

CHAPTER 13

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

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

C.40:48-2.65 Definitions; impoundment of shopping carts by municipalities.

1. a. As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

d. Nothing contained in this section shall preclude or otherwise limit a municipality from impounding a shopping cart that does not have a sign or notice identifying the owner of

the cart, or the retailer who has written consent from the owner to use the cart, and lists a valid telephone number or address through which the owner or retailer can be contacted.

C.40:23-55 Definitions; impoundment of shopping carts by county.

2. a. As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved April 21, 2008.