HOUSE OF REPRESENTATIVES
THIRTIETH LEGISLATURE, 2019
STATE OF HAWAII

H.B. NO. 408

A BILL FOR AN ACT
RELATING TO SHOPPING CARTS.

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

SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

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

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

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

(1) Dispose of any shopping cart at a recycling center; and
(2) Impose on the shopping cart's owner a per-cart fine of up to $____, if the shopping cart is not retrieved by its owner within twenty-four hours of the owner's receipt of notification of confiscation.

A business fined pursuant to this section may request a contested case hearing against the fine on the grounds that the shopping cart in question:

(1) Did not belong to the business; or
(2) Was unmarked with owner-identifying information and was more closely located to another business that uses shopping carts when the county confiscated the shopping cart in question.

If the finder of fact determines by a preponderance of evidence after a contested case hearing that:

(1) The business owned the shopping cart in question; or
(2) In the case of a shopping cart unmarked with owner-identifying information, that no other business that
uses shopping carts was closer to the shopping in
question at the time the shopping cart in question was
confiscated by the county,
the finder of fact may affirm the imposition of the fine.
(g) The county may consolidate numerous cases involving
the same business into one contested case hearing.
(h) All fines collected by a county under this section
shall be considered revenues of the solid waste disposal
division of the county."

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

SECTION 3. New statutory material is underscored.

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

INTRODUCED BY: [Signature]
JAN 18 2019
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.