

JAN 17 2020

A BILL FOR AN ACT

RELATING TO THEFT.

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

1 SECTION 1. Chapter 708, Hawaii Revised Statutes, is
2 amended by adding a new section to part IV to be appropriately
3 designated and to read as follows:

4 "§708- Theft of catalytic converter. (1) A person
5 commits the offense of theft of catalytic converter if the
6 person:

7 (a) Obtains a catalytic converter through any means
8 described in section 708-830; or

9 (b) Violates section 445-233 in regard to a catalytic
10 converter.

11 (2) For the purposes of this section, "catalytic
12 converter" means a device that is incorporated in a motor
13 vehicle's exhaust system and contains a catalyst for converting
14 pollutant gas emissions into less harmful emissions.

15 (3) Theft of catalytic converter is a class C felony."



1 SECTION 2. Section 445-231, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 ""Catalytic converter" means a device that is incorporated
5 in a motor vehicle's exhaust system and contains a catalyst for
6 converting pollutant gas emissions into less harmful emissions."

7 SECTION 3. Section 445-233, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§445-233 Statement required.** (a) Every scrap dealer,
10 when the dealer purchases scrap within the State, shall obtain a
11 written statement signed by the seller certifying that the
12 seller has the lawful right to sell and dispose of the scrap.
13 This statement shall also contain the seller's name; the
14 seller's business or residence address; the seller's occupation;
15 a description, including serial numbers and other identifying
16 marks, when practical, of every scrap; the amount received by
17 the seller; the date, time, and place of the sale; and the
18 license number of any vehicle used to deliver the property to
19 the place of purchase.

20 (b) If the scrap presented for purchase is copper, a beer
21 keg, [ø] an urn, or a catalytic converter, in whole or in part,



1 the seller shall provide a copy of a receipt that describes,
2 with particularity:

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

9 (c) If a receipt is not available, the seller shall
10 provide to the scrap dealer a notarized declaration, describing
11 with particularity:

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

18 (d) If the seller does not provide a copy of the receipt
19 or the notarized declaration as required by subsections (b) and
20 (c), the scrap dealer shall not purchase the copper, beer keg,

1 or urn, in whole or in part, and shall report the attempted sale
2 to the police.

3 (e) If the scrap dealer purchases any copper, beer keg,
4 [~~or~~] urn, or catalytic converter, in whole or in part, the scrap
5 dealer shall take a photograph or photographs of all of the
6 copper, beer keg, [~~or~~] urn, or catalytic converter, offered for
7 sale.

8 (f) The scrap dealer shall also require the seller to
9 verify the seller's identity by presenting a valid photo
10 identification card or license issued by a federal or state
11 government agency authorized to issue valid identification. If
12 the scrap being offered for sale is copper, a beer keg, [~~or~~] an
13 urn, or a catalytic converter, in whole or in part, the scrap
14 dealer shall:

- 15 (1) Take a photograph of the seller; or
16 (2) Make a photocopy of the identification card or license
17 of the seller.

18 (g) The scrap dealer shall keep at the dealer's place of
19 business the signed written statement, the receipt or notarized
20 declaration required by subsections (b) and (c), the photographs
21 required by subsection (e), and the photocopy of the



1 identification card or license and photograph of the seller
2 required by subsection (f), if applicable, from the seller for a
3 period of two years after the date of purchase and the
4 statement, the receipt or notarized declaration required by
5 subsections (b) and (c), the photographs required by subsection
6 (e), and the photocopy and photograph required by subsection
7 (f), if applicable, may be examined at any time by the
8 treasurer, the chief of police, the attorney general, the
9 prosecuting attorney, or their designees.

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

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

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

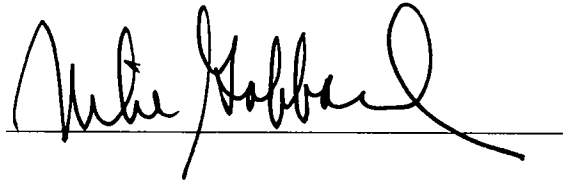


S.B. NO. 2742

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

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INTRODUCED BY:









S.B. NO. 2742

Report Title:

Catalytic Converter; Theft; Penal Code; Class C Felony; Scrap Dealers; Statement

Description:

Establishes the offense of theft of catalytic converter as a class C felony. Defines "catalytic converter." Requires scrap dealers to follow the same requirements regarding a written statement for the purchase of a catalytic converter as is required for the purchase of copper, beer kegs, and urns.

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