

JAN 18 2008

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# A BILL FOR AN ACT

RELATING TO COPPER PURCHASES.

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

1           SECTION 1. The legislature finds that copper theft  
2 continues to be a serious problem, inasmuch as copper thieves  
3 illegally traffic in stolen copper as a ready source of cash.  
4 Discouraging copper thieves from selling stolen copper to scrap  
5 dealers would reduce the incidence of copper theft.

6           The purpose of this Act is to require scrap dealers and  
7 recyclers to:

- 8           (1) Pay for copper by check;  
9           (2) Issue the check payable to the name of the seller; and  
10          (3) Mail the check to the address shown on the  
11           identification of the seller, or arrange for a  
12           personal pick-up of the check, after a specified wait  
13           period.

14          SECTION 2. Chapter 445, Hawaii Revised Statutes, is  
15 amended by adding a new section to part X to be appropriately  
16 designated and to read as follows:



1        "§445-        Payment of copper purchased by scrap dealer or  
2 recycler; check; mailing.    (a)    If the scrap dealer or recycler,  
3 as applicable, purchases any copper, payment for the copper  
4 shall be made by check payable to the seller; provided that the  
5 seller shall not obtain possession of the check from the scrap  
6 dealer or recycler until at least twenty-one days have elapsed  
7 from the date of the sale of the copper. At the time of sale of  
8 the copper, the seller shall present to the scrap dealer or  
9 recycler a valid photo identification card or license of the  
10 seller issued by a federal or state government agency authorized  
11 to issue such identification. The check may be mailed to the  
12 address shown on the identification, or the scrap dealer or  
13 recycler may arrange for the check to be picked up personally by  
14 the seller at the place of business of the scrap dealer or  
15 recycler no sooner than twenty-one days from the date of the  
16 sale of the copper.

17        (b)    As used in this section, "recycler" means a person who  
18 is engaged in the business of recycling, as defined in section  
19 342G-1."

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



1           "**§445-235 Prohibitions; penalty.** Any person who violates  
2 sections 445-232 [~~and~~], 445-233, and 445- , or any person who  
3 falsifies a statement required by section 445-233, shall be  
4 guilty of a misdemeanor and shall be sentenced in accordance  
5 with chapter 706, except that the court shall impose a minimum  
6 sentence of:

- 7           (1) A fine of \$1,000 for the first offense;  
8           (2) A fine of \$3,000 for the second offense; and  
9           (3) A fine of \$5,000 and the suspension of the scrap  
10           dealer's license for a period of six months for the  
11           third or subsequent offense; provided that if the  
12           third or subsequent offense occurs within a five-year  
13           period from the occurrence of two prior offenses, the  
14           scrap dealer shall be subject to license revocation."

15           SECTION 4. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17           SECTION 5. This Act shall take effect on July 1, 2008;  
18 provided that the amendment made to section 445-235, Hawaii  
19 Revised Statutes, by this Act shall not be repealed when that



1 section is reenacted on July 1, 2009, by Act 197, Session Laws  
2 of Hawaii 2007.

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**Report Title:**

Copper Purchases; Scrap Dealers; Recyclers

**Description:**

Requires scrap dealers and recyclers to pay for copper purchases by check.

