of impoundment, to the business establishment, subject to certain fines. Effective 7/1/3000.
(HD1)

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