
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:

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



1 (2) Who issued the receipt;

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

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

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

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

10 (2) Who sold or otherwise transferred the item to the
11 seller;

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

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

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

19 (e) If the scrap dealer purchases any copper, in whole or
20 in part, the scrap dealer shall take a photograph or photographs
21 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 make a photocopy of the
7 identification card or license of the seller or take a
8 photograph of the seller.

9 (g) The scrap dealer shall keep at the dealer's place of
10 business the signed written statement, the receipt or notarized
11 declaration required by subsection (b) or (c), the photographs
12 required by subsection (e), and the photocopy of the
13 identification card or license or photograph required by
14 subsection (f), if applicable, from the seller for a period of
15 two years after the date of purchase and the statement, the
16 receipt or notarized declaration required by subsection (b) or
17 (c), the photographs required by subsection (e), and the
18 photocopy or photograph required by subsection (f), if
19 applicable, may be examined at any time by the treasurer [~~or~~],
20 the chief of police[-], the attorney general, the prosecuting
21 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 455-235, Hawaii Revised Statutes, shall be reenacted
9 in form in which they read on the day before the approval of
10 this Act.



Report Title:
Scrap Dealers

Description:
Provides measures to prevent copper theft; increases penalties
for violation. (SD1)

