

Honolulu, Hawaii
Feb 1, 2008

RE: H.B. No. 2347

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2347 entitled:

"A BILL FOR AN ACT RELATING TO METAL,"

begs leave to report as follows:

The purpose of this bill is to clarify the application of penalties for violations of the scrap dealer law by specifying that penalties may be imposed for violations of either the scrap dealer licensing or scrap documentation statutes.

The Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, and Honolulu Police Department testified in support of this bill.

Section 445-235, Hawaii Revised Statutes (HRS), sets forth penalties for violations of the scrap dealer law under Part X of Chapter 445, HRS. That section currently states in part that a scrap dealer incurs a penalty for a violation of sections 445-232 (licensing) and 445-233 (documentation of scrap purchased by dealer), HRS. There are concerns that this phrasing could be interpreted as requiring a violation of both sections before a penalty may be imposed.

Your Committee finds that by specifying that a penalty may be imposed for a violation of either the scrap dealer licensing or scrap documentation statutes, this measure clarifies the legislative intent behind the application of penalties under the scrap dealer law.

HB2347 HSCR CPC HMS 2008-1544



As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2347 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ROBERT N. HERKES, Chair



