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# 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 item database;
- 10 (2) Require the police department in counties with a  
11 population of five hundred thousand or more to  
12 establish the publicly available online stolen bicycle  
13 database; and
- 14 (3) Update the recordkeeping and retention requirements  
15 for businesses that purchase previously owned  
16 articles.

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

20 "§293- Prohibition of sale; stolen. (a) In any county  
21 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:

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

5 (2) The bicycle is listed on a publicly available online  
6 stolen 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 item database and  
9 did not see the bicycle listed prior to 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-identifying  
16 markings, including serial numbers or emblem numbers,  
17 or photographs accurately depicting the article  
18 received, including all markings, names, initials,  
19 inscriptions, and unique identifying markings, such as  
20 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 submission of a photograph of the person from  
7 whom the article was received shall not apply to any dealer, or  
8 dealer's agent, employee, or representative where the dealer  
9 first obtained a pawn or secondhand license on or before January  
10 1, 2002, and has continuously operated a pawn or secondhand  
11 business that is open to the public and has a physical address  
12 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 shall alter,  
17 melt, deface, break apart, dispose of, or change the character  
18 or integrity of the precious or semiprecious metals or precious  
19 or semiprecious gems received or purchased for a period of  
20 fifteen calendar days [~~in counties with a population of less~~  
21 ~~than three hundred thousand and thirty calendar days in counties~~





1 ~~with a population of three hundred thousand or more]~~ after the  
2 purchase or possession by the dealer, whichever comes later.  
3 Every article received by the dealer, the dealer's agents,  
4 employees, or representatives shall be retained by the dealer in  
5 the county where received or purchased for a period of fifteen  
6 calendar days ~~[in counties with a population of less than three~~  
7 ~~hundred thousand and thirty calendar days in counties with a~~  
8 ~~population of three hundred thousand or more]~~ after the purchase  
9 or possession 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 ~~(e)]~~ (b) Notwithstanding subsection (a) to the contrary, a  
16 secondhand dealer operating an automated recycling kiosk shall  
17 retain previously owned consumer handheld electronic cellular  
18 phone devices for a total period of thirty calendar days from  
19 the date they were received or purchased; provided that the  
20 secondhand dealer operating an automated recycling kiosk may  
21 store the previously owned consumer handheld electronic cellular



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

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

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



**Report Title:**

Bicycles; Stolen Property; County Police Departments; Online Stolen Bicycle Database; Recordkeeping; Retention

**Description:**

In counties with a population of five hundred thousand or more, prohibits the sale of a bicycle that is reported as stolen and is listed on a publicly available online stolen bicycle database. Requires the County Police Department to establish the publicly available online stolen item database. Updates the recordkeeping and retention requirements for businesses that buy previously owned articles. Effective 7/1/2050. (SD1)

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

