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LAW

§1 - C.40:48-2.65
Title 40.
Chapter 23.
Article 10. (New)
Shopping Carts
§2 - C.40:23-55
§3 - Note to §§1,2

(CORRECTED COPY)

P.L. 2008, CHAPTER 13, *approved April 21, 2008*
Senate, No. 1238 (*First Reprint*)

1 **AN ACT** concerning shopping carts and supplementing various
2 sections of law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. As used in this section:

8 “Shopping cart” means a push cart of the type or types which are
9 commonly provided by grocery stores, drug stores or other retail
10 mercantile establishments for the use of the public in transporting
11 commodities in stores and markets and their parking areas; and

12 “Parking area” means a parking lot or other property provided by
13 a retailer for the use of a customer for parking an automobile or
14 other vehicle. The parking area of a retail mercantile establishment
15 located in a multi-store complex or shopping center shall include
16 the entire parking area used by the complex or center.

17 b. No municipality shall impound a shopping cart that has a
18 sign or notice identifying the owner of the cart, or the retailer who
19 has written consent from the owner to use the cart, and listing a
20 valid telephone number or address through which the owner or
21 retailer can be contacted, unless the following conditions are met:

22 (1) The shopping cart is located outside the premises or parking
23 area of a retail mercantile establishment;

24 (2) The municipality notifies the owner or retailer of the
25 location of the cart and allows three business days from the date of
26 such notification for the owner, retailer, or an authorized agent to
27 retrieve the shopping cart, unless the immediate removal is
28 necessary to prevent a danger to public safety;

29 (3) The municipality notifies the owner or retailer upon
30 impoundment of a shopping cart, and includes information as to
31 how the cart may be retrieved;

32 (4) The location that an impounded shopping cart is held is
33 reasonably convenient to the owner, retailer, or authorized agent,
34 and is open for business at least six hours of each business day;

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SCM committee amendments adopted February 21, 2008.

1 (5) Any fine imposed upon the owner or retailer for an
2 impounded shopping cart does not exceed \$50 for each occurrence
3 for failure to retrieve shopping carts. An occurrence includes all
4 shopping carts impounded in accordance with this section during a
5 24 hour period; and

6 (6) The municipality must allow the owner or retailer a
7 minimum of '~~30~~ five business' days following receipt of notice
8 that a shopping cart has been impounded to retrieve the cart before
9 it may sell or otherwise dispose of the cart.

10 c. A municipality may impound a shopping cart that has a sign
11 or notice identifying the owner of the cart, or the retailer who has
12 written consent from the owner to use the cart, and lists a valid
13 telephone number or address through which the owner or retailer
14 can be contacted, without meeting the conditions required by
15 paragraphs (1) through (5) of subsection b. of this section if the
16 municipality:

17 (1) Notifies the owner or retailer within 24 hours of impounding
18 the shopping cart, and includes information on how the cart may be
19 retrieved;

20 (2) Releases the cart to the owner, retailer or authorized agent
21 without any charge or fine whatsoever, if the owner, retailer, or
22 authorized agent attempts to retrieve the cart within '~~30~~ five
23 business' days of notice.

24 d. Nothing contained in this section shall preclude or otherwise
25 limit a municipality from impounding a shopping cart that does not
26 have a sign or notice identifying the owner of the cart, or the
27 retailer who has written consent from the owner to use the cart, and
28 lists a valid telephone number or address through which the owner
29 or retailer can be contacted.

30

31 2. a. As used in this section:

32 "Shopping cart" means a push cart of the type or types which are
33 commonly provided by grocery stores, drug stores or other retail
34 mercantile establishments for the use of the public in transporting
35 commodities in stores and markets and their parking areas; and

36 "Parking area" means a parking lot or other property provided by
37 a retailer for the use of a customer for parking an automobile or
38 other vehicle. The parking area of a retail mercantile establishment
39 located in a multi-store complex or shopping center shall include
40 the entire parking area used by the complex or center.

41 b. No county shall impound a shopping cart that has a sign or
42 notice identifying the owner of the cart, or the retailer who has
43 written consent from the owner to use the cart, and listing a valid
44 telephone number or address through which the owner or retailer
45 can be contacted, unless the following conditions are met:

46 (1) The shopping cart is located outside the premises or parking
47 area of a retail mercantile establishment;

1 (2) The county notifies the owner or retailer of the location of
2 the cart and allows three business days from the date of such
3 notification for the owner, retailer, or an authorized agent to
4 retrieve the shopping cart, unless the immediate removal is
5 necessary to prevent a danger to public safety;

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11 and is open for business at least six hours of each business day;

12 (5) Any fine imposed upon the owner or retailer for an
13 impounded shopping cart does not exceed \$50 for each occurrence
14 for failure to retrieve shopping carts. An occurrence includes all
15 shopping carts impounded in accordance with this section during a
16 24 hour period; and

17 (6) The county must allow the owner or retailer a minimum of
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35 d. Nothing contained in this section shall preclude or otherwise
36 limit a county from impounding a shopping cart that does not have a
37 sign or notice identifying the owner of the cart, or the retailer who
38 has written consent from the owner to use the cart, and lists a valid
39 telephone number or address through which the owner or retailer
40 can be contacted.

41
42 3. This act shall take effect on the first day of the third month
43 after enactment.

44

45

46

47

48

Regulates impoundment of shopping carts.

SENATE, No. 1238

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED FEBRUARY 14, 2008

Sponsored by:

Senator JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

SYNOPSIS

Regulates impoundment of shopping carts.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning shopping carts and supplementing various
2 sections of law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. a. As used in this section:

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10 mercantile establishments for the use of the public in transporting
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12 “Parking area” means a parking lot or other property provided by
13 a retailer for the use of a customer for parking an automobile or
14 other vehicle. The parking area of a retail mercantile establishment
15 located in a multi-store complex or shopping center shall include
16 the entire parking area used by the complex or center.

17 b. No municipality shall impound a shopping cart that has a
18 sign or notice identifying the owner of the cart, or the retailer who
19 has written consent from the owner to use the cart, and listing a
20 valid telephone number or address through which the owner or
21 retailer can be contacted, unless the following conditions are met:

22 (1) The shopping cart is located outside the premises or parking
23 area of a retail mercantile establishment;

24 (2) The municipality notifies the owner or retailer of the
25 location of the cart and allows three business days from the date of
26 such notification for the owner, retailer, or an authorized agent to
27 retrieve the shopping cart, unless the immediate removal is
28 necessary to prevent a danger to public safety;

29 (3) The municipality notifies the owner or retailer upon
30 impoundment of a shopping cart, and includes information as to
31 how the cart may be retrieved;

32 (4) The location that an impounded shopping cart is held is
33 reasonably convenient to the owner, retailer, or authorized agent,
34 and is open for business at least six hours of each business day;

35 (5) Any fine imposed upon the owner or retailer for an
36 impounded shopping cart does not exceed \$50 for each occurrence
37 for failure to retrieve shopping carts. An occurrence includes all
38 shopping carts impounded in accordance with this section during a
39 24 hour period; and

40 (6) The municipality must allow the owner or retailer a
41 minimum of 30 days following receipt of notice that a shopping cart
42 has been impounded to retrieve the cart before it may sell or
43 otherwise dispose of the cart.

44 c. A municipality may impound a shopping cart that has a sign
45 or notice identifying the owner of the cart, or the retailer who has
46 written consent from the owner to use the cart, and lists a valid
47 telephone number or address through which the owner or retailer
48 can be contacted, without meeting the conditions required by

S1238 VAN DREW

1 paragraphs (1) through (5) of subsection b. of this section if the
2 municipality:

3 (1) Notifies the owner or retailer within 24 hours of impounding
4 the shopping cart, and includes information on how the cart may be
5 retrieved;

6 (2) Releases the cart to the owner, retailer or authorized agent
7 without any charge or fine whatsoever, if the owner, retailer, or
8 authorized agent attempts to retrieve the cart within 30 days of
9 notice.

10 d. Nothing contained in this section shall preclude or otherwise
11 limit a municipality from impounding a shopping cart that does not
12 have a sign or notice identifying the owner of the cart, or the
13 retailer who has written consent from the owner to use the cart, and
14 lists a valid telephone number or address through which the owner
15 or retailer can be contacted.

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18 "Shopping cart" means a push cart of the type or types which are
19 commonly provided by grocery stores, drug stores or other retail
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22 "Parking area" means a parking lot or other property provided by
23 a retailer for the use of a customer for parking an automobile or
24 other vehicle. The parking area of a retail mercantile establishment
25 located in a multi-store complex or shopping center shall include
26 the entire parking area used by the complex or center.

27 b. No county shall impound a shopping cart that has a sign or
28 notice identifying the owner of the cart, or the retailer who has
29 written consent from the owner to use the cart, and listing a valid
30 telephone number or address through which the owner or retailer
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40 of a shopping cart, and includes information as to how the cart may
41 be retrieved;

42 (4) The location that an impounded shopping cart is held is
43 reasonably convenient to the owner, retailer, or authorized agent,
44 and is open for business at least six hours of each business day;

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46 impounded shopping cart does not exceed \$50 for each occurrence
47 for failure to retrieve shopping carts. An occurrence includes all

1 shopping carts impounded in accordance with this section during a
2 24 hour period; and

3 (6) The county must allow the owner or retailer a minimum of
4 30 days following receipt of notice that a shopping cart has been
5 impounded to retrieve the cart before it may sell or otherwise
6 dispose of the cart.

7 c. A county may impound a shopping cart that has a sign or
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9 written consent from the owner to use the cart, and lists a valid
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15 the shopping cart, and includes information on how the cart may be
16 retrieved;

17 (2) Releases the cart to the owner, retailer or authorized agent
18 without any charge or fine whatsoever, if the owner, retailer, or
19 authorized agent attempts to retrieve the cart within 30 days of
20 notice.

21 d. Nothing contained in this section shall preclude or otherwise
22 limit a county from impounding a shopping cart that does not have a
23 sign or notice identifying the owner of the cart, or the retailer who
24 has written consent from the owner to use the cart, and lists a valid
25 telephone number or address through which the owner or retailer
26 can be contacted.

27

28 3. This act shall take effect on the first day of the third month
29 after enactment.

30

31

32

STATEMENT

33

34 This bill would regulate when municipalities and counties may
35 impound shopping carts found outside the premises or parking area
36 of a retail mercantile establishment. For shopping carts which
37 identify the owner or retailer, and list contact information:

38 • the owner would have to be notified of the shopping cart's
39 location and given three business days to retrieve the
40 shopping cart, unless the immediate removal is necessary to
41 prevent a danger to public safety;

42 • if the shopping cart is impounded, the owner or retailer
43 would have to be notified and provided with information on
44 how the cart may be retrieved;

45 • impounded carts would have to be held at a reasonable
46 convenient location, which is open for business at least six
47 hours of each business day;

48 • fines would be limited; and

S1238 VAN DREW

- 1 • the owner or retailer would have to be given 30 days to
2 retrieve the cart from impoundment before the municipality
3 or county may sell or dispose of the cart.
- 4 A municipality or county could be relieved from meeting these
5 conditions if it:
- 6 • notifies the owner or retailer within 24 hours of
7 impounding the shopping cart, and includes information
8 on how the cart may be retrieved;
- 9 • releases the cart without any charge or fine whatsoever, if
10 the owner, retailer, or authorized agent attempts to
11 retrieve the cart within 30 days of notice; and
- 12 • provides the owner or retailer 30 days to retrieve the cart
13 from impoundment before the selling or disposing of it.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 1238

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 21, 2008

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 1238.

This bill would regulate when municipalities and counties may impound shopping carts found outside the premises or parking area of a retail mercantile establishment. For shopping carts which identify the owner or retailer, and list contact information:

- the owner would have to be notified of the shopping cart's location and given three business days to retrieve the shopping cart, unless the immediate removal is necessary to prevent a danger to public safety;
- if the shopping cart is impounded, the owner or retailer would have to be notified and provided with information on how the cart may be retrieved;
- impounded carts would have to be held at a reasonably convenient location, which is open for business at least six hours of each business day;
- fines would be limited; and
- the owner or retailer would have to be given five business days to retrieve the cart from impoundment before the municipality or county may sell or dispose of the cart.

A municipality or county could be relieved from meeting these conditions if it:

- notifies the owner or retailer within 24 hours of impounding the shopping cart, and includes information on how the cart may be retrieved;
- releases the cart without any charge or fine whatsoever, if the owner, retailer, or authorized agent attempts to retrieve the cart within five business days of notice; and
- provides the owner or retailer five business days to retrieve the cart from impoundment before the selling or disposing of it.

The committee amendments to the bill:

- Reduce the number of days, from 30 to five business days, for which a municipality or county shall retain a shopping cart, after notice to the shopping cart owner or retailer, before selling or otherwise disposing of the cart.

ASSEMBLY, No. 1001

STATE OF NEW JERSEY

213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Assemblyman JOSEPH VAS

District 19 (Middlesex)

Assemblyman JON M. BRAMNICK

District 21 (Essex, Morris, Somerset and Union)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

Assemblyman Connors

SYNOPSIS

Regulates impoundment of shopping carts.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 2/26/2008)

1 AN ACT concerning shopping carts and supplementing various
2 sections of law.

3

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14 other vehicle. The parking area of a retail mercantile establishment
15 located in a multi-store complex or shopping center shall include
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10 notice.

11 d. Nothing contained in this section shall preclude or otherwise
12 limit a municipality from impounding a shopping cart that does not
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29 3. This act shall take effect on the first day of the third month
30 after enactment.

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33 STATEMENT

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35 This bill would regulate when municipalities and counties may
36 impound shopping carts found outside the premises or parking area
37 of a retail mercantile establishment. For shopping carts which
38 identify the owner or retailer, and list contact information:

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44 would have to be notified and provided with information on
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- 1 • impounded carts would have to be held at a reasonable
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3 hours of each business day;
4 • fines would be limited; and
5 • the owner or retailer would have to be given 30 days to
6 retrieve the cart from impoundment before the municipality
7 or county may sell or dispose of the cart.

8 A municipality or county could be relieved from meeting these
9 conditions if it:

- 10 • notifies the owner or retailer within 24 hours of
11 impounding the shopping cart, and includes information
12 on how the cart may be retrieved;
13 • releases the cart without any charge or fine whatsoever, if
14 the owner, retailer, or authorized agent attempts to
15 retrieve the cart within 30 days of notice; and
16 • provides the owner or retailer 30 days to retrieve the cart
17 from impoundment before the selling or disposing of it.

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1001

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 25, 2008

The Assembly Consumer Affairs Committee reports favorably and with committee amendments Assembly Bill No. 1001.

Assembly Bill No. 1001 regulates when municipalities and counties may impound shopping carts found outside the premises or parking area of a retail mercantile establishment. Under the bill, for shopping carts which identify the owner or retailer, and list contact information:

- the owner must be notified of the shopping cart's location and given three business days to retrieve the shopping cart, unless the immediate removal is necessary to prevent a danger to public safety;
- if the shopping cart is impounded, the owner or retailer must be notified and provided with information on how the cart may be retrieved;
- impounded carts must be held at a reasonable convenient location, which is open for business at least six hours of each business day;
- fines are limited; and
- the owner or retailer must be given five business days to retrieve the cart from impoundment before the municipality or county may sell or dispose of the cart.

A municipality or county may be relieved from meeting these conditions if it:

- notifies the owner or retailer within 24 hours of impounding the shopping cart, and includes information on how the cart may be retrieved;
- releases the cart without any charge or fine whatsoever, if the owner, retailer, or authorized agent attempts to retrieve the cart within five business days of notice; and
- provides the owner or retailer five business days to retrieve the cart from impoundment before the selling or disposing of it.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

At the sponsor's request, the committee amended the bill to reduce the length of time that a municipality or county must give the owner or retailer to retrieve an impounded shopping cart, from 30 days to five business days.