

Introduced by Senator WaltersFebruary 26, 2009

An act to amend Section 22435.5 of the Business and Professions Code, relating to shopping carts.

LEGISLATIVE COUNSEL'S DIGEST

SB 446, as introduced, Walters. Shopping carts: electronic tags.

Existing law makes it unlawful to, among other things, remove a shopping cart or laundry cart with a specified sign from the premises or parking area of a retail establishment and to abandon those carts at a location other than the premises or parking area of the retail establishment, with the intent to deprive the owner or retailer possession of the cart. Under existing law, in civil proceedings, carts affixed with a specified sign establish a rebuttable presumption affecting the burden of producing evidence that the cart belongs to the person or business named in the specified sign.

This bill would state that carts affixed with a specified electronic tag also establish a rebuttable presumption.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 22435.5 of the Business and Professions
- 2 Code is amended to read:
- 3 22435.5. (a) In any civil proceeding, any shopping cart or
- 4 laundry cart which has a sign affixed to it pursuant to Section
- 5 22435.1 or an electronic tag as described in subdivision (c) shall
- 6 establish a rebuttable presumption affecting the burden of

1 producing evidence that the property is that of the person or
2 business named in the sign *or the electronic tag* and not abandoned
3 by the person or business named in the sign *or the electronic tag*.

4 (b) In any criminal proceeding, it may be inferred that any
5 shopping cart or laundry cart which has a sign affixed to it pursuant
6 to Section 22435.1 is the property of the person or business named
7 in the sign and has not been abandoned by the person or business
8 named in the sign.

9 (c) *For the purpose of this section, “electronic tag” means an*
10 *electronic tag contained below the surface of a shopping cart or*
11 *laundry cart that stores the name, address, and toll-free telephone*
12 *number of the cart owner, in a format that is readable to the public*
13 *generally.*