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

4           "§46-     Disposal of abandoned shopping carts.   (a) The  
5 agency responsible for solid waste disposal in any county having  
6 a population of five hundred thousand or more may confiscate any  
7 shopping cart that appears to be abandoned, whether or not the  
8 cart contains any goods or other material.

9           (b) A county that confiscates a shopping cart pursuant to  
10 this section shall notify the owner of the shopping cart of the  
11 confiscation of the shopping cart. If the identity of the owner  
12 cannot be ascertained by any markings on the shopping cart, the  
13 county may send the notification to the nearest business that  
14 uses shopping carts.

15           (c) The county shall allow a shopping cart owner to  
16 retrieve the shopping cart within twenty-four hours of the  
17 notification of confiscation.



- 1        (d) The county may:
- 2        (1) Dispose of any shopping cart at a recycling center;
- 3                and
- 4        (2) Impose on the shopping cart's owner a per-cart fine of
- 5                up to \$ \_\_\_\_\_,
- 6 if the shopping cart is not retrieved by its owner within
- 7 twenty-four hours of the owner's receipt of notification of
- 8 confiscation.
- 9        (e) A business fined pursuant to this section may request
- 10 a contested case hearing against the fine on the grounds that
- 11 the shopping cart in question:
- 12        (1) Did not belong to the business; or
- 13        (2) Was unmarked with owner-identifying information and
- 14                was more closely located to another business that uses
- 15                shopping carts when the county confiscated the
- 16                shopping cart in question.
- 17        (f) If the finder of fact determines by a preponderance of
- 18 evidence after a contested case hearing that:
- 19        (1) The business owned the shopping cart in question; or
- 20        (2) In the case of a shopping cart unmarked with owner-
- 21                identifying information, that no other business that



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1           uses shopping carts was closer to the shopping in  
 2           question at the time the shopping cart in question was  
 3           confiscated by the county,  
 4 the finder of fact may affirm the imposition of the fine.

5           (g) The county may consolidate numerous cases involving  
 6 the same business into one contested case hearing.

7           (h) All fines collected by a county under this section  
 8 shall be considered revenues of the solid waste disposal  
 9 division of the county."

10           SECTION 2. This Act does not affect rights and duties that  
 11 matured, penalties that were incurred, and proceedings that were  
 12 begun before its effective date.

13           SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY:

JAN 18 2019



# H.B. NO. 308

**Report Title:**

County Solid Waste; Shopping Carts; Disposal; Fines

**Description:**

Authorizes the solid waste disposal division of each county with a population of 500,000 or more to: (1) confiscate abandoned shopping carts; (2) dispose of shopping carts not retrieved by owners within 24 hours of notification of confiscation; and (3) impose fines upon owners for unretrieved shopping carts. Allows businesses that are fined to contest the fines in certain circumstances.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

