

ACT 91

H.B. NO. 2589

A Bill for an Act Relating to Scrap Metal.

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

SECTION 1. The legislature finds that copper theft continues to be a serious problem, inasmuch as copper thieves illegally traffic in stolen copper as a ready source of cash. Discouraging copper thieves from selling stolen copper to scrap dealers would reduce the incidence of copper theft.

The purpose of this Act is to require scrap dealers and recyclers to:

- (1) Pay for copper by check;
- (2) Issue the check payable to the name of the seller; and
- (3) Mail the check to the address shown on the identification of the seller, or arrange for a personal pick-up of the check.

SECTION 2. Chapter 445, Hawaii Revised Statutes, is amended by adding a new section to part X to be appropriately designated and to read as follows:

“§445- Payment of copper purchased by scrap dealer or recycler; check; mailing. (a) If the scrap dealer or recycler, as applicable, purchases any copper, payment for the copper shall be made by check payable to the seller. At the time of sale of the copper, the seller shall present to the scrap dealer or recycler a valid photo identification card or license of the seller issued by a federal or state government agency authorized to issue valid identification. The check may be mailed to the address shown on the identification, or the scrap dealer or recycler may arrange for the check to be picked up personally by the seller at the place of business of the scrap dealer or recycler.

(b) As used in this section, “recycler” means a person who is engaged in the business of recycling, as defined in section 342G-1.”

SECTION 3. Section 445-235, Hawaii Revised Statutes, is amended to read as follows:

“§445-235 Prohibitions; penalty. Any person who violates sections 445-232 [and], 445-233, or 445-___, or any person who falsifies a statement required by section 445-233, shall be guilty of a misdemeanor and shall be sentenced in accordance with chapter 706, except that the court shall impose a minimum sentence of:

- (1) A fine of \$1,000 for the first offense;
- (2) A fine of \$3,000 for the second offense; and
- (3) A fine of \$5,000 and the suspension of the scrap dealer’s license for a period of six months for the third or subsequent offense; provided that if the third or subsequent offense occurs within a five-year period from the occurrence of two prior offenses, the scrap dealer shall be subject to license revocation.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

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SECTION 5. This Act shall take effect on July 1, 2008; provided that the amendment made to section 445-235, Hawaii Revised Statutes, by this Act shall not be repealed when that section is reenacted on July 1, 2009, by Act 197, Session Laws of Hawaii 2007.

(Approved May 22, 2008.)

Note

1. Edited pursuant to HRS §23G-16.5.