



Bill Text: CA SB753 | 2025-2026 | Regular Session | Chaptered California Senate Bill 753

Bill Title: Special business regulations: shopping carts.

Sponsorship: Partisan Bill (Democrat 1)

Status: (Passed) 2025-10-13 - Chaptered by Secretary of State. Chapter 785, Statutes of 2025. [SB753 Detail]

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Senate Bill No. 753

CHAPTER 785

An act to amend Section 22435.7 of, and to add Section 22435.7.5 to, the Business and Professions Code, relating to business.

[Approved by Governor October 13, 2025. Filed with Secretary of State October 13, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

SB 753, Cortese. Special business regulations: shopping carts.

Existing law authorizes a city, county, or city and county to impound a shopping cart that has a specified permanently affixed sign if certain conditions are satisfied, including that the city, county, or city and county provides 3-day advance actual notice of the shopping cart's discovery and location to the owner of the shopping cart or their agent, except as specified.

This bill would authorize a city, county, or city and county, pursuant to an ordinance, to retrieve and return a shopping cart to the parking area or premises of the owner or retailer identified on the affixed sign, as specified, and to recover its actual costs for the retrieval and return, not to exceed \$100 per shopping cart. The bill would also require actual notice for purposes of these provisions to include proof that the notice was delivered to the owner or their agent, as specified, and require the city, county, or city and county to maintain a record of that proof of delivery.

Existing law authorizes the city, county, or city and county to fine the owner of a shopping cart in an amount not to exceed \$50 for each occurrence in excess of 3 during a specified 6-month period for failure to retrieve shopping carts in accordance with specified law.

The bill would authorize a city, county, or city and county to fine the owner of a shopping cart in an amount not to exceed \$100 instead of \$50 for each occurrence pursuant to the provisions described above.

Digest Key

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 22435.7 of the Business and Professions Code is amended to read:

22435.7. (a) The Legislature hereby finds that the retrieval by local governmental agencies of shopping carts specified in this section is in need of uniform statewide regulation and constitutes a matter of statewide concern that shall be governed solely by this section and Section 22435.7.5.

(b) (1) A city, county, or city and county may do either of the following with a shopping cart that has a sign affixed to it in accordance with Section 22435.1 that is located outside the premises or parking area of a retail establishment:

(A) Pursuant to an ordinance adopted by a city, county, or city and county in accordance with Section 22435.7.5, retrieve and return the shopping cart to the parking area or premises of the owner or retailer identified on the sign.

(B) Except as provided in subdivision (i), if the shopping cart is not retrieved within three business days from the date the owner of the shopping cart, or their agent, receives actual notice from the city, county, or city and county of the shopping cart's discovery and location, impound the shopping cart.

(2) For purposes of this subdivision, the parking area of a retail establishment located in a multistore complex or shopping center shall include the entire parking area used by the complex or center.

(c) In instances where the location of a shopping cart will impede emergency services, a city, county, or city and county is authorized to immediately impound the shopping cart from public or private property.

(d) Any city, county, or city and county that impounds a shopping cart under the authority provided in subdivisions (b) and (c) is authorized to recover its actual costs for providing this service.

(e) Any shopping cart that is impounded by a city, county, or city and county pursuant to subdivisions (b) and (c) shall be held at a location that is both:

(1) Reasonably convenient to the owner of the shopping cart.

(2) Open for business at least six hours of each business day.

(f) (1) A city, county, or city and county may fine the owner of a shopping cart in an amount not to exceed one hundred dollars (\$100) for each occurrence in excess of three during a specified six-month period for failure to retrieve shopping carts in accordance with subparagraph (B) of paragraph (1) of subdivision (b) or subdivision (c).

(2) For purposes of this paragraph, "occurrence" means a failure to retrieve a shopping cart within three business days from the date the owner of the shopping cart, or their agent, receives actual notice from the city, county, or city and county of the shopping cart's discovery and location.

(g) Any shopping cart not reclaimed from the city, county, or city and county within 30 days of receipt of a notice of violation by the owner of the shopping cart may be sold or otherwise disposed of by the entity in possession of the shopping cart.

(h) This section shall not invalidate any contract entered into prior to June 30, 1996, between a city, county, or city and county and a person or business entity for the purpose of retrieving or impounding shopping carts.

(i) Notwithstanding subparagraph (B) of paragraph (1) of subdivision (b), a city, county, or city and county may impound a shopping cart that otherwise meets the criteria set forth in that subparagraph without complying with the three-day advance notice requirement provided that:

(1) The owner of the shopping cart, or their agent, is provided actual notice within 24 hours following the impound and that notice informs the owner, or their agent, as to the location where the shopping cart may be claimed.

(2) Any shopping cart so impounded shall be held at a location in compliance with subdivision (e).

(3) Any shopping cart reclaimed by the owner or their agent, within three business days following the date of actual notice as provided pursuant to paragraph (1), shall be released and surrendered to the owner or agent at no charge whatsoever, including the waiver of any impound and storage fees or fines that would otherwise be applicable pursuant to subdivision (d) or (f). Any cart reclaimed within the three-business-day period shall not be deemed an occurrence for purposes of subdivision (f).

(4) Any shopping cart not reclaimed by the owner or their agent, within three business days following the date of actual notice as provided pursuant to paragraph (1), shall be subject to any applicable fee or fine imposed pursuant to subdivision (d) or (f) commencing on the fourth business day following the date of the notice.

(5) Any shopping cart not reclaimed by the owner or their agent, within 30 days of receipt following the date of actual notice as provided pursuant to paragraph (1), may be sold or disposed of in accordance with subdivision (g).

(j) For purposes of this section, actual notice shall require proof that the notice was delivered to the owner, or their agent, which may include, but is not limited to, telephone, mail with delivery confirmation, or electronic transmission with delivery confirmation. The city, county, or city and county shall maintain a record of that proof of delivery.

SEC. 2. Section 22435.7.5 is added to the Business and Professions Code, to read:

22435.7.5. (a) The Legislature hereby finds that the retrieval by local governmental agencies of shopping carts specified in this section is in need of uniform statewide regulation and constitutes a matter of statewide concern that shall be governed solely by this section and Section 22435.7.

(b) (1) A city, county, or city and county shall only retrieve and return a shopping cart that is located outside the premises or parking area of a retail establishment to the parking area or premises of the owner or retailer identified on the sign affixed to it in accordance with Section 22435.1 and recover its actual costs, if the city, county, or city and county adopts an ordinance subject to the following requirements:

(A) The ordinance includes criteria for determining that a shopping cart is inaccessible for retrieval by the shopping cart owner, or their agent.

(B) The ordinance includes an explanation of how the actual costs for retrieving and returning a shopping cart will be determined.

(C) The ordinance provides for at least 48 hours' actual notice to the owner of the shopping cart, or their designated agent, of the shopping cart's location before the city, county, or city and county retrieves the cart.

(D) The ordinance provides that the city, county, or city and county may recover its actual costs for the retrieval and return from the owner of the shopping cart, except those determined to be inaccessible pursuant to the criteria in subparagraph (A), subject to the explanation described in subparagraph (B) and not to exceed more than one hundred dollars (\$100) per shopping cart.

(2) The ordinance may specify, but is not limited to, at least one of the following:

(A) The actual notice provides for the specific location of the shopping cart.

(B) The actual notice provides that the shopping cart is located within a predesignated area or route, as determined by the city, county, or city and county.

(3) The ordinance may require the owner of the shopping cart, or their designated agent, to follow procedures for receiving actual notice.

(c) When a city, county, or city and county retrieves a shopping cart in response to a duly filed complaint or service request submitted by a member of the public, the city, county, or city and county may do either of the following:

(1) Retrieve and return the shopping cart without providing actual notice to the owner of the shopping cart, or their designated agent, in which case the city, county, or city and county shall not recover the actual costs of retrieval or return.

(2) Provide at least 48 hours' actual notice to the owner of the shopping cart, or their designated agent, before retrieval, in which case the city, county, or city and county may recover its actual costs of retrieval and return consistent with subdivision (b).

(d) If the location of a shopping cart will impede emergency services or pose a substantial threat to health and safety, including an imminent hazard, a city, county, or city and county is authorized to immediately retrieve and return the shopping cart.

(e) This section shall not prohibit a city, county, or city and county from being able to retrieve and return shopping carts for no reimbursement.

(f) For purposes of this section, both of the following apply:

(1) Actual notice shall require proof that the notice was delivered to the owner, or their agent, which may include, but is not limited to, telephone, mail with delivery confirmation, or electronic transmission with delivery confirmation. The city, county, or city and county shall maintain a record of that proof of delivery.

(2) The parking area of a retail establishment located in a multistore complex or shopping center shall include the entire parking area used by the complex or center.