

JAN 21 2022

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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 of bicycles and their resale.  
15 The legislature believes that the creation of a publicly  
16 available database of stolen bicycle serial and emblem numbers



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

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



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

5 The legislature additionally finds that establishing this  
6 law enforcement database can serve as a first step towards  
7 creation of a publicly available searchable portal in the  
8 database. This would allow victims of property crime to look  
9 for, report, and find their own personal property and possibly  
10 kick start investigations where no physical evidence exists. A  
11 searchable database would also allow prospective buyers in  
12 online sales platforms to check whether the item is listed as  
13 stolen and would hold sellers to a higher standard of  
14 accountability and encourage minimal due diligence to avoid  
15 engaging in the sale of stolen property.

16 The purpose of this Act is to:

17 (1) Prohibit, in counties with a population of five  
18 hundred thousand or more, the sale of a bicycle that  
19 is reported as stolen and listed on a publicly  
20 available online stolen item database;



1 (2) Require the police department in counties with a  
2 population of five hundred thousand or more to  
3 establish the publicly available online stolen item  
4 database; and

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

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

10 "§293- Prohibition of sale; stolen. (a) In any county  
11 with a population of five hundred thousand or more, no person  
12 may sell a bicycle on an online sales platform, at a dealer, or  
13 elsewhere if:

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

16 (2) The bicycle is listed on a publicly available online  
17 stolen item database as provided in subsection (b).

18 (b) In any county with a population of five hundred  
19 thousand or more, the county police department or any other  
20 agency as designated by the county shall establish the publicly  
21 available online stolen item database that allows persons to



1 verify if a bicycle serial number or emblem number has been  
2 reported as stolen.

3 (c) Any person who violates this subsection shall be fined  
4 either \$500, the listed sale price on the advertisement, or the  
5 actual sale price, whichever is greater.

6 (d) For purposes of this section:

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

8 "Online sales platform" means an internet website or  
9 application that:

10 (1) Is open to the public;

11 (2) Operates in the State; and

12 (3) Enables the sale of goods between persons using any  
13 medium of facilitation."

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

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

21 (1) The name and address of the dealer;



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



1        ~~(7)~~ (9) 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)~~ (10) The price paid by the dealer for each  
5                    article~~(-)~~; and

6        (11) 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 SECTION 4. Section 486M-4, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§486M-4 Minimum retention of items.** (a) No dealer, the  
6 dealer's agents, employees, or representatives shall alter,  
7 melt, deface, break apart, dispose of, or change the character  
8 or integrity of the precious or semiprecious metals or precious  
9 or semiprecious gems received or purchased for a period of  
10 fifteen calendar days [~~in counties with a population of less~~  
11 ~~than three hundred thousand and thirty calendar days in counties~~  
12 ~~with a population of three hundred thousand or more]~~ after the  
13 purchase or possession by the dealer, whichever comes later.  
14 Every article received by the dealer, the dealer's agents,  
15 employees, or representatives shall be retained by the dealer in  
16 the county where received or purchased for a period of fifteen  
17 calendar days [~~in counties with a population of less than three~~  
18 ~~hundred thousand and thirty calendar days in counties with a~~  
19 ~~population of three hundred thousand or more]~~ after the purchase  
20 or possession by the dealer, whichever comes later.





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

6       ~~(e)]~~ (b) Notwithstanding subsection (a) to the contrary, a  
7 secondhand dealer operating an automated recycling kiosk shall  
8 retain previously owned consumer handheld electronic cellular  
9 phone devices for a total period of thirty calendar days from  
10 the date they were received or purchased; provided that the  
11 secondhand dealer operating an automated recycling kiosk may  
12 store the previously owned consumer handheld electronic cellular  
13 phone devices at a business location outside the county where  
14 the devices were received or purchased; provided further that~~[7]~~  
15 upon request by law enforcement within the thirty-day retention  
16 period, a secondhand dealer operating an automated recycling  
17 kiosk shall promptly return any requested devices no later than  
18 five business days from the date of the request at no cost to  
19 the requesting law enforcement agency."

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



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

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INTRODUCED BY: *Ausaly H. Bak*



# S.B. NO. 2646

**Report Title:**

Bicycles; Stolen; Secondhand Dealers; Pawnbrokers;  
Recordkeeping; Retention; County Police Departments

**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 item database and 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.

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

