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# 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 the incidence of shopping cart  
12 abandonment 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; and

(3) 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.



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

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

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

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

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

16 "Shopping cart" means a device used by customers to  
17 temporarily hold items for purchase and includes shopping  
18 baskets and other similar devices.

19 **§46-B Labeling requirements.** (a) Every business  
20 establishment that provides a shopping cart for customer use  
21 shall permanently and conspicuously mark each shopping cart with



1 identifying information that includes, at minimum, the business  
2 establishment's name or logo.

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

5 **§46-C Impoundment; disposal; notification; fee; fee**  
6 **deferral.** (a) A county may impound a shopping cart as follows:

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

8 (A) Is located beyond the premises or parking area of  
9 the business establishment to which it belongs;  
10 and

11 (B) Is not retrieved within three business days of  
12 the owner's receipt of notice from the county  
13 regarding the discovery of the shopping cart and  
14 its location; or

15 (2) Immediately, if the:

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

18 (B) Shopping cart has been abandoned on private land  
19 within the county and the owner or occupant of  
20 the land consents to the impoundment.



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

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

11           (1) In the case of a prospective impoundment under  
12 subsection (a)(1):

13               (A) That the owner has three business days from the  
14 date of receipt of the notice to retrieve the  
15 shopping cart; and

16               (B) That failure to timely retrieve the shopping cart  
17 may result in impoundment and disposal of the  
18 shopping cart and the assessment of impound,  
19 storage, and disposal fees; or

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



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

3 (B) That the owner has three business days from the  
4 date of receipt of the notice to retrieve the  
5 shopping cart from the impound facility; and

6 (C) That the owner's failure to timely retrieve the  
7 shopping cart from the impound facility may  
8 result in disposal of the cart and the assessment  
9 of storage and disposal fees.

10 (d) A county that has impounded a shopping cart pursuant  
11 to this section shall assess the owner a fee for each impounded  
12 shopping cart unless the fee is eligible for deferral under  
13 subsection (e) and may assess reasonable storage fees. If the  
14 business owner does not retrieve the shopping cart within three  
15 business days of receipt of the notice under subsection (b), the  
16 county shall dispose of the shopping cart and assess the owner a  
17 disposal fee. The county clerk shall establish the amount of  
18 each type of fee assessed under this section and shall post the  
19 fee schedule on the county's website.

20 (e) A county that has impounded a shopping cart pursuant  
21 to this section shall defer impound fees for the initial three



1 shopping carts owned by the same business establishment that  
2 were impounded within any calendar month if, before the  
3 impoundment, the owner implemented one or more security  
4 measures; provided that the county may charge the owner  
5 reasonable storage fees. No county shall defer impound fees for  
6 a business establishment in a calendar month if four or more  
7 shopping carts owned by the business establishment were  
8 impounded within that calendar month.

9 **§46-D Retrieval and return; fine.** In lieu of impoundment  
10 under section 46-C, a county may return a shopping cart to the  
11 business establishment and charge the owner:

12 (1) The costs of retrieval and delivery of the shopping  
13 cart; and

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

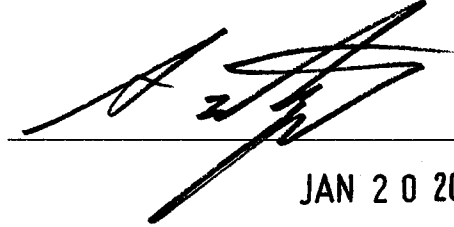
15 SECTION 3. In codifying the new sections added by section  
16 2 of this Act, the revisor of statutes shall substitute  
17 appropriate section numbers for the letters used in designating  
18 the new sections in this Act.



1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

  
JAN 20 2026





# H.B. NO. 1636

**Report Title:**

Counties; Shopping Carts; Labeling; Impoundment; Disposal

**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 return a shopping cart, in lieu of impoundment, to the business establishment, subject to certain fines.

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