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# 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 purchases previously owned consumer hand-held electronic  
7 cellular phone devices that is installed within a secure retail  
8 space and performs the following technological functions:

- 9 (1) Verifies a seller's identity through a combination of  
10 technology within the kiosk and remote examination of  
11 a government-issued identification by a live  
12 representative during each transaction;
- 13 (2) Securely stores articles accepted by the kiosk;
- 14 (3) Can be remotely opened upon request by law enforcement  
15 during normal business hours;
- 16 (4) Records images of the seller and the articles accepted  
17 during the transaction;



- 1        (5) Possesses computerized record-keeping and transmittal
- 2                    capabilities; and
- 3        (6) Electronically transmits transaction records to law
- 4                    enforcement within twenty-four hours from when the
- 5                    article was received."

6            2. By amending the definition of "secondhand dealer" to  
7 read:

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

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

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



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

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

15 (c) A secondhand dealer operating an automated recycling  
16 kiosk shall retain previously owned consumer hand-held  
17 electronic cellular phone devices within the county in which the  
18 devices were received or purchased for no less than five  
19 business days, after which the dealer shall be permitted to  
20 retain the devices at an alternate business location outside the  
21 county where received or purchased for a total period of thirty



1 calendar days after the day on which the device was received or  
2 purchased. During this retention period, and upon request by  
3 law enforcement, a secondhand dealer operating an automated  
4 recycling kiosk shall promptly return any requested previously  
5 owned consumer hand-held electronic cellular phone devices to  
6 the requesting law enforcement agency."

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

9 "§486M-5 Inspections. The chief of police of each county  
10 or the chief of police's authorized representative may  
11 immediately inspect, during normal business hours or whenever  
12 the dealer or the dealer's agents or employees are otherwise  
13 present, any records required by this chapter and any articles  
14 described in [~~such~~] those records that the police reasonably  
15 believe are stolen goods."

16 SECTION 4. This Act does not affect rights and duties that  
17 matured, penalties that were incurred, and proceedings that were  
18 begun before its effective date.

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

21 SECTION 6. This Act shall take effect on July 1, 2050.



**Report Title:**

Secondhand Dealers; Automated Recycling Kiosk

**Description:**

Clarifies that the secondhand dealers law applies to a secondhand dealer's operation of an automated recycling kiosk. Effective 7/1/2050. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

