
A BILL FOR AN ACT

RELATING TO COPPER PURCHASES.

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

- 1 SECTION 1. Chapter 445, Hawaii Revised Statutes, is
2 amended by adding a new section 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 lawful
7 right to sell and dispose of the scrap. This statement shall
8 also contain:
9 (1) The seller's name;
10 (2) The seller's business or residence address;
11 (3) The seller's occupation;
12 (4) A description, including serial numbers and other
13 identifying marks, when practical, of every scrap;
14 (5) The amount received by the seller;
15 (6) The date, time, and place of the sale; and
16 (7) The license number of any vehicle used to deliver the
17 property to the place of purchase.



1 (b) The scrap dealer shall require the seller to verify
2 the seller's identity by presenting proper identification. The
3 scrap dealer shall keep at the dealer's place of business the
4 signed written statement from the seller for a period of two
5 years after the date of purchase and the statement may be
6 examined at any time by the treasurer or the chief of police.

7 (c) If the scrap dealer purchases any copper, the scrap
8 dealer shall pay the seller only by check, no sooner than five
9 days after the purchases, which shall be mailed to the seller.

10 As used in this subsection, "copper" means copper in all
11 different forms, including tubing, sheets (includes plates),
12 gutters, down spouts, bars, bare wire or cable, insulated wire
13 or cable, and aluminum/copper coil used in air conditioning and
14 refrigeration."

15 SECTION 2. Act 197, Session Laws of Hawaii 2007, is
16 amended as follows:

17 1. By amending section 3 to read:

18 "~~§445-233~~ ~~[Statement]~~ Records required~~[-]~~; payment method;
19 exemption. (a) Every scrap dealer, when the dealer purchases
20 scrap within the ~~[State,]~~ state, shall obtain a written
21 statement signed by the seller certifying that the seller has



1 the lawful right to sell and dispose of the scrap. This

2 statement shall also contain: [~~the~~]

3 (1) The seller's name; [~~the~~]

4 (2) The seller's business or residence address; [~~the~~]

5 (3) The seller's occupation; [a]

6 (4) A description, including serial numbers and other
7 identifying marks, when practical, of every scrap;

8 [~~the~~]

9 (5) The amount received by the seller; [~~the~~]

10 (6) The date, time, and place of the sale; and [~~the~~]

11 (7) The license number of any vehicle used to deliver the
12 property to the place of purchase.

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

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

17 (2) Who issued the receipt;

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

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



1 (c) If a receipt is not available, the seller shall
2 provide to the scrap dealer a notarized declaration, describing
3 with particularity:

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

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

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

17 (f) The scrap dealer shall also require the seller to
18 verify the seller's identity by presenting a valid photo
19 identification card or license issued by a federal or state
20 government agency authorized to issue such identification. If
21 the scrap being offered for sale is copper, in whole or in part,
22 the scrap dealer shall:



- 1 (1) Take a photograph of the seller; or
- 2 (2) Make a photocopy of the identification card or license
- 3 of the seller.

4 (g) If the scrap dealer purchases any copper, the scrap
 5 dealer shall pay the seller only by check, no sooner than five
 6 days after the purchase, which shall be mailed to the seller.

7 [~~g~~] (h) The scrap dealer shall keep at the dealer's
 8 place of business [~~the~~]:

9 (1) The signed written statement [~~the~~];

10 (2) The receipt or notarized declaration required by
 11 subsections (b) and (c) [~~the~~];

12 (3) The photographs required by subsection (e) [~~and the~~]

13 (4) The photocopy of the identification card or license and
 14 photograph of the seller required by subsection (f),
 15 if applicable, from the seller; and

16 (5) The canceled check used to make payment as required by
 17 subsection (g), if applicable, for a period of two
 18 years after the date of purchase [~~and the~~].

19 The statement, the receipt, or notarized declaration required by
 20 subsections (b) and (c), the photographs required by subsection
 21 (e), [~~and~~] the photocopy and photograph required by subsection
 22 (f), if applicable, and the canceled check used to make payment



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

4 ~~[(h)]~~ (i) Public utilities, as defined in section 269-1,
5 shall be exempt from the requirements of subsections (b) and
6 (c). When the seller is a public utility, the scrap dealer
7 shall not ~~[be]~~:

8 (1) Be required to obtain the statement required by
9 subsection (a) ~~[, and the scrap dealer shall not be]~~;

10 (2) Be prohibited by subsection (d) from purchasing the
11 copper from the public utility~~[-]~~; and

12 (3) Be required to make payment as required in subsection
13 (g)."

14 2. By amending section 7 to read:

15 "SECTION 7. This Act shall take effect on July 1, 2007,
16 and shall be repealed on July 1, 2009; provided that ~~[sections~~
17 ~~445-233 and]~~ section 445-235, Hawaii Revised Statutes, shall be
18 reenacted in the form in which ~~[they]~~ it read on the day before
19 the effective date of this Act."

20 SECTION 3. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun, before its effective date.



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

3 SECTION 5. This Act shall take effect upon its approval;
4 provided that section 1 of this Act shall take effect upon the
5 repeal of section 445-233, Hawaii Revised Statutes, pursuant to
6 section 7 of Act 197, Session Laws of Hawaii 2007.



Report Title:

Copper Purchases; Scrap Dealers; Recyclers

Description:

Requires scrap dealers to pay sellers of scrap copper only by check. For copper sales, requires the check to be mailed to the seller no sooner than 5 days after the purchase. Requires the canceled check to be retained for 2 years and made available for inspection. Makes copper provisions permanent upon repeal of Act 197, Session Laws of Hawaii 2007. (SB2627 HD1)

