

REFERENCE TITLE: **business property; theft; penalties; prohibition**

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2460

Introduced by
Representative Kupper

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.54; AMENDING TITLE 11, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-269.31; RELATING TO BUSINESS PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes,
3 is amended by adding section 9-500.54, to read:

4 9-500.54. Business property; theft; penalties; prohibition;
5 enforcement; state preemption; definitions

6 A. NOTWITHSTANDING ANY OTHER LAW, A MUNICIPALITY MAY NOT ADOPT OR
7 ENFORCE ANY ORDINANCE, RULE OR REGULATION THAT IMPOSES A PENALTY ON A
8 BUSINESS FOR THE THEFT OF THE MOVABLE PROPERTY OF THE BUSINESS.

9 B. A MUNICIPALITY MAY NOT ENFORCE A PENALTY THAT DOES ANY OF THE
10 FOLLOWING:

11 1. IMPOSES FINES OR FEES FOR ABANDONED MOVABLE PROPERTY THAT
12 BELONGS TO A BUSINESS THAT IS FOUND OFF OF THE PROPERTY OF THE BUSINESS.

13 2. REQUIRES A BUSINESS TO PAY FOR THE RETRIEVAL, STORAGE OR
14 DISPOSAL OF MOVABLE PROPERTY THAT BELONGS TO THE BUSINESS AND THAT HAS
15 BEEN RETRIEVED OR COLLECTED BY THE MUNICIPALITY.

16 3. MANDATES THAT A BUSINESS CERTIFY COMPLIANCE WITH MUNICIPAL
17 RETRIEVAL PROGRAMS UNDER THE THREAT OF IMPOSING A PENALTY IF THE
18 NONCOMPLIANCE BY THE BUSINESS IS BASED ON THE THEFT OF THE MOVABLE
19 PROPERTY THAT BELONGS TO THE BUSINESS.

20 C. A MUNICIPALITY MAY DO ANY OF THE FOLLOWING:

21 1. NOTIFY A BUSINESS OF THE LOCATION OF MOVABLE PROPERTY THAT
22 BELONGS TO THE BUSINESS AND ALLOW THE BUSINESS TO VOLUNTARILY RETRIEVE THE
23 MOVABLE PROPERTY WITHOUT IMPOSING ANY FEE.

24 2. INSTITUTE CRIMINAL OR CIVIL PENALTIES AGAINST A PERSON WHO IS
25 RESPONSIBLE FOR THE THEFT OF MOVABLE PROPERTY THAT BELONGS TO A BUSINESS.

26 3. ENACT GENERAL NUISANCE ABATEMENT ORDINANCES, RULES OR
27 REGULATIONS THAT DO NOT SPECIFICALLY INCLUDE IMPOSING A PENALTY ON A
28 BUSINESS FOR THE THEFT OF MOVABLE PROPERTY THAT BELONGS TO THE BUSINESS.

29 D. THE ATTORNEY GENERAL OR ANY BUSINESS MAY BRING AN ACTION IN THE
30 SUPERIOR COURT TO ENJOIN A MUNICIPALITY FROM ENFORCING AN ORDINANCE, RULE
31 OR REGULATION THAT IS PROHIBITED BY THIS SECTION. A BUSINESS THAT
32 PREVAILS IN AN ACTION BROUGHT PURSUANT TO THIS SUBSECTION IS ENTITLED TO
33 RECOVERY OF REASONABLE ATTORNEY FEES AND COSTS.

34 E. THE REGULATION OF THE THEFT OF MOVABLE PROPERTY OF A BUSINESS IS
35 OF STATEWIDE CONCERN. THE REGULATION OF THE THEFT OF MOVABLE PROPERTY OF
36 A BUSINESS PURSUANT TO THIS SECTION IS NOT SUBJECT TO FURTHER REGULATION
37 BY A MUNICIPALITY.

38 F. FOR THE PURPOSES OF THIS SECTION:

39 1. "BUSINESS" MEANS ANY COMMERCIAL ENTERPRISE THAT OWNS OR PROVIDES
40 MOVABLE PROPERTY FOR USE BY THE CUSTOMERS OF THE BUSINESS.

41 2. "MOVABLE PROPERTY":

42 (a) MEANS TANGIBLE PROPERTY THAT IS OWNED BY A BUSINESS THAT IS
43 INTENDED FOR TEMPORARY USE BY THE CUSTOMERS OF THE BUSINESS.

44 (b) INCLUDES SHOPPING CARTS AND HAND-HELD BASKETS.

1 (b) INCLUDES SHOPPING CARTS AND HAND-HELD BASKETS.

2 3. "THEFT" MEANS UNAUTHORIZED TAKING, REMOVING OR ABANDONING
3 MOVABLE PROPERTY THAT BELONGS TO A BUSINESS BY A PERSON OTHER THAN THE
4 OWNER OF THE BUSINESS OR AN OWNER'S AUTHORIZED AGENT.

5 Sec. 3. Severability

6 If a provision of this act or its application to any person or
7 circumstance is held invalid, the invalidity does not affect other
8 provisions or applications of the act that can be given effect without the
9 invalid provision or application, and to this end the provisions of this
10 act are severable.

11 Sec. 4. Legislative findings

12 The legislature finds that:

13 1. Theft of business property, including shopping carts, imposes
14 significant financial burdens on businesses through no fault of their own.

15 2. Local ordinances that penalize businesses for a theft or
16 abandonment of their property by third parties, including criminals or
17 unauthorized users, unfairly shifts responsibility from perpetrators to
18 victims.

19 3. Penalties imposed by local ordinances discourage business
20 investment, increase operational costs and may lead to higher prices for
21 consumers.

22 4. It is the policy of this state to protect businesses from undue
23 regulations that penalize them for crimes committed against them.

24 Sec. 5. Short title

25 This act may be cited as the "Completely Asinine Rule Termination
26 (CART) Act".