

ACT 307

S.B. NO. 1599

A Bill for an Act Relating to a Commercial Marine Dealer License.

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

SECTION 1. Section 189-10, Hawaii Revised Statutes, is amended to read as follows:

“§189-10 Commercial marine dealers [to report]. [Every] (a) The department may require a license of any commercial marine dealer to sell or offer for sale, to purchase or attempt to purchase, to exchange, or to act as an agent in the transfer of, any marine life taken within the jurisdiction of the State for commercial purposes. It is unlawful for any commercial marine dealer to sell or offer for sale, to purchase or attempt to purchase, to exchange, or to act as an agent in the transfer of, any marine life taken within the jurisdiction of the State for commercial purpose, that is obtained from any person whom the department has required to have, but does not have, a valid commercial marine license, commercial marine dealer license, or other license or permit authorizing such sale, purchase, exchange, or transfer for commercial purpose.

(b) The department may require a license of any person to export any marine life taken within the jurisdiction of the State for commercial purpose.

(c) Upon the written demand of the department, a commercial marine dealer shall render to the department [on or before the tenth day of each month on blanks to be furnished by the department,] a true and correct statement showing the name of the commercial marine dealer; year; month; day; weight; number; value of each of the species of marine life purchased, transferred, exchanged, or sold during the previous month; name and current license number of the commercial marine

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licensee from whom the marine life was obtained; and such other information as the department may require.

(d) The department may require any term or condition of the licenses issued pursuant to this section, including, but not limited to, reports, fees and exemptions. The department may adopt rules pursuant to chapter 91 for the purposes of this section.”

SECTION 2. Section 189-11, Hawaii Revised Statutes, is amended to read as follows:

“§189-11 Receipts in duplicate. Every commercial marine dealer shall issue receipts to the person from whom marine life is obtained and shall [give] provide the following information in the receipt:

- (1) [the] The date of the issuance;
- (2) [the] The name of the person to whom the receipt is issued;
- (3) [the] The following information with respect to each of the varieties of marine life as the department shall require including: [the]
 - (A) The weight in pounds of each of the varieties received[, the];
 - (B) The numbers of marine life when they average a pound or more[, the]; and
 - (C) The price per pound paid; and
 - (D) With regard to aquarium fish, regardless of weight, the number and species of the fishes; and
- (4) [the] The signature of the dealer who issues the receipt.

Any dealer taking the dealer’s own marine life or handling any marine life taken by commercial marine licensees working for or with the dealer, shall make out the same receipt, giving market price for the marine life as prevails on the date of receipt. A duplicate copy of this receipt shall be kept on file at the premise where the marine life was sold by the dealer issuing the same for a period of [six months,] twelve months from the date of issuance, and the duplicate copy shall be available for inspection [at any time within six months, upon demand of the department.] upon the demand of any conservation officer authorized to enforce the laws of the State.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 21, 1997.)