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# A BILL FOR AN ACT

RELATING TO SCRAP DEALERS.

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

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

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



- 1        (2) Who issued the receipt;
- 2        (3) The date of sale of the item prior to the item being
- 3            offered to the scrap dealer; and
- 4        (4) The price, if any, of the item when obtained by the
- 5            seller.

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

- 9        (1) The exact item that is being offered for sale;
- 10        (2) Who sold or otherwise transferred the item to the
- 11            seller;
- 12        (3) The date of sale of the item; and
- 13        (4) The price, if any, of the item when obtained by the
- 14            seller.

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

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



1        (f) The scrap dealer shall also require the seller to  
2 verify the seller's identity by presenting [~~proper~~] a valid  
3 photo identification[-] card or license issued by a federal or  
4 state government agency authorized to issue such identification.

5 The scrap dealer shall make a photocopy of the identification  
6 card or license.

7        (g) The scrap dealer shall keep at the dealer's place of  
8 business the signed written statement, the receipt or notarized  
9 declaration required by subsection (b) or (c), the photographs  
10 required by subsection (e), and the photocopy of the  
11 identification card or license required by subsection (f), if  
12 applicable, from the seller for a period of two years after the  
13 date of purchase and the statement, the receipt or notarized  
14 declaration required by subsection (b) or (c), the photographs  
15 required by subsection (e), and the photocopy required by  
16 subsection (f), if applicable, may be examined at any time by  
17 the treasurer [~~or~~], the chief of police[-], the attorney  
18 general, the prosecuting attorney, or their designees.

19        (h) Public utilities, as defined in section 269-1, shall  
20 be exempt from the requirements of subsections (b) and (c) of  
21 this section. When the seller is a public utility, the scrap  
22 dealer shall not be required to obtain the statement required by



1 subsection (a) of this section and it shall not be prohibited by  
2 subsection (d) of this section from purchasing the copper from  
3 the public utility."

4 SECTION 2. Section 445-235, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "**S445-235 Prohibitions; penalty.** Any person who violates  
7 sections 445-232 [~~and~~], 445-233, or any person who falsifies a  
8 statement required by section 445-233, shall be guilty of a  
9 misdemeanor[~~-~~] and shall be sentenced in accordance with chapter  
10 706, except that the court shall impose a minimum sentence of:

- 11 (1) A fine of \$1,000 for the first offense;  
12 (2) A fine of \$3,000 for the second offense; and  
13 (3) A fine of \$5,000 and the suspension of the scrap  
14 dealer's license for a period of six months for the  
15 third offense."

16 SECTION 3. This Act shall not affect the rights and duties  
17 that matured, penalties that were incurred, and proceedings that  
18 were begun before its effective date.

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

21 SECTION 5. This Act shall take effect on January 1, 2112.



**Report Title:**

Scrap Dealers

**Description:**

Provides measures to prevent copper theft; increases penalties for violation. (HB373 HD1)

