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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. 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.

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

16       "§445-       Payment of copper purchased by scrap dealer or  
17 recycler; check; mailing. (a) If the scrap dealer or recycler,  
18 as applicable, purchases any copper, payment for the copper



1 shall be made by check payable to the seller. At the time of  
2 sale of the copper, the seller shall present to the scrap dealer  
3 or recycler a valid photo identification card or license of the  
4 seller issued by a federal or state government agency authorized  
5 to issue valid identification. The check may be mailed to the  
6 address shown on the identification, or the scrap dealer or  
7 recycler may arrange for the check to be picked up personally by  
8 the seller at the place of business of the scrap dealer or  
9 recycler.

10 (b) As used in this section, "recycler" means a person who  
11 is engaged in the business of recycling, as defined in section  
12 342G-1."

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

15 **"§445-235 Prohibitions; penalty.** Any person who violates  
16 sections 445-232 [~~and~~], 445-233, or 445-\_\_\_\_, or any person who  
17 falsifies a statement required by section 445-233, shall be  
18 guilty of a misdemeanor and shall be sentenced in accordance  
19 with chapter 706, except that the court shall impose a minimum  
20 sentence of:

- 21 (1) A fine of \$1,000 for the first offense;  
22 (2) A fine of \$3,000 for the second offense; and



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

7           SECTION 4. Statutory material to be repealed is bracketed  
8           and stricken. New statutory material is underscored.

9           SECTION 5. This Act shall take effect on July 1, 2008;  
10          provided that the amendment made to section 445-235, Hawaii  
11          Revised Statutes, by this Act shall not be repealed when that  
12          section is reenacted on July 1, 2009, by Act 197, Session Laws  
13          of Hawaii 2007.



**Report Title:**

Copper Purchases; Scrap Dealers; Recyclers

**Description:**

Requires scrap dealers and recyclers to pay for copper purchases by check. (SD2)

