

JAN 22 2008

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## A BILL FOR AN ACT

RELATING TO COPPER.

**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.** *[Repeal and reenactment on*  
4 *July 1, 2009. L 2007, c 197, §7.]* (a) Every scrap dealer,  
5 when the dealer purchases scrap within the State, shall obtain a  
6 written statement signed by the seller certifying that the  
7 seller has the lawful right to sell and dispose of the scrap.  
8 This statement shall also contain the seller's name; the  
9 seller's business or residence address; the seller's occupation;  
10 a description, including serial numbers and other identifying  
11 marks, when practical, of every scrap; the amount received by  
12 the seller; the date, time, and place of the sale; and the  
13 license number of any vehicle used to deliver the property to  
14 the place of 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's 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 a receipt is not available, the seller shall  
8 provide to the scrap dealer a [notarized] declaration,  
9 describing with particularity:

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

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



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

4           (f) The scrap dealer shall also require the seller to  
5 verify the seller's identity by presenting a valid photo  
6 identification card or license issued by a federal or state  
7 government agency authorized to issue such identification. If  
8 the scrap being offered for sale is copper, in whole or in part,  
9 the scrap dealer shall:

10           (1) Take a photograph of the seller; or

11           (2) Make a photocopy of the identification card or license  
12 of the seller.

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





**Report Title:**

Scrap copper; notarized declarations

**Description:**

Repeals the requirement that sellers of scrap copper obtain notarized declarations.

