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# 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 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:



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

7        (c) If the scrap presented for purchase is copper, in  
8 whole or in part and if a receipt is not available, the seller  
9 shall provide to the scrap dealer a notarized declaration,  
10 describing with particularity:

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

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

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

1 identification[-] card or license issued by a federal or state  
2 government agency or branch of military service authorized to  
3 issue such identification.

4 (f) The scrap dealer shall keep at the dealer's place of  
5 business the signed written statement, the receipt, or notarized  
6 declaration required by subsection (b) or (c), from the seller  
7 for a period of two years after the date of purchase and the  
8 statement, the receipt, or notarized declaration required by  
9 subsection (b) or (c), may be examined at any time by the  
10 treasurer [æ], the chief of police[-], the attorney general,  
11 the prosecuting attorney, or their designees.

12 (g) Public utilities, as defined in section 269-1, shall  
13 be exempt from the requirements of subsections (b) and (c).  
14 When the seller is a public utility, the scrap dealer shall not  
15 be required to obtain the statement required by subsection (a)  
16 and shall not be prohibited by subsection (d) from purchasing  
17 the scrap metal from the public utility."

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

20 "§445-235 Prohibitions; penalty. Any person who violates  
21 [~~sections~~] section 445-232 [and], 445-233, or any person who  
22 falsifies a statement required by section 445-233, shall be



1 guilty of a misdemeanor[-] and shall be sentenced in accordance  
2 with chapter 706, except that the court shall impose a minimum  
3 sentence of a fine of \$100 for the first offense, \$500 for the  
4 second offense, and \$1,000 and the suspension of the scrap  
5 dealer license for a period of six months for the third  
6 offense."

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

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

12 SECTION 5. This Act shall take effect on July 1, 2050.

**Report Title:**  
Scrap Metal

**Description:**  
Adds additional requirements for the purchase of copper by scrap dealers and holds scrap dealers accountable for violations.  
(SD1)

