
A BILL FOR AN ACT

RELATING TO SCRAP COPPER DEALERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 445, Hawaii Revised Statutes, is
2 amended by adding a new section to part X to be appropriately
3 designated and to read as follows:

4 "§445- Prohibitions for copper transactions; penalties.

5 (a) No person shall buy scrap copper from:

6 (1) A minor; or

7 (2) Any person who does not at the time of sale, present a
8 driver's license, state identification, or other
9 identification issued by a governmental agency that
10 includes a photograph of the holder of the
11 identification.

12 (b) In addition to any penalties provided by section 445-
13 235, any person who:

14 (1) Violates subsection (a);

15 (2) Fails to comply with the record requirements of
16 section 445-233(b); or

17 (3) Buys scrap copper without a license issued under this
18 part,



1 shall be subject to an administrative fine of \$2,000. Each
2 day's violation of subsection (b) (3) shall be considered a
3 separate offense. Any action taken to impose or collect a fine
4 under this section shall be a civil action.

5 (c) The treasurer shall for one year, suspend or refuse to
6 renew the license of any scrap dealer who violates the
7 requirements of subsection (a) (2).

8 SECTION 2. Section 445-233, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§445-233 Statement required[-]; additional requirements**
11 **for scrap copper transactions.** (a) Every scrap dealer, when
12 the dealer purchases scrap within the [~~State,~~] state, shall
13 obtain a written statement signed by the seller or the seller's
14 agent certifying that the seller or the seller's agent has the
15 lawful right to sell and dispose of the scrap. This statement
16 shall also contain the seller's name; the seller's business or
17 residence address; the seller's occupation; a description,
18 including serial numbers and other identifying marks, when
19 practical, of every scrap; the amount received by the seller;
20 the date, time and place of the sale; and the license number of
21 any vehicle used to deliver the [~~property~~] scrap to the place of
22 purchase.



1 The scrap dealer shall require the seller to verify the
2 seller's identity by presenting proper identification. The
3 scrap dealer shall keep at the dealer's place of business the
4 signed written statement from the seller for a period of two
5 years after the date of purchase and the statement may be
6 examined at any time by the treasurer or the chief of police.

7 (b) Where a transaction involves scrap copper, a scrap
8 dealer in addition to the information required under subsection
9 (a), shall obtain:

- 10 (1) Both the seller's business and residence address;
11 (2) The seller's phone number;
12 (3) The seller's driver's license number, or the number of
13 another identification tendered by the seller to
14 satisfy the requirements of section 445- ;
15 (4) A photostatic copy of the seller's driver's license or
16 other identification meeting the requirements of
17 section 445- ;
18 (5) In the absence of the license number of the vehicle
19 used to deliver the copper to the place of purchase, a
20 description of the method by which the seller
21 delivered the copper; and
22 (6) A notarized statement from the seller's employer that:



1 (A) Includes the employer's name, phone number, and
2 business address;

3 (B) Describes the source of the copper; and

4 (C) States that the sale of copper wire is work-
5 related; or if the sale of copper is not work-
6 related, a signed, written statement describing
7 how and where the seller obtained the copper.

8 A scrap metal dealer shall keep at the dealer's place of
9 business, records of all statements and information required
10 under this section for transactions involving copper, for four
11 years after the date of purchase. A scrap metal dealer shall
12 have the duty to take reasonable precautions to protect the
13 privacy of those records. The records shall be made available
14 to and may be examined at any time by the treasurer or the chief
15 of police."

16 SECTION 2. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun, before its effective date.

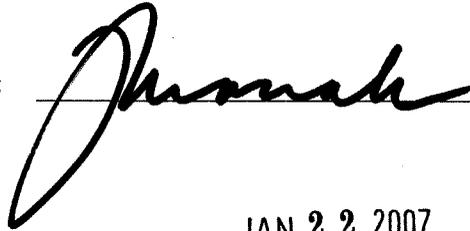
19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY:

_____

JAN 22 2007



Report Title:

Scrap Copper Dealers; Recordkeeping; Prohibitions

Description:

Prohibits scrap copper dealers from purchasing copper from minors and persons without a government-issued picture ID. Imposes additional recordkeeping requirements for scrap copper transactions. Requires records to be kept and made available to the counties and county police for four years.

