

A Bill for an Act Relating to Secondhand Dealers.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that a serious problem exists in the theft of metal from construction sites, hardware stores, construction companies and like enterprises and the sale of such stolen metal to secondhand dealers. The purpose of this Act is to require secondhand dealers who deal in scrap metal to keep records of purchases and sales of scrap metal which may aid in the apprehension of those who engage in the theft and sale of scrap metal and to make it more difficult for such criminals to dispose of stolen metal by requiring the seller or his agent to file a written statement with the scrap dealer that the seller or his agent has the lawful right to sell and dispose of the scrap.

SECTION 2. Chapter 445, Hawaii Revised Statutes, is amended by adding the following new sections to be appropriately designated and to read as follows:

“Sec. 445-231 Definitions. As used in this chapter, unless the context otherwise requires:

- (1) “Scrap” means any secondhand or used metal except those used motor vehicle parts provided in chapter 289.
- (2) “Scrap dealer” means any person engaged in the business of buying, selling, or dealing in scrap, or any person operating, carrying on, conducting, or maintaining a scrap yard.
- (3) “Scrap yard” means any yard, plot, space, enclosure, building, or any other place where scrap is collected, stored, gathered together, and kept.

Sec. 445-232 License. Any person who engages in the business as a scrap dealer shall be licensed with the treasurer. The treasurer shall have the power to grant license and to revoke such license upon reasonable cause. The annual license fee shall be \$10.

Every license granted under this section shall designate the place where business is carried on and sufficient identifying information including the licensee’s name, address, general excise tax license number, and other information which may be prescribed by the treasurer.

Sec. 445-233 Statement required. Every scrap dealer, when he purchases

scrap within the State, shall obtain a written statement signed by the seller or his agent certifying that the seller or his agent has the lawful right to sell and dispose of the scrap. This statement shall also contain the seller's name; his business or residence address; his occupation; a description, including serial numbers and other identifying marks, when practical, of every scrap; the amount received by the seller; the date, time and place of the sale; and the license number of any vehicle used to deliver the property to the place of purchase.

The scrap dealer shall require the seller to verify his identity by presenting proper identification. The scrap dealer shall keep at his place of business the signed written statement from the seller for a period of two years after the date of purchase and the statement may be examined at any time by the treasurer or the chief of police.

Sec. 445-234 Applicability. Any person required to be licensed under chapter 289 or under section 445-171 shall not be required to pay an additional fee under section 445-232; provided that such person shall obtain the license required by section 445-232 and shall follow the requirements of sections 445-232 and 445-233 when acting as a scrap dealer.

Sec. 445-235 Prohibitions; penalty. Any person who violates sections 445-232 and 445-233, or any person who falsifies a statement required by section 445-233, shall be guilty of a misdemeanor.”

SECTION 3. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.*

SECTION 4. This Act shall take effect on July 1, 1976.

(Approved June 9, 1976.)

*Edited accordingly.