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# A BILL FOR AN ACT

RELATING TO SECONDHAND DEALERS.

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

1           SECTION 1. Section 486M-1, Hawaii Revised Statutes, is  
2 amended as follows:

3           1. By adding a new definition to be appropriately inserted  
4 and to read:

5           "Automated recycling kiosk" means an interactive device  
6 that is installed within a secure retail space and performs the  
7 following technological functions:

- 8           (1) Verifies a seller's identity by remote examination of  
9           a government-issued identification by a live  
10           representative during each transaction;  
11           (2) Securely stores articles accepted by the kiosk for  
12           recycling;  
13           (3) Captures and stores images of the seller and the  
14           articles accepted during the transaction; and  
15           (4) Reports electronically all transactions to law  
16           enforcement."



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1           2. By amending the definition of "secondhand dealer" to  
2 read:

3           "Secondhand dealer" means any person who trades in  
4 secondhand or previously owned articles, including the operation  
5 of an automated recycling kiosk, and includes any person subject  
6 to part VII of chapter 445."

7           SECTION 2. Section 486M-4, Hawaii Revised Statutes, is  
8 amended to read as follows:

9           "**§486M-4 Minimum retention of items.** (a) No dealer, the  
10 dealer's agents, employees, or representatives shall alter,  
11 melt, deface, break apart, dispose of, or change the character  
12 or integrity of the precious or semiprecious metals or precious  
13 or semiprecious gems received or purchased for a period of  
14 fifteen calendar days in counties with a population of less than  
15 [~~300,000,~~] three hundred thousand, and thirty calendar days in  
16 counties with a population of [~~300,000~~] three hundred thousand  
17 or more after the purchase or possession by the dealer,  
18 whichever comes later. Every article received by the dealer,  
19 the dealer's agents, employees, or representatives shall be  
20 retained by the dealer in the county where received or purchased  
21 for a period of fifteen calendar days in counties with a



1 population of less than [~~300,000,~~] three hundred thousand, and  
 2 thirty calendar days in counties with a population of [~~300,000~~]  
 3 three hundred thousand or more after the purchase or possession  
 4 by the dealer, whichever comes later.

5 (b) At the discretion of the chief of police of each  
 6 county, the holding period may be reduced to fifteen calendar  
 7 days; provided that the dealer has computerized record-keeping  
 8 and transmittal capabilities acceptable to the chief of police  
 9 or the chief of police's authorized representative.

10 (c) This section shall not apply to a secondhand dealer  
 11 who only operates automated recycling kiosks."

12 SECTION 3. Section 486M-5, Hawaii Revised Statutes, is  
 13 amended to read as follows:

14 "**§486M-5 Inspections.** The chief of police of each county  
 15 or the chief of police's authorized representative may  
 16 immediately inspect, during normal business hours or whenever  
 17 the dealer or the dealer's agents or employees are otherwise  
 18 present, any records required by this chapter and any articles  
 19 described in [~~such~~] those records that the police reasonably  
 20 believe are stolen goods. A secondhand dealer who operates an



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1 automated recycling kiosk shall provide to police upon request  
2 and at no cost any articles that are received by the kiosk."

3 SECTION 4. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

6 SECTION 5. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: *Steve. Am*  
JAN 14 2020



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**Report Title:**

Secondhand Dealers; Automated Recycling Kiosk

**Description:**

Clarifies that the secondhand dealers law applies to a secondhand dealer's operation of an automated recycling kiosk.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

