
A BILL FOR AN ACT

RELATING TO SCRAP METAL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 445-233, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§445-233~~ [~~Statement~~] Records required~~[-]~~; payment method;
4 exemption. (a) Every scrap dealer, when the dealer purchases
5 scrap within the State, shall obtain a written statement signed
6 by the seller certifying that the seller has the lawful right to
7 sell and dispose of the scrap. This statement shall also
8 contain the seller's name; the seller's business or residence
9 address; the seller's occupation; a description, including
10 serial numbers and other identifying marks, when practical, of
11 every scrap; the amount received by the seller; the date, time,
12 and place of the sale; and the license number of any vehicle
13 used to deliver the property to the place of purchase.

14 (b) If the scrap presented for purchase is copper, in
15 whole or in part, the seller shall provide a copy of a receipt
16 that describes, with particularity:

17 (1) The exact item that is being offered for sale;

18 (2) Who issued the receipt;



1 (3) The date of sale of the item prior to the item's being
2 offered to the scrap dealer; and

3 (4) The price, if any, of the item when obtained by the
4 seller.

5 (c) If a receipt is not available, the seller shall
6 provide to the scrap dealer a notarized declaration, describing
7 with particularity:

8 (1) The exact item that is being offered for sale;

9 (2) Who sold or otherwise transferred the item to the
10 seller;

11 (3) The date of sale of the item; and

12 (4) The price, if any, of the item when obtained by the
13 seller.

14 (d) If the seller does not provide a copy of the receipt
15 or the notarized declaration as required by subsections (b) and
16 (c), the scrap dealer shall not purchase the copper, in whole or
17 in part, and shall report the attempted sale to the police.

18 (e) If the scrap dealer purchases any copper, in whole or
19 in part, the scrap dealer shall take a photograph or photographs
20 of all of the copper offered for sale.

21 (f) The scrap dealer shall also require the seller to
22 verify the seller's identity by presenting a valid photo



1 identification card or license issued by a federal or state
2 government agency authorized to issue such identification. If
3 the scrap being offered for sale is copper, in whole or in part,
4 the scrap dealer shall:

5 (1) Take a photograph of the seller; or

6 (2) Make a photocopy of the identification card or license
7 of the seller.

8 (g) The scrap dealer shall pay the seller only by check,
9 issued no sooner than five days after the purchase, which shall
10 be mailed to the seller.

11 [~~g~~] (h) The scrap dealer shall keep at the dealer's
12 place of business the signed written statement, the receipt or
13 notarized declaration required by subsections (b) and (c), the
14 photographs required by subsection (e), [~~and~~] the photocopy of
15 the identification card or license and photograph of the seller
16 required by subsection (f), if applicable, from the seller, and
17 the canceled check used to make payment as required by
18 subsection (g) if applicable for a period of two years after the
19 date of purchase [~~and the~~]. The statement, the receipt or
20 notarized declaration required by subsections (b) and (c), the
21 photographs required by subsection (e), [~~and~~] the photocopy and
22 photograph required by subsection (f), if applicable, and the



1 canceled check used to make payment as required by subsection
2 (g) if applicable may be examined at any time by the treasurer,
3 the chief of police, the attorney general, the prosecuting
4 attorney, or their designees.

5 ~~[(h)]~~ (i) Public utilities, as defined in section 269-1,
6 shall be exempt from the requirements of subsections (b) and
7 (c). When the seller is a public utility, the scrap dealer
8 shall not be required to obtain the statement required by
9 subsection (a), ~~[and]~~ the scrap dealer shall not be prohibited
10 by subsection (d) from purchasing the copper from the public
11 utility~~[-]~~, and the scrap dealer shall not be required to make
12 payment as required in subsection (g)."

13 SECTION 2. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun, before its effective date.



16 SECTION 3. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

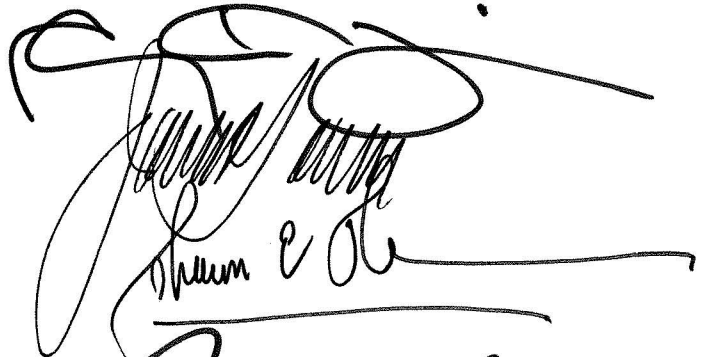
18 SECTION 4. This Act shall take effect upon approval;
19 provided that the amendments made to section 445-233, Hawaii
20 Revised Statutes, by section 1 of this Act shall not be repealed




1 on July 1, 2009, pursuant to section 7 of Act 197, Session Laws
2 of Hawaii 2007.
3

INTRODUCED BY:





JAN 18 2008



Report Title:

Scrap Metal Dealers; Method of Payment

Description:

Requires scrap dealers to pay sellers of scrap only by check, issued no sooner than 5 days after the purchase, mailed to the seller. Requires the canceled check to be retained for 2 years and made available for inspection.

