

[44-1799.31](#). Definitions

In this article, unless the context otherwise requires:

1. "Business of shopping cart retrieval" means searching for, gathering and restoring possession to the owner or the owner's agent, for compensation or in expectation of compensation, of shopping carts located outside the premises or parking area of a retail establishment.
2. "Parking area" means a parking lot or other property provided by a retailer for use by a customer for parking any automobile or other vehicle.
3. "Shopping cart" means a basket that is mounted on wheels or a similar device that is generally used in a retail establishment by a customer for the purpose of transporting goods of any kind.

[44-1799.32](#). Prohibition of certain shopping cart activity; applicability; consent; presumption

A. A person shall not do any of the following with the intent to temporarily or permanently deprive the owner or retailer of possession of a shopping cart, if the shopping cart has a permanently affixed sign as provided in subsection B:

1. Remove a shopping cart from the premises or parking area of a retail establishment.
2. Be in possession of any shopping cart that has been removed from the premises or parking area of a retail establishment.
3. Be in possession of any shopping cart with the serial numbers removed, obliterated or altered.
4. Leave or abandon a shopping cart at a location other than the premises or parking area of the retail establishment.
5. Alter, convert or tamper with a shopping cart, remove any part or portion of a shopping cart or remove, obliterate or alter serial numbers on a shopping cart.
6. Be in possession of any shopping cart while that cart is not located on the premises or parking lot of a retail establishment.

B. Subsection A applies if a shopping cart has a sign permanently affixed to it that identifies the owner of the cart or retailer, or both, notifies the public of the procedure to be used for authorized removal of the cart from the premises, notifies the public that the unauthorized removal of the cart from the premises or parking area of the retail establishment or the unauthorized possession of the cart is a violation of law and lists a valid telephone number and address for returning the cart removed from the premises or parking area to the owner or retailer.

C. This section does not apply to the owner of a shopping cart or to a retailer or a retailer's agents or employees or to a customer of a retail establishment who has written consent from the owner of a shopping cart or a retailer to be in possession of the shopping cart or to remove the shopping cart from the premises or the parking area of the retail establishment or to do any of the acts specified in subsection A.

D. In any civil proceeding, any shopping cart that has a sign affixed to it pursuant to this section establishes a rebuttable presumption affecting the burden of producing evidence that the property is that of the person or business named in the sign and not abandoned by the person or business named in the sign. In any criminal proceeding, it may be inferred that any shopping cart that has a sign affixed to it pursuant to this section is the property of the person or business named on the sign and has not been abandoned by the person or business named on the sign.

[44-1799.33](#). Finding; impoundment of shopping carts by local agencies; conditions; emergencies; costs; fines; disposal of unclaimed carts; applicability

A. The legislature finds that the retrieval by local government agencies of shopping carts specified in this section is in need of uniform statewide regulation and constitutes a matter of statewide concern that shall be governed solely by this section.

B. A shopping cart that has a sign affixed to it in accordance with section 44-1799.32 may be impounded by a city, town or county if both of the following conditions have been satisfied:

1. The shopping cart is located outside the premises or parking area of a retail establishment. The parking area of a retail establishment located in a multistore complex or shopping center includes the parking area used by the complex or center.
2. The shopping cart is not retrieved within three business days after the date the owner of the shopping cart, or the owner's agent, receives actual notice from the city, town or county of the shopping cart's discovery and location.

C. If the location of the shopping cart will impede emergency services, obstruct vehicle traffic or create a safety hazard to the public on a public right-of-way, a city, town or county may immediately retrieve the shopping cart from public or private property.

- D. A city, town or county that impounds a shopping cart may recover its actual costs for providing this service.
- E. A shopping cart that is impounded by a city, town or county shall be held at a location that is within the city, town or county and open for business at least six hours on Monday through Friday of each week except on holidays observed by the city, town or county.
- F. A city, town or county may fine the owner of a shopping cart not more than fifty dollars for each occurrence in excess of three during the previous six month period for failure to retrieve shopping carts within one day in accordance with this section. An occurrence includes all shopping carts impounded in accordance with this section in a one day period.
- G. A shopping cart that is not reclaimed from the city, town or county within thirty days after receipt of a notice of violation by the owner of the shopping cart may be sold or otherwise disposed of by the city, town or county in possession of the shopping cart.
- H. Notwithstanding subsection B, paragraph 2 of this section, a city, town or county may impound a shopping cart that otherwise meets the criteria prescribed in subsection B, paragraph 1 of this section without complying with the three day advance notice requirement if all of the following apply:
1. The owner of the shopping cart or the owner's agent is provided with actual notice within twenty-four hours after the impound and that notice informs the owner or the owner's agent of the location where the shopping cart may be claimed.
 2. The shopping cart is impounded at a location in compliance with subsection E of this section.
 3. The shopping cart is reclaimed by the owner or the owner's agent within three business days after the date of actual notice as provided in paragraph 1 of this subsection and is released and surrendered to the owner or agent at no charge, including the waiver of any impound and storage fees or fines that would otherwise apply pursuant to subsection D or F of this section. Any cart reclaimed within the three business day period is not deemed an occurrence for purposes of subsection F of this section.
- I. Any shopping cart not reclaimed by the owner or the owner's agent after three business days after the date of actual notice as provided in subsections B and H of this section is subject to any applicable fee or fine imposed pursuant to subsection D or F of this section commencing on the fourth business day after the date of the notice.
- J. Any shopping cart not reclaimed by the owner or the owner's agent within thirty days after the date of actual notice as provided by subsection H, paragraph 1 of this section may be sold or disposed of in accordance with subsection G of this section.

[44-1799.34](#). Shopping cart retrieval; records; sign

- A. A person who engages in the business of shopping cart retrieval shall retain records showing written authorization from the cart's owner, or an agent of the owner, to retrieve the cart and to be in possession of the carts retrieved.
- B. A copy of the record showing written authorization shall be maintained in each vehicle used for shopping cart retrieval.
- C. Each vehicle used for the retrieval of shopping carts shall display a sign that clearly identifies the retrieval service.

[44-1799.35](#). Applicability of article; local ordinances

This article does not invalidate an ordinance of, or shall not be construed to prohibit the adoption of an ordinance by a city, town or county that regulates or prohibits the removal of shopping carts from the premises or parking areas of a retail establishment except to the extent any provision of the ordinance expressly conflicts with any provision of this article.

[44-1799.36](#). Violation; classification; applicability

- A. A person who violates any provision of this article is guilty of a class 3 misdemeanor.
- B. This article is not intended to preclude the application of any other laws relating to prosecution for a criminal offense.