
A BILL FOR AN ACT

RELATING TO CONSUMER PROTECTION.

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

1 SECTION 1. The legislature finds that the theft of
2 personal items may significantly impact a person financially as
3 well as in other ways, such as the loss of work data or school
4 notes on a laptop or the loss of memories on a cellular phone.
5 Bicycle thefts further impact the State's sustainability goals
6 of reducing carbon emissions and utilizing low carbon
7 transportation as residents are inhibited in investing in and
8 using bicycles for transportation. Reducing resale
9 opportunities for these items is one way to decrease the
10 motivation to steal them.

11 The legislature further finds that while bicycles are
12 required to be registered with the county and the failure to do
13 so subjects the owner to fines, these requirements have been
14 insufficient to stop the theft and subsequent resale of
15 bicycles. The legislature believes that the creation of a
16 publicly available database of stolen bicycle serial and emblem



1 numbers would help deter the theft of bicycles and the resale of
2 stolen bicycles.

3 The legislature notes that stolen items are occasionally
4 resold through pawnshops, businesses that purchase secondhand
5 items, and online sales platforms. Businesses with a physical
6 presence and monetary transactions in the State must be licensed
7 to operate and are required to submit records of transaction to
8 county police departments. However, records of these
9 transactions are currently being submitted in hard copy. This
10 manual inputting of data by the county police departments
11 creates an unnecessary lag and is an impediment to quickly
12 comparing and identifying potentially stolen items against
13 itemized lists from recent burglaries and thefts.

14 The legislature also finds that allowing pawnbrokers and
15 secondhand dealers to submit electronic records will enable
16 county police departments to process these records in a more
17 efficient manner and decrease the time frame for record
18 retention. Authorizing electronic submittal for records of
19 transaction would also allow articles to be properly
20 categorized, listed, itemized, and accounted in real time. An
21 electronic submission system that contains detailed descriptions



1 or pictures of all markings, inscriptions, serial numbers of
2 bicycles, and serial numbers of electronics would allow
3 detectives to quickly identify stolen items and could be shared
4 to other law enforcement agencies in the State.

5 The purpose of this Act is to:

6 (1) Prohibit, in counties with a population of five
7 hundred thousand or more, the sale of a bicycle that
8 is reported as stolen and listed on a publicly
9 available online stolen bicycle database;

10 (2) Require the police department or other designated
11 agency in counties with a population of five hundred
12 thousand or more to establish the publicly available
13 online stolen bicycle database; and

14 (3) Update the recordkeeping and retention requirements
15 for businesses that buy previously owned articles.

16 SECTION 2. Chapter 293, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§293- Prohibition of sale; stolen. (a) In any county
20 with a population of five hundred thousand or more, no person



1 shall sell or offer for sale a bicycle on an online sales
2 platform, at a dealer, or elsewhere if the bicycle:

3 (1) Has been reported as stolen to a county police
4 department; and

5 (2) Is listed on a publicly available online stolen
6 bicycle database as provided in subsection (b).

7 (b) In any county with a population of five hundred
8 thousand or more, the county police department or any other
9 agency as designated by the county shall establish the publicly
10 available online stolen bicycle database that allows persons to
11 verify if a bicycle serial number or emblem number has been
12 reported as stolen.

13 (c) Any person who violates this section shall be guilty
14 of a misdemeanor and shall be fined either \$500, the listed sale
15 price on the advertisement, or the actual sale price, whichever
16 is greater.

17 (d) For purposes of this section:

18 "Dealer" has the same meaning as in section 486M-1.

19 "Online sales platform" means an internet website or
20 application that:

21 (1) Is open to the public;



- 1 (2) Operates in the State; and
- 2 (3) Enables the sale of goods between persons using any
- 3 medium of facilitation.
- 4 (e) The prosecution need not prove the person's state of
- 5 mind as to the attendant circumstance of the offense occurring
- 6 in a county with a population of five hundred thousand or more.
- 7 (f) It shall be an affirmative defense that the person
- 8 viewed the publicly available online stolen bicycle database and
- 9 did not see the bicycle listed before selling or offering to
- 10 sell the bicycle."

11 SECTION 3. Section 486M-2, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§486M-2 Record of transactions.** (a) Every dealer, or
14 the agent, employee, or representative of the dealer, shall,
15 immediately upon receipt of any article, record the following
16 information, on an electronic recordkeeping form or a paper form
17 authorized by the chief of police in each county:

- 18 (1) The name and address of the dealer;
- 19 (2) The name, residence address, date of birth, and [the]
- 20 age of the person from whom the article was received;



- 1 (3) The date and time the article was received by the
- 2 dealer;
- 3 (4) The signature of the person from whom the article was
- 4 received;
- 5 (5) The Hawaii [†]driver's[†] license number, or if the
- 6 person does not possess a Hawaii [†]driver's[†]
- 7 license, the number of and description of any
- 8 government issued identification [~~which~~] that bears a
- 9 photograph of the person from whom the article was
- 10 received;
- 11 (6) A photograph of the person from whom the article was
- 12 received;
- 13 [~~(6)~~ A] (7) Either a complete and accurate description of
- 14 the article received, including all markings, names,
- 15 initials, [~~and~~] inscriptions[†], and unique
- 16 identifying markings, such as serial numbers or emblem
- 17 numbers, or photographs accurately depicting the
- 18 article received, including all markings, names,
- 19 initials, inscriptions, and unique identifying
- 20 markings, such as serial numbers or emblem numbers;



1 ~~[-(7)-]~~ (8) A reasonable estimate of the fineness and weights
2 of the precious and semiprecious metals and precious
3 and semiprecious gems received; ~~[and~~
4 ~~-(8)-]~~ (9) The price paid by the dealer for each article~~[-];~~
5 and
6 (10) A signed copy of any pawn transaction agreement made
7 pursuant to part V of chapter 445, if any.

8 (b) Upon request and at the discretion of the chief of
9 police of each county, copies of all completed forms required by
10 this section shall be surrendered, mailed, or electronically
11 inputted and transmitted via modem or by facsimile transmittal
12 to the chief of police or to the chief of police's authorized
13 representative. ~~[The method of submittal to the chief of police~~
14 ~~shall be at the option of the dealer.]~~ The chief of police of
15 each county or the chief of police's authorized representative
16 shall determine the method of submission for recordkeeping,
17 whether the submissions be by electronic forms or paper forms;
18 provided that, in any county with a population of five hundred
19 thousand or more, completed forms shall be submitted free of
20 charge through a webpage, online service, or online application



1 established by the county police department or any other agency
2 as designated by the county.

3 (c) The requirements for a photograph of the person from
4 whom the article was received, the submission of recordkeeping
5 by electronic means through a webpage, online service, or online
6 application, and the submission of a photograph of the person
7 from whom the article was received shall not apply to any
8 dealer, or dealer's agent, employee, or representative, where
9 the dealer first obtained a pawnbroker or secondhand license on
10 or before January 1, 2002, and has continuously operated a
11 pawnbroker or secondhand business that is open to the public and
12 has a physical address since January 1, 2002."

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

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



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

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

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



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

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

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

12



Report Title:

Bicycles; Online Stolen Bicycle Database; Counties; Pawnbrokers;
Secondhand Dealers; Recordkeeping; Retention

Description:

In counties with a population of five hundred thousand or more, prohibits the sale of a bicycle that has been reported as stolen and is listed on a publicly available online stolen bicycle database. Requires the county police department or other designated agency to establish the publicly available online stolen bicycle database. Updates the recordkeeping and retention requirements for businesses that buy previously owned articles. (CD1)

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