

A-Engrossed
Senate Bill 645

Ordered by the Senate March 16
Including Senate Amendments dated March 16

Sponsored by Senator MONNES ANDERSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Establishes crime of unauthorized use of shopping cart. Punishes by up to 30 days' imprisonment, \$1,250 fine, or both.]

[Requires persons that supply shopping carts for public use to post certain notices and establish toll-free telephone line for reporting abandoned shopping carts. Requires owner to retrieve shopping cart within 72 hours after receiving report concerning abandoned shopping cart. Permits public bodies to report existence and location of abandoned shopping cart to owner and, if owner does not retrieve shopping cart within 72 hours after report, to take custody of shopping cart and impose \$50 fine on owner. Provides that shopping carts not retrieved by owner after 30 days in custody of public body become property of public body.]

Allows local government to enact or adopt regulation to prohibit unauthorized appropriation of shopping cart from business premises of person that owns shopping cart.

Specifies that regulation must require persons that supply shopping carts for public use to post certain notices and establish toll-free telephone line for reporting abandoned shopping carts.

Specifies that regulation must require local government to report existence and location of abandoned shopping cart to shopping cart owner and, if owner does not retrieve cart within 72 hours of report, local government may take custody of cart and impose \$50 fine on owner. Specifies that regulation must provide that shopping carts not claimed within 30 days may become property of local government.

A BILL FOR AN ACT

1
2 Relating to shopping carts.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) A local government may enact or adopt an ordinance, charter provision,**
5 **resolution or other regulation to prohibit the unauthorized appropriation of a shopping cart**
6 **from the business premises of the person that owns the shopping cart and to provide for the**
7 **salvage or reclamation of an abandoned shopping cart.**

8 **(2) An ordinance, charter provision, resolution or other regulation enacted or adopted**
9 **as described in subsection (1) of this section shall substantially conform with the require-**
10 **ments set forth in section 2 of this 2007 Act.**

11 **(3) For purposes of this section, "local government" means a city, county, special district**
12 **or other public commission, authority or entity organized under state statute or city or**
13 **county charter.**

14 **SECTION 2. (1) A local government in an ordinance, charter provision, resolution or**
15 **other regulation enacted or adopted in accordance with section 1 of this 2007 Act shall pro-**
16 **vide that a person that supplies shopping carts for public use at the person's business shall:**

17 **(a) Post signs in sufficient number to give notice to members of the public entering onto**
18 **or leaving the business premises that unauthorized appropriation of a shopping cart is a**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 crime under ORS 164.015 and to provide a toll-free telephone number that members of the
2 public may use to report abandoned shopping carts.

3 (b) Identify the person's business on each shopping cart and post a sign on the shopping
4 cart that:

5 (A) Notifies any member of the public using the shopping cart that unauthorized appro-
6 priation of a shopping cart is a crime under ORS 164.015; and

7 (B) Provides a toll-free telephone number for use in reporting an abandoned shopping
8 cart.

9 (c) Establish, maintain and make available to the public, at the person's own expense, a
10 toll-free telephone line for the purpose of reporting abandoned shopping carts. The person
11 shall forward each report the person receives concerning an abandoned shopping cart to the
12 owner of the shopping cart and to the appropriate local government within one business day
13 after the person receives the report. The person may forward the report to the local gov-
14 ernment by means of electronic mail or in any other manner provided for in a local govern-
15 ment regulation.

16 (2) An ordinance, charter provision, resolution or other regulation enacted or adopted in
17 accordance with section 1 of this 2007 Act shall provide that a person may agree with other
18 persons to share and to pay expenses related to the toll-free telephone line described in
19 subsection (1)(c) of this section. The agreement shall provide that any person designated to
20 operate the toll-free telephone line and receive reports concerning abandoned shopping carts
21 must forward the reports in accordance with subsection (1)(c) of this section.

22 (3) An ordinance, charter provision, resolution or other regulation enacted or adopted in
23 accordance with section 1 of this 2007 Act shall provide that a person shall retrieve a shop-
24 ping cart that the person owns within 72 hours after receiving notification that the shopping
25 cart has been abandoned.

26 (4) An ordinance, charter provision, resolution or other regulation enacted or adopted in
27 accordance with section 1 of this 2007 Act shall provide that:

28 (a) A local government that identifies, salvages or reclaims an abandoned shopping cart
29 shall use the toll-free telephone line described in subsection (1)(c) of this section to report
30 the existence and location of an abandoned shopping cart to the owner of the shopping cart,
31 if the owner is identifiable;

32 (b) A local government may take custody of an abandoned shopping cart and impose a
33 fine of \$50 on the owner of the shopping cart if the owner does not retrieve the shopping cart
34 within 72 hours after the local government makes a report under paragraph (a) of this sub-
35 section or after the owner receives a report under subsection (1)(c) of this section;

36 (c) A local government may release a shopping cart held in the local government's cus-
37 tody to the owner upon payment of the fine; and

38 (d) A local government may take title to a shopping cart in the local government's cus-
39 tody and dispose of the shopping cart as the local government deems appropriate, if the
40 owner does not claim the shopping cart within 30 days.

41 (5) For purposes of this section, "local government" means a city, county, special district
42 or other public commission, authority or entity organized under state statute or city or
43 county charter.