
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) Only accepts for recycling previously owned handheld
9 electronic cellular phone devices;
- 10 (2) Verifies a seller's identity through a combination of
11 technology within the kiosk and remote examination of
12 a government-issued identification by a live
13 representative during each transaction;
- 14 (3) Securely stores devices accepted by the kiosk;
- 15 (4) Records images of the seller and the devices accepted
16 during the transaction;



1 (5) Possesses computerized record-keeping and transmittal
2 capabilities;

3 (6) Electronically transmits transaction records to law
4 enforcement within twenty-four hours from when the
5 device was received; and

6 (7) Can be remotely opened upon request by law enforcement
7 during normal business hours."

8 2. By amending the definition of "secondhand dealer" to
9 read:

10 "Secondhand dealer" means any person who trades in
11 secondhand or previously owned articles, including the operation
12 of an automated recycling kiosk, and includes any person subject
13 to part VII of chapter 445."

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

16 "**§486M-4 Minimum retention of items.** (a) No dealer, the
17 dealer's agents, employees, or representatives shall alter,
18 melt, deface, break apart, dispose of, or change the character
19 or integrity of the precious or semiprecious metals or precious
20 or semiprecious gems received or purchased for a period of
21 fifteen calendar days in counties with a population of less than



1 ~~[300,000,]~~ three hundred thousand and thirty calendar days in
2 counties with a population of ~~[300,000]~~ three hundred thousand
3 or more after the purchase or possession by the dealer,
4 whichever comes later. Every article received by the dealer,
5 the dealer's agents, employees, or representatives shall be
6 retained by the dealer in the county where received or purchased
7 for a period of fifteen calendar days in counties with a
8 population of less than ~~[300,000,]~~ three hundred thousand and
9 thirty calendar days in counties with a population of ~~[300,000]~~
10 three hundred thousand or more after the purchase or possession
11 by the dealer, whichever comes later.

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

17 (c) Notwithstanding subsection (a) to the contrary, a
18 secondhand dealer operating an automated recycling kiosk shall
19 retain previously owned consumer handheld electronic cellular
20 phone devices for a total period of thirty calendar days from
21 the date they were received or purchased; provided that the



1 secondhand dealer operating an automated recycling kiosk may
2 store the previously owned consumer handheld electronic cellular
3 phone devices at a business location outside the county where
4 the devices were received or purchased; provided further that,
5 upon request by law enforcement within the thirty-day retention
6 period, a secondhand dealer operating an automated recycling
7 kiosk shall promptly return any requested devices no later than
8 five business days from the date of the request at no cost to
9 the requesting law enforcement agency."

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

12 "§486M-5 Inspections. The chief of police of each county
13 or the chief of police's authorized representative may
14 immediately inspect, during normal business hours or whenever
15 the dealer or the dealer's agents or employees are otherwise
16 present, any records required by this chapter and any articles
17 described in [~~such~~] those records that the police reasonably
18 believe are stolen goods."

19 SECTION 4. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



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

3 SECTION 6. This Act shall take effect on January 1, 2022.



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 1/1/2022.
(SD1)

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not legislation or evidence of legislative intent.*

