
A BILL FOR AN ACT

RELATING TO METAL.

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

1 SECTION 1. Section 445-231, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Copper" means copper in all different forms, including
5 tubing, sheets (includes plates), gutters, down spouts, bars,
6 bare wire or cable, insulated wire or cable, and aluminum/copper
7 coil used in air conditioning and refrigeration."

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

10 **"§445-233 Statement required. (a)** Every scrap dealer,
11 when the dealer purchases scrap within the State, shall obtain a
12 written statement signed by the seller or the seller's agent
13 certifying that the seller or the seller's agent has the lawful
14 right to sell and dispose of the scrap. This statement shall
15 also contain the seller's name; the seller's business or
16 residence address; the seller's occupation; a description,
17 including serial numbers and other identifying marks, when
18 practical, of every scrap; the amount received by the seller;



1 the date, time, and place of the sale; and the license number of
2 any vehicle used to deliver the property to the place of
3 purchase.

4 (b) If the scrap presented for purchase is copper, in
5 whole or in part, the seller shall provide a copy of a receipt
6 that describes, with particularity:

7 (1) The exact item that is being offered for sale;

8 (2) Who issued the receipt;

9 (3) The date of sale of the item prior to the item being
10 offered to the scrap dealer; and

11 (4) The price, if any, of the item when obtained by the
12 seller.

13 (c) If a receipt is not available, the seller shall
14 provide to the scrap dealer a notarized declaration that
15 describes, with particularity:

16 (1) The exact item that is being offered for sale;

17 (2) Who sold or otherwise transferred the item to the
18 seller;

19 (3) The date of sale of the item; and

20 (4) The price, if any, of the item when obtained by the
21 seller.



1 (d) If the seller does not provide a copy of the receipt
2 or the notarized declaration as required by subsections (b) and
3 (c), the scrap dealer shall not purchase the copper, in whole or
4 in part, and shall report suspicious attempted sales to the
5 police.

6 (e) If the scrap dealer purchases any copper, in whole or
7 in part, the scrap dealer shall take a photograph or photographs
8 of all of the copper offered for sale.

9 (f) The scrap dealer shall also require the seller to
10 verify the seller's identity by presenting [~~proper~~] a valid
11 photo identification[-] card or license issued by a federal or
12 state government agency authorized to issue such
13 identification. If the scrap being offered for sale is copper,
14 in whole or in part, the scrap dealer shall make a photocopy of
15 the identification card or license of the seller or take a
16 photograph of the seller.

17 (g) The scrap dealer shall keep at the dealer's place of
18 business the signed written statement, the receipt or notarized
19 declaration required by subsection (b) or (c), the photographs
20 required by subsection (e), and the photocopy of the
21 identification card or license or photograph required by
22 subsection (f), if applicable, from the seller for a period of



1 two years after the date of purchase and the statement, the
2 receipt or notarized declaration required by subsection (b) or
3 (c), the photographs required by subsection (e), and the
4 photocopy or photograph required by subsection (f), if
5 applicable, may be examined at any time by the treasurer [e],
6 the chief of police[-], the attorney general, the prosecuting
7 attorney, or their designees.

8 (h) Public utilities, as defined in section 269-1, shall
9 be exempt from the requirements of subsections (b) and (c).

10 When the seller is a public utility, the scrap dealer shall not
11 be required to obtain the statement required by subsection (a)
12 and shall not be prohibited by subsection (d) from purchasing
13 the copper from the public utility."

14 SECTION 3. Section 445-235, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"§445-235 Prohibitions; penalty.** Any person who violates
17 sections 445-232 [and], 445-233, or any person who falsifies a
18 statement required by section 445-233, shall be guilty of a
19 misdemeanor[-] and shall be sentenced in accordance with chapter
20 706, except that the court shall impose:

21 (1) A fine of \$1,000 for the first offense;

22 (2) A fine of \$3,000 for the second offense;



1 (3) A fine of \$5,000 and the suspension of the scrap
2 dealer's license for a period of six months for the
3 third offense; provided that if the third offense
4 occurs within a five-year period of the first offense
5 the scrap dealer shall be subject to license
6 revocation."

7 SECTION 4. Chapter 708, Hawaii Revised Statutes, is
8 amended by adding a new section to part IV to be appropriately
9 designated and to read as follows:

10 "§708- Theft of copper. (1) A person commits the
11 offense of theft of copper if the person commits theft of
12 property that weighs a pound or more and in whole or in part
13 contains copper, but not including legal tender of the United
14 States.

15 (2) Theft of copper is a class C felony."

16 SECTION 5. This Act shall not affect the rights and duties
17 that matured, penalties that were incurred, and proceedings that
18 were begun before its effective date.

19 SECTION 6. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 7. This Act shall take effect on July 1, 2007.



Report Title:

Copper; Theft

Description:

Requires scrap seller or scrap seller's agent agent to disclose the location from which and party from whom scrap was obtained prior to sale to a scrap dealer; increases penalties for violation. Establishes the offense of theft of copper. (SD1)

