
A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1 SECTION 1. Chapter 708, Hawaii Revised Statutes, is
2 amended by adding a new section to part IV to be appropriately
3 designated and to read as follows:

4 "§708- Theft of a catalytic converter. (1) A person
5 commits the offense of theft of a catalytic converter if the
6 person commits theft of a catalytic converter.

7 (2) For the purposes of this section, "catalytic
8 converter" means a device that is incorporated in a motor
9 vehicle's exhaust system and contains a catalyst for converting
10 pollutant gas emissions into less harmful emissions.

11 (3) Theft of a catalytic converter is a class C felony."

12 SECTION 2. Section 289-6, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§289-6 Records to be kept. (a) Every licensee shall
15 keep a record, and maintain it for three years, in the form the
16 director of finance prescribes, of the purchases, consignments,
17 sales, and exchanges, moneys, commissions, or any other thing of



1 value paid or agreed to be paid to any person for each wrecked,
2 salvaged, or rebuilt motor vehicle, used motor vehicle part or
3 accessory purchased, sold, consigned to be sold, or exchanged,
4 and the records shall be at all times open to the inspection of
5 the director of finance, or the director of finance's authorized
6 representative, or any police officer. The records shall
7 contain:

8 (1) The name, address, vehicle registration, and driver's
9 license number of all persons from whom any wrecked,
10 salvaged, or rebuilt motor vehicle, or used motor
11 vehicle part or accessory is purchased or received,
12 the date of their receipt or acquisition, and the
13 consideration given;

14 (2) The name and address of any person to whom any
15 wrecked, salvaged, or rebuilt motor vehicle, or used
16 motor vehicle part or accessory is sold, consigned to
17 be sold, or otherwise exchanged, the consideration
18 received therefor, and its date of disposition;

19 (3) The name and address of any person who has received
20 any money, commissions, or anything of value, or to
21 whom the same is due and owing, in connection with the



1 sale or purchase of any [~~such~~] motor vehicle, or used
2 motor vehicle part or accessory; and

3 (4) A description of every [~~such~~] motor vehicle, used
4 motor vehicle part, or accessory, including the
5 identifying number or numbers for each [~~such~~] motor
6 vehicle or used motor vehicle part or accessory.

7 (b) If the seller does not provide a copy of the
8 information required under subsection (a) (1), the licensee shall
9 not purchase the wrecked, salvaged, or rebuilt motor vehicle, or
10 used motor vehicle part or accessory and shall report the
11 attempted sale to the police."

12 SECTION 3. Section 289-8, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§289-8 Penalties.** Whoever violates any of the provisions
15 of this chapter or any lawful rule [~~or regulation~~] promulgated
16 by the director of finance under authority of this chapter, for
17 the violation of which no penalty is provided by law, shall be
18 fined [~~not~~] no less than [~~\$25~~] \$100 nor more than [~~\$500.~~]
19 \$2,000."



1 SECTION 4. Section 445-231, Hawaii Revised Statutes, is
2 amended by adding two new definitions to be appropriately
3 inserted and to read as follows:

4 ""Catalytic converter" means an emissions control device
5 incorporated into a motor vehicle's exhaust system that converts
6 toxic vehicle emissions to less harmful substances by way of
7 catalyzed chemical reactions and which includes a catalyst
8 component made of catalytic converter metals.

9 "Catalytic converter metals" means any amount of palladium,
10 platinum, or rhodium in any form, whether by itself or as part
11 of another item."

12 SECTION 5. Section 445-233, Hawaii Revised Statutes, is
13 amended as follows:

14 1. By amending subsection (b) to read:

15 "(b) If the scrap presented for purchase by anyone other
16 than a manufacturing, industrial, or other commercial vendor
17 that generates or sells catalytic converters in the ordinary
18 course of its business, such as a licensed scrap dealer, towing
19 company, or muffler repair shop, is copper, a catalytic
20 converter, catalytic converter metals, a beer keg, or an urn, in



1 whole or in part, the seller shall provide a copy of a receipt
2 that describes, with particularity:

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

9 2. By amending subsections (d) through (f) to read:

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, catalytic
13 converter, catalytic converter metal, beer keg, or urn, in whole
14 or in part, and shall report the attempted sale to the police.

15 (e) If the scrap dealer purchases any copper, catalytic
16 converter, catalytic converter metal, beer keg, or urn, in whole
17 or in part, the scrap dealer shall take a photograph or
18 photographs of [~~all of~~] the copper, catalytic converter,
19 catalytic converter metal, beer keg, or urn, offered for sale.

20 (f) The scrap dealer shall also require the seller to
21 verify the seller's identity by presenting a valid photo



1 identification card or license issued by a federal or state
2 government agency authorized to issue valid identification. If
3 the scrap being offered for sale is copper, a catalytic
4 converter, catalytic converter metals, a beer keg, or an urn, in
5 whole or in part, the scrap dealer shall:

- 6 (1) Take a photograph of the seller; or
7 (2) Make a photocopy of the identification card or license
8 of the seller."

9 SECTION 6. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 7. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 8. This Act shall take effect on January 1, 2050.



Report Title:

Catalytic Converters; Theft; Used Motor Vehicle Parts and Accessories; Motor Vehicles; Fines; Scrap Dealers; Metals

Description:

Establishes a new offense of theft of a catalytic converter. Requires vehicle registration records to be kept for businesses engaged in the selling or negotiating the purchase of used motor vehicle parts or accessories or licensed to wreck, salvage, or dismantle motor vehicles. Requires these businesses to refuse purchase of used motor vehicle parts or accessories and report the attempted sale to police if a seller does not provide certain information. Changes the fine for any violations of the used motor vehicle parts and accessories laws. Regulates the purchase of catalytic converters and catalytic converter metals by scrap dealers. Effective 1/1/2050. (HD2)

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