

STAND. COM. REP. NO. 1135

Honolulu, Hawaii

March 2, 2007

RE: H.B. No. 373
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 373 entitled:

"A BILL FOR AN ACT RELATING TO SCRAP DEALERS,"

begs leave to report as follows:

The purpose of the bill is to prevent scrap metal theft by:

- (1) Requiring scrap dealers to collect more information regarding the source of the scrap and seller identity from sellers of scrap; and
- (2) Increasing the penalties for related offenses.

The Honolulu Police Department and the Kuliouou/Kalani Iki Neighborhood Board #2 testified in support of this bill. The Department of the Attorney General and the Department of the Prosecuting Attorney of the City and County of Honolulu supported the intent of this measure.

Upon further consideration, your Committee has amended this bill by deleting its substance and inserting most of the substance of House Bill No. 1246, which provides measures to prevent copper theft. The only provision omitted from House Bill No. 1246 was that making copper theft a felony. Specifically, as amended this bill:

HB373 HD1 HSCR JUD HMS 2007-2818



- (1) Allows only the seller, and not the seller's agent to provide written certifications to sell scrap metal;
- (2) For sales of copper, requires scrap dealers to obtain and keep either:
 - (a) A copy of a receipt; or
 - (b) A notarized declaration providing information, for the copper being sold;
- (3) Requires scrap dealers to report to the police attempted sales of copper when the seller does not provide the necessary information;
- (4) Requires scrap dealers to take and keep photographs of any copper purchased;
- (5) Requires scrap dealers to verify the seller's valid photo identification;
- (6) Allows the Attorney General, Prosecuting Attorney, or their designee to inspect records kept by scrap dealers required under this law; and
- (7) Establishes fines and license suspensions for scrap dealer violations.

This bill has been further amended by:

- (1) Requiring scrap dealers to also take and keep photographs of the seller of the copper;
- (2) Requiring scrap dealers to make and keep copies of the seller's valid photo identification;
- (3) Exempting sellers who are public utility companies from the requirements of this law except those requiring a photo record of the copper and photo identification of the seller;
- (4) Increasing the fines for scrap dealer violations;
- (5) Changing the effective date to January 1, 2112, to encourage further discussion; and



- (6) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 373, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 373, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



TOMMY WATERS, Chair



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 373 (HSCR 2)		Date: 2/27/07		
Committee Referral: JUD		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to: <input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Pass, with amendments, for recommitment for further consideration				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)	/			
2. OSHIRO, Blake K. (VC)	/			
3. CALDWELL, Kirk	/			
4. EVANS, Cindy	/			
5. GREEN, Josh, M.D.	/			
6. ITO, Ken	/			
7. LUKE, Sylvia	/			
8. McKELVEY, Angus L.K.	/			
9. MORITA, Hermina M.	/			
10. SONSON, Alex M.	/			
11. SOUKI, Joseph M.	/			
12. TSUJI, Clift	/			
13. YAMANE, Ryan I.	/			
14. YAMASHITA, Kyle T.	/			
15. MARUMOTO, Barbara C.	/			
16. PINE, Kymberly Marcos	/			
17. THIELEN, Cynthia				/
TOTAL	16			1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; margin-left: 100px;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <div style="text-align: center; margin-top: 10px;"> </div>				
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