

JAN 22 2021

A BILL FOR AN ACT

RELATING TO THEFT.

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 catalytic converter. (1) A person
5 commits the offense of theft of catalytic converter if the
6 person:

7 (a) Obtains a catalytic converter through any means
8 described in section 708-830; or

9 (b) Violates section 445-233 in regard to a scrap
10 catalytic converter.

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

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



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

4 "Catalytic converter" means a device that is incorporated
5 in a motor vehicle's exhaust system and contains a catalyst,
6 including but not limited to palladium, platinum, and rhodium,
7 for converting pollutant gas emissions into less harmful
8 emissions."

9 SECTION 3. Section 445-233, Hawaii Revised Statutes, is
10 amended as follows:

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

12 "(b) If the scrap presented for purchase is copper,
13 palladium, platinum, rhodium, a beer keg, [e~~r~~] an urn, in whole
14 or in part, or scrap catalytic converter from which some or all
15 of the catalyst metals have been removed, the seller shall
16 provide a copy of a receipt that describes, with particularity:

- 17 (1) The exact item that is being offered for sale;
18 (2) Who issued the receipt;
19 (3) The date of sale of the item prior to the item's being
20 offered to the scrap dealer; and



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

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

4 "(d) If the seller does not provide a copy of the receipt
5 or the notarized declaration as required by subsections (b) and
6 (c), the scrap dealer shall not purchase the copper, palladium,
7 platinum, rhodium, beer keg, [~~or~~] urn, in whole or in part, or
8 scrap catalytic converter from which some or all of the catalyst
9 metals have been removed, and shall report the attempted sale to
10 the police.

11 (e) If the scrap dealer purchases any copper, palladium,
12 platinum, rhodium, beer keg, [~~or~~] urn, in whole or in part, or
13 scrap catalytic converter from which some or all of the catalyst
14 metals have been removed, the scrap dealer shall take a
15 photograph or photographs of all of the [~~copper, beer keg, or~~
16 ~~urn,~~] purchased items offered for sale.

17 (f) The scrap dealer shall also require the seller to
18 verify the seller's identity by presenting a valid photo
19 identification card or license issued by a federal or state
20 government agency authorized to issue valid identification. If
21 the scrap being offered for sale is copper, palladium, platinum,



1 rhodium, a beer keg, [or] an urn, in whole or in part, or a
2 scrap catalytic converter from which some or all of the catalyst
3 metals have been removed, the scrap dealer shall:

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

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

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

12 SECTION 6. This Act shall take effect upon its approval.

13

INTRODUCED BY: 



S.B. NO. 374

Report Title:

Catalytic Converter; Theft; Penal Code; Class C Felony; Scrap Dealers; Statement

Description:

Establishes the offense of theft of catalytic converter as a class C felony. Defines "catalytic converter". Requires scrap dealers to follow the same requirements regarding a written statement for the purchase of palladium, platinum, rhodium, and a scrap catalytic converter from which some or all of the catalyst metals have been removed as is required for the purchase of copper, beer kegs, and urns.

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