
A BILL FOR AN ACT

RELATING TO SCRAP DEALERS.

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

1 SECTION 1. Section 445-233, Hawaii Revised Statutes, is
2 amended to read as follows:

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

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



- 1 (1) The exact item that is being offered for sale;
- 2 (2) Who issued the receipt;
- 3 (3) The date of sale of the item prior to the item being
- 4 offered to the scrap dealer; and
- 5 (4) The price, if any, of the item when obtained by the
- 6 seller.

7 (c) If a receipt is not available, the seller shall
8 provide to the scrap dealer a notarized declaration, describing
9 with particularity:

- 10 (1) The exact item that is being offered for sale;
- 11 (2) Who sold or otherwise transferred the item to the
- 12 seller;
- 13 (3) The date of sale of the item; and
- 14 (4) The price, if any, of the item when obtained by the
- 15 seller.

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

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



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

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

7 (1) Take a photograph of the seller; or

8 (2) Make a photocopy of the identification card or
9 license of the seller;

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



1 (h) Public utilities, as defined in section 269-1, shall
 2 be exempt from the requirements of subsections (b) and (c).
 3 When the seller is a public utility, the scrap dealer shall not
 4 be required to obtain the statement required by subsection (a)
 5 and it shall not be prohibited by subsection (d) from purchasing
 6 the copper from the public utility."

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

9 "**§445-235 Prohibitions; penalty.** Any person who violates
 10 sections 445-232 [~~and~~], 445-233, or any person who falsifies a
 11 statement required by section 445-233, shall be guilty of a
 12 misdemeanor[+] and shall be sentenced in accordance with chapter
 13 706, except that the court shall impose a minimum sentence of:

- 14 (1) A fine of \$1,000 for the first offense;
- 15 (2) A fine of \$3,000 for the second offense;
- 16 (3) A fine of \$5,000 and the suspension of the scrap
 17 dealer's license for a period of six months for the
 18 third offense; provided that if the third offense
 19 occurs with a five-year period of the first offense
 20 the scrap dealer shall be subject to license
 21 revocation."



1 SECTION 3. This Act shall not affect the rights and duties
2 that matured, penalties that were incurred, and proceedings that
3 were begun before its effective date.

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on January 1, 2112,
7 and shall be repealed on July 1, 2009; provided that sections
8 445-233 and 445-235, Hawaii Revised Statutes, shall be reenacted
9 in the form in which they read on the day before the effective
10 date of this Act.



Report Title:
Scrap Dealers

Description:
Adds new requirements for the sale and purchase of copper by
scrap dealers. Provides for increased penalties for violations.
(SB1229 HD1)

