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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 through a combination of  
9 technology within the kiosk and remote examination of  
10 a government-issued identification by a live  
11 representative during each transaction;

12           (2) Securely stores articles accepted by the kiosk;

13           (3) Records images of the seller and the articles accepted  
14 during the transaction; and

15           (4) Possesses computerized record-keeping and transmittal  
16 capabilities."



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) A secondhand dealer operating an automated recycling  
11 kiosk shall be permitted to retain articles received or  
12 purchased at an alternate business location outside the county  
13 where received or purchased for a period of thirty calendar  
14 days. During this retention period, and upon request by law  
15 enforcement, a secondhand dealer operating an automated  
16 recycling kiosk shall promptly return any requested articles to  
17 the requesting law enforcement agency."

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

20 "**§486M-5 Inspections.** The chief of police of each county  
21 or the chief of police's authorized representative may



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1 immediately inspect, during normal business hours or whenever  
2 the dealer or the dealer's agents or employees are otherwise  
3 present, any records required by this chapter and any articles  
4 described in [~~such~~] those records that the police reasonably  
5 believe are stolen goods."

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

9 SECTION 5. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: \_\_\_\_\_



JAN 22 2021



# H.B. NO. 352

**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.*

