
A BILL FOR AN ACT

RELATING TO SECONDHAND DEALERS.

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

1 SECTION 1. Section 486M-1, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding a new definition to be appropriately inserted
4 and to read:

5 "Automated recycling kiosk" means an interactive device
6 that is installed within a secure retail space and performs the
7 following technological functions:

8 (1) Verifies a seller's identity through a combination of
9 technology within the kiosk and remote examination of
10 a government-issued identification by a live
11 representative during each transaction;

12 (2) Securely stores articles accepted by the kiosk;

13 (3) Records images of the seller and the articles accepted
14 during the transaction;

15 (4) Possesses computerized record-keeping and transmittal
16 capabilities; and



1 (5) Only accepts for recycling handheld electronic
2 devices."

3 2. By amending the definition of "secondhand dealer" to
4 read:

5 "'Secondhand dealer" means any person who trades in
6 secondhand or previously owned articles, including the operation
7 of an automated recycling kiosk, and includes any person subject
8 to part VII of chapter 445."

9 SECTION 2. Section 486M-4, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§486M-4 Minimum retention of items.** (a) No dealer, the
12 dealer's agents, employees, or representatives shall alter,
13 melt, deface, break apart, dispose of, or change the character
14 or integrity of the precious or semiprecious metals or precious
15 or semiprecious gems received or purchased for a period of
16 fifteen calendar days in counties with a population of less than
17 [~~300,000,~~] three hundred thousand and thirty calendar days in
18 counties with a population of [~~300,000~~] three hundred thousand
19 or more after the purchase or possession by the dealer,
20 whichever comes later. Every article received by the dealer,
21 the dealer's agents, employees, or representatives shall be



1 retained by the dealer in the county where received or purchased
2 for a period of fifteen calendar days in counties with a
3 population of less than [~~300,000~~] three hundred thousand and
4 thirty calendar days in counties with a population of [~~300,000~~]
5 three hundred thousand or more after the purchase or possession
6 by the dealer, whichever comes later.

7 (b) At the discretion of the chief of police of each
8 county, the holding period may be reduced to fifteen calendar
9 days; provided that the dealer has computerized record-keeping
10 and transmittal capabilities acceptable to the chief of police
11 or the chief of police's authorized representative.

12 (c) Notwithstanding subsection (a) to the contrary, a
13 secondhand dealer operating an automated recycling kiosk may
14 retain articles received or purchased at a business location
15 outside the county where received or purchased for a period of
16 thirty calendar days. During this retention period, and upon
17 request by law enforcement, a secondhand dealer operating an
18 automated recycling kiosk shall promptly provide any requested
19 articles to the requesting law enforcement agency."

20 SECTION 3. Section 486M-5, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "**§486M-5 Inspections.** The chief of police of each county
2 or the chief of police's authorized representative may
3 immediately inspect, during normal business hours or whenever
4 the dealer or the dealer's agents or employees are otherwise
5 present, any records required by this chapter and any articles
6 described in [~~such~~] those records that the police reasonably
7 believe are stolen goods."

8 SECTION 4. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

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

13 SECTION 6. This Act shall take effect on January 1, 2050.



Report Title:

Secondhand Dealers; Automated Recycling Kiosk; Handheld
Electronic Devices

Description:

Clarifies that the secondhand dealers law applies to a
secondhand dealer's operation of an automated recycling kiosk
that only accepts handheld electronic devices for recycling.
Specifies the retention requirements for secondhand dealers that
operate an automated recycling kiosk. Effective 1/1/2050.
(HD1)

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not legislation or evidence of legislative intent.*

