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

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

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

16 SECTION 3. Section 445-233, Hawaii Revised Statutes, is
17 amended to read as follows:



1 "**§445-233 Statement required.** (a) Every scrap dealer,
2 when the dealer purchases scrap within the State, shall obtain a
3 written statement signed by the seller [~~or the seller's agent~~]
4 certifying that the seller [~~or the seller's agent~~] has the
5 lawful right to sell and dispose of the scrap. This statement
6 shall also contain the seller's name; the seller's business or
7 residence address; the seller's occupation; a description,
8 including serial numbers and other identifying marks, when
9 practical, of every scrap; the amount received by the seller;
10 the date, time, and place of the sale; and the license number of
11 any vehicle used to deliver the property to the place of
12 purchase.

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

- 16 (1) The exact item that is being offered for sale;
17 (2) Who issued the receipt;
18 (3) The date of sale of the item prior to the item's being
19 offered to the scrap dealer; and
20 (4) The price, if any, of the item when obtained by the
21 seller.



1 (c) If a receipt is not available, the seller shall
2 provide to the scrap dealer a notarized declaration, describing
3 with particularity:

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

5 (2) Who sold or otherwise transferred the item to the
6 seller;

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

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

10 (d) If the seller does not provide a copy of the receipt
11 or the notarized declaration as required by subsections (b) and
12 (c), the scrap dealer shall not purchase the copper, in whole or
13 in part, and shall report the attempted sale to the police.

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

17 (f) The scrap dealer shall also require the seller to
18 verify the seller's identity by presenting [~~proper~~] a valid
19 photo identification[-] card or license issued by a federal or
20 state government agency authorized to issue such identification.

21 If the scrap being offered for sale is copper, in whole or in
22 part, the scrap dealer shall:



- 1 (1) Take a photograph of the seller; or
2 (2) Make a photocopy of the identification card or license
3 of the seller.

4 (g) The scrap dealer shall keep at the dealer's place of
5 business the signed written statement, the receipt or notarized
6 declaration required by subsections (b) and (c), the photographs
7 required by subsection (e), and the photocopy of the
8 identification card or license and photograph of the seller
9 required by subsection (f), if applicable, from the seller for a
10 period of two years after the date of purchase and the
11 statement, the receipt or notarized declaration required by
12 subsections (b) and (c), the photographs required by subsection
13 (e), and the photocopy and photograph required by subsection
14 (f), if applicable, may be examined at any time by the treasurer
15 [~~or~~], the chief of police[-], the attorney general, the
16 prosecuting attorney, or their designees.

17 (h) Public utilities, as defined in section 269-1, shall
18 be exempt from the requirements of subsections (b) and (c).
19 When the seller is a public utility, the scrap dealer shall not
20 be required to obtain the statement required by subsection (a),
21 and the scrap dealer shall not be prohibited by subsection (d)
22 from purchasing the copper from the public utility."



1 SECTION 4. Section 445-235, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§445-235 Prohibitions; penalty.** Any person who violates
4 sections 445-232 and 445-233, or any person who falsifies a
5 statement required by section 445-233, shall be guilty of a
6 misdemeanor~~[-]~~ and shall be sentenced in accordance with chapter
7 706, except that the court shall impose a minimum sentence of:

- 8 (1) A fine of \$1,000 for the first offense;
9 (2) A fine of \$3,000 for the second offense; and
10 (3) A fine of \$5,000 and the suspension of the scrap
11 dealer's license for a period of six months for the
12 third or subsequent offense; provided that if the
13 third or subsequent offense occurs within a five-year
14 period from the occurrence of two prior offenses, the
15 scrap dealer shall be subject to license revocation."

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, and
22 shall be repealed on July 1, 2009; provided that sections 445-



1 233 and 445-235, Hawaii Revised Statutes, shall be reenacted in
2 the form in which they read on the day before the effective date
3 of this Act.



H.B. NO. 1246
H.D. 1
S.D. 1
C.D. 1

Report Title:

Scrap Dealer; Copper; Theft

Description:

Requires scrap seller to disclose the location from which and the party from whom scrap was obtained prior to sale to a scrap dealer; increases penalties for violation. Establishes the offense of theft of copper. (HB1246 CD1)

