
A BILL FOR AN ACT

RELATING TO METAL.

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

1 SECTION 1. Chapter 708, Hawaii Revised Statutes, is
2 amended by adding to part IV a new section to be appropriately
3 designated and to read as follows:

4 "**§708- Theft of copper.** (1) A person commits the
5 offense of theft of copper if the person commits theft of
6 property that, in whole or in part, contains copper, the weight
7 of which is equal to or exceeds one pound, but not including
8 legal tender of the United States.

9 (2) Theft of copper is a class C felony."

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

12 "**§445-233 Statement required.** (a) Every scrap dealer,
13 when the dealer purchases scrap within the State, shall obtain a
14 written statement signed by the seller [~~or the seller's agent~~]
15 certifying that the seller [~~or the seller's agent~~] has the
16 lawful right to sell and dispose of the scrap. This statement
17 shall also contain the seller's name; the seller's business or
18 residence address; the seller's occupation; a description,



1 including serial numbers and other identifying marks, when
2 practical, of every scrap; the amount received by the seller;
3 the date, time, and place of the sale; and the license number of
4 any vehicle used to deliver the property to the place of
5 purchase.

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

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

15 (c) If a receipt is not available, the seller shall
16 provide to the scrap dealer a notarized declaration, describing
17 with particularity:

- 18 (1) The exact item that is being offered for sale;
19 (2) Who sold or otherwise transferred the item to the
20 seller;
21 (3) The date of sale of the item; and



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

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

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

10 (f) The scrap dealer shall also require the seller to
11 verify the seller's identity by presenting a proper valid photo
12 identification[-] card or license issued by a federal or state
13 government agency or branch of military service authorized to
14 issue such identification.

15 (g) The scrap dealer shall keep at the dealer's place of
16 business the signed written statement, the receipt or notarized
17 declaration required by subsection (b) or (c), and the
18 photograph or photographs required by subsection (e), if
19 applicable, from the seller for a period of two years after the
20 date of purchase and the statement, the receipt or notarized
21 declaration required by subsection (b) or (c), and the
22 photograph or photographs required by section (e), if



1 applicable, may be examined at any time by the treasurer, [e]
2 the chief of police[-], the attorney general, the prosecuting
3 attorney, or their designees."

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

6 **"§445-235 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 a
11 fine of \$100 for the first offense, \$500 for the second offense,
12 and \$1000 and the suspension of the scrap dealer license for a
13 period of six months for the third offense."

14 SECTION 4. This Act shall not affect the rights and duties
15 that matured, penalties that were incurred, and proceedings that
16 were begun before its effective date.

17 SECTION 5. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Scrap Dealer Accountability

Description:

Establishes the offense of theft of copper. Adds special requirements for the purchase of copper by scrap dealers and to hold scrap dealers accountable for violations. (SD1)

