



GOV. MSG. NO. 733

EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE  
GOVERNOR

May 22, 2008

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fourth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 22, 2008, the following bill was signed into law:

HB2589 HD2 SD2

A BILL FOR AN ACT RELATING TO SCRAP METAL.  
(ACT 91)

Sincerely,

LINDA LINGLE

---

---

# 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

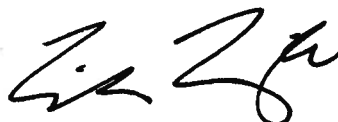


1           (3) A fine of \$5,000 and the suspension of the scrap  
2           dealer's license for a period of six months for the  
3           third or subsequent offense; provided that if the  
4           third or subsequent offense occurs within a five-year  
5           period from the occurrence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

APPROVED this 22 day of MAY, 2008



GOVERNOR OF THE STATE OF HAWAII

