START\_STATUTE33-2501.  Drop box; private property; required consent; exemptions; definitions

A.  Any person that places a drop box on private property shall obtain notarized approval that is signed by the private property owner or the private property owner's authorized agent before placing the drop box on the private property, provided the private property owner or the private property owner's authorized agent complies with the requirements of any applicable covenant, condition or restriction on the property where the drop box is to be located.

B.  All drop boxes shall display, in a clear and conspicuous manner, the name of the person that owns the drop box and the contact information for the drop box owner, including the person's name, address, telephone number and e-mail address.

C.  The private property owner or the private property owner's authorized agent may rescind permission for the placement of a drop box on the private property at any time. The private property owner or the private property owner's authorized agent shall notify the owner of the drop box by certified mail of the decision to rescind permission for the placement of the drop box. The notice shall be mailed to the address listed on the drop box. The drop box owner shall remove the drop box within ten business days after receipt of the notification. If the drop box is not removed after ten business days, the private property owner or the private property owner's authorized agent may dispose of the drop box and its contents.

D.  Any drop box that is placed on private property without notarized consent of the private property owner or the private property owner's authorized agent may be removed and disposed of by the private property owner or the private property owner's authorized agent at any time without notification.

E.  A private property owner or the private property owner's authorized agent who removes a drop box pursuant to subsection C or D of this section is not liable for the losses associated with the removal of a drop box and its contents.

F.  This section does not:

1.  Apply to a drop box that is located on private property that is owned by the person that owns the drop box, provided the private property owner or the private property owner's authorized agent complies with the requirements of any applicable covenant, condition or restriction on the property where the drop box is to be located.

2.  Preempt a city or town from adopting an ordinance to regulate drop boxes if the ordinance does not conflict with this section.

3.  Preempt a county board of supervisors from adopting an ordinance or resolution to regulate drop boxes if the ordinance or resolution does not conflict with this section.

4.  Apply to a written license or lease agreement or written contract between the private property owner and the owner of the drop box, provided the private property owner or the private property owner's authorized agent complies with the requirements of any applicable covenant, condition or restriction on the property where the drop box is to be located.

5.  Apply to an existing tenant on private property provided the tenant obtains prior approval from the private property owner or the private property owner’s authorized agent of the private property where the drop box is to be located, provided the private property owner or the private property owner's authorized agent complies with the requirements of any applicable covenant, condition or restriction on the property where the drop box is to be located.

6.  Create any additional liability, responsibility or duty on another tenant or lessee of the private property.

G.  For the purposes of this section:

1.  "Drop box" means any container, storage unit or structure, other than a primary building or accessory building, used for the collection of donated items by the general public, including clothing, materials, household goods, toys, books and papers.

2.  "Private property owner's authorized agent" means an individual who is either:

(a)  If the private property owner is a corporation, a principal executive officer or other corporate officer with signatory powers pursuant to the corporation's bylaws or a vote of the directors.

(b)  If the private property owner is a partnership or sole proprietorship, a general partner or proprietor.

(c)  A duly authorized representative who is responsible for the overall operation of the private property or who has authority to sign contracts, permits, permit applications, monitoring results and other documents in the private property owner's name. END\_STATUTE