



GOV. MSG. NO. **955**

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

June 19, 2007

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 June 19, 2007, the following bill was signed into law:

HB1246 HD1 SD1 CD1

A BILL FOR AN ACT RELATING TO METAL.  
(ACT 197)

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Aiona, Jr.", written over a vertical line.

JAMES R. AIONA, JR.  
Acting Governor

Approved by the Governor

on JUN 19 2007

HOUSE OF REPRESENTATIVES  
TWENTY-FOURTH LEGISLATURE, 2007  
STATE OF HAWAII

**ACT 197**

**H.B. NO.** 1246  
H.D. 1  
S.D. 1  
C.D. 1

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## A BILL FOR AN ACT

RELATING TO METAL.

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

1 SECTION 1. 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 "Copper" means copper in all different forms, including  
5 tubing, sheets (includes plates), gutters, down spouts, bars,  
6 bare wire or cable, insulated wire or cable, and aluminum/copper  
7 coil used in air conditioning and refrigeration."

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

11 "§708- Theft of copper. (1) A person commits the  
12 offense of theft of copper if the person commits theft of copper  
13 that weighs a pound or more, but not including legal tender of  
14 the United States.

15 (2) Theft of copper is a class C felony."

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



1           "§445-233 **Statement required.** (a) Every scrap dealer,  
2 when the dealer purchases scrap within the State, shall obtain a  
3 written statement signed by the seller [~~or the seller's agent~~]  
4 certifying that the seller [~~or the seller's agent~~] has the  
5 lawful right to sell and dispose of the scrap. This statement  
6 shall also contain the seller's name; the seller's business or  
7 residence address; the seller's occupation; a description,  
8 including serial numbers and other identifying marks, when  
9 practical, of every scrap; the amount received by the seller;  
10 the date, time, and place of the sale; and the license number of  
11 any vehicle used to deliver the property to the place of  
12 purchase.

13           (b) If the scrap presented for purchase is copper, in  
14 whole or in part, the seller shall provide a copy of a receipt  
15 that describes, with particularity:

- 16           (1) The exact item that is being offered for sale;  
17           (2) Who issued the receipt;  
18           (3) The date of sale of the item prior to the item's being  
19           offered to the scrap dealer; and  
20           (4) The price, if any, of the item when obtained by the  
21           seller.



1       (c) If a receipt is not available, the seller shall  
2 provide to the scrap dealer a notarized declaration, describing  
3 with particularity:

4       (1) The exact item that is being offered for sale;

5       (2) Who sold or otherwise transferred the item to the  
6 seller;

7       (3) The date of sale of the item; and

8       (4) The price, if any, of the item when obtained by the  
9 seller.

10       (d) If the seller does not provide a copy of the receipt  
11 or the notarized declaration as required by subsections (b) and  
12 (c), the scrap dealer shall not purchase the copper, in whole or  
13 in part, and shall report the attempted sale to the police.

14       (e) If the scrap dealer purchases any copper, in whole or  
15 in part, the scrap dealer shall take a photograph or photographs  
16 of all of the copper offered for sale.

17       (f) The scrap dealer shall also require the seller to  
18 verify the seller's identity by presenting [~~proper~~] a valid  
19 photo identification[-] card or license issued by a federal or  
20 state government agency authorized to issue such identification.

21 If the scrap being offered for sale is copper, in whole or in  
22 part, the scrap dealer shall:



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

4       (g) The scrap dealer shall keep at the dealer's place of  
5 business the signed written statement, the receipt or notarized  
6 declaration required by subsections (b) and (c), the photographs  
7 required by subsection (e), and the photocopy of the  
8 identification card or license and photograph of the seller  
9 required by subsection (f), if applicable, from the seller for a  
10 period of two years after the date of purchase and the  
11 statement, the receipt or notarized declaration required by  
12 subsections (b) and (c), the photographs required by subsection  
13 (e), and the photocopy and photograph required by subsection  
14 (f), if applicable, may be examined at any time by the treasurer  
15 [~~or~~], the chief of police[~~-~~], the attorney general, the  
16 prosecuting attorney, or their designees.

17       (h) Public utilities, as defined in section 269-1, shall  
18 be exempt from the requirements of subsections (b) and (c).  
19 When the seller is a public utility, the scrap dealer shall not  
20 be required to obtain the statement required by subsection (a),  
21 and the scrap dealer shall not be prohibited by subsection (d)  
22 from purchasing the copper from the public utility."



1 SECTION 4. Section 445-235, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§445-235 Prohibitions; penalty. Any person who violates  
4 sections 445-232 and 445-233, or any person who falsifies a  
5 statement required by section 445-233, shall be guilty of a  
6 misdemeanor[-] and shall be sentenced in accordance with chapter  
7 706, except that the court shall impose a minimum sentence of:

8 (1) A fine of \$1,000 for the first offense;

9 (2) A fine of \$3,000 for the second offense; and

10 (3) A fine of \$5,000 and the suspension of the scrap  
11 dealer's license for a period of six months for the  
12 third or subsequent offense; provided that if the  
13 third or subsequent offense occurs within a five-year  
14 period from the occurrence of two prior offenses, the  
15 scrap dealer shall be subject to license revocation."

16 SECTION 5. This Act shall not affect the rights and duties  
17 that matured, penalties that were incurred, and proceedings that  
18 were begun before its effective date.

19 SECTION 6. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 7. This Act shall take effect on July 1, 2007, and  
22 shall be repealed on July 1, 2009; provided that sections 445-



1 233 and 445-235, Hawaii Revised Statutes, shall be reenacted in  
2 the form in which they read on the day before the effective date  
3 of this Act.

APPROVED this 19 day of JUN , 2007

*James R. Aiona Jr.*  
ACTING GOVERNOR OF THE STATE OF HAWAII  
JAMES R. AIONA JR.

