

STAND. COM. REP. NO. 3460

Honolulu, Hawaii

**MAR 24 2022**

RE: H.B. No. 1991  
H.D. 2  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs, to which was referred H.B. No. 1991, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit the sale of a bicycle that is reported as stolen and is listed on a publicly available online stolen item database in counties with a population of five hundred thousand or more residents; and
- (2) Require the county police department to establish the publicly available online stolen item database.

Prior to decision making on this measure, your Committees made available for public review a proposed S.D. 1 of this measure. The proposed S.D. 1:

- (1) Contains additional findings relating to electronic recordkeeping by pawnbrokers and secondhand dealers;
- (2) Updates the recordkeeping and retention requirements for businesses that purchase previously owned articles to



require businesses to keep records upon receipt of any article in an electronic recordkeeping form or a paper form that includes a photograph of the person from whom the article was received; either a complete and accurate description of the article or photographs accurately depicting all markings, names, initials, and inscriptions of the article; and a signed copy of any pawn transaction agreement;

- (3) Requires the chief of police of each county to determine the method of submission of recordkeeping; provided that in any county with a population of five hundred thousand or more, forms shall be submitted electronically and free of charge;
- (4) Exempts dealers who have continually held a pawn or secondhand license since January 1, 2002, from the requirements for a photograph of the person from whom the article was received and submission of recordkeeping by electronic means; and
- (5) Applies the minimum retention of items requirement of fifteen calendar days under section 486M-4, Hawaii Revised Statutes, to all dealers in all counties.

Your Committees received testimony in support of the proposed S.D. 1 from the Honolulu Police Department, Hawaii Pawnbrokers Association, and nine individuals. Your Committees received testimony in opposition to the proposed S.D. 1 from Kama'aina Loan and Cash for Gold. Your Committees received comments on the proposed S.D. 1 from the Department of the Attorney General.

Your Committees find that beyond the inherent safety and economic problems of theft, theft of bicycles additionally impacts the State's sustainability goals of reducing carbon emissions by disincentivizing the use of bicycles for transportation. Reducing resale opportunities for these items is one way to decrease the motivation to steal them. Therefore, this measure establishes a public database to catalogue stolen bicycles and prohibits the sale of bicycles that are reported as stolen and listed on this public database.



Your Committees have amended this measure by adopting the proposed S.D. 1 and further amending it by:

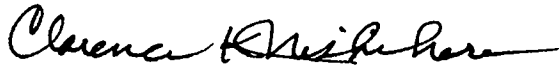
- (1) Clarifying that in a county with a population of five hundred thousand or more, selling or offering for sale a bicycle that has been reported stolen and is listed on a publicly available online stolen bicycle database is a misdemeanor;
- (2) Clarifying that the prosecution need not prove the state of mind as to the attendant circumstance of the offense occurring in a county with a population of five hundred thousand or more;
- (3) Providing that it is an affirmative defense that the person viewed the publicly available online stolen bicycle database and did not see the bicycle listed prior to sale or offer for sale;
- (4) Clarifying that unique-identifying markings on an article required to be recorded include serial numbers and emblem numbers;
- (5) Specifying that the exemption to photograph and electronic recordkeeping submission requirements applies to dealers who have first obtained a pawn or secondhand license on or before January 1, 2002, and have continuously operated a pawn or secondhand business that is open to the public and has a physical address since January 1, 2002;
- (6) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1991, H.D. 2, as amended herein, and recommend that it pass



Second Reading in the form attached hereto as H.B. No. 1991,  
H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committees on Transportation  
and Public Safety,  
Intergovernmental, and Military  
Affairs,



CLARENCE K. NISHIHARA, Chair




CHRIS LEE, Chair



The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Transportation**  
**TRS**

Bill / Resolution No.:* <b>HB 1991, HDA</b>	Committee Referral: <b>TRS/PSM, JDC</b>	Date: <b>3/22/22</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
LEE, Chris (C)	<b>X</b>			
INOUYE, Lorraine R. (VC)				<b>X</b>
DECOITE, Lynn	<b>X</b>			
SHIMABUKURO, Maile S.L.	<b>X</b>			
FEVELLA, Kurt				<b>X</b>
<b>TOTAL</b>	<b>3</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"></div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Public Safety, Intergovernmental, and Military Affairs**  
**PSM**

Bill / Resolution No.:*	Committee Referral:	Date:
HB 1991, HD 2	TRS/PSM, JDC	3/22/2022
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310
<input type="checkbox"/> Recommit 2313		

Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
DECOITE, Lynn (VC)	✓			
BAKER, Rosalyn H.	✓			
RIVIERE, Gil				✓
FEVELLA, Kurt				✓
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>

Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
Chair's or Designee's Signature: 
<b>Distribution:</b> <div style="display: flex; justify-content: space-between; font-size: small;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>

\*Only one measure per Record of Votes