

---

---

# A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. Chapter 150A, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§150A- Failure to pay or remit the inspection,  
5 quarantine, and eradication service fee; fines. (a) The  
6 following fines shall be imposed for failure to pay, bill, or  
7 remit the inspection, quarantine, and eradication service fee  
8 imposed by section 150A-5.3:

9 (1) A person responsible for paying the freight charges to  
10 the transportation company who fails to pay the fee  
11 shall be assessed a fine of \$100 for every one  
12 thousand pounds of freight or part thereof; and

13 (2) A transportation company that fails to:  
14 (A) Bill the fee, within fifteen days of the delivery  
15 of the freight, to the person responsible for  
16 paying the freight charges to the transportation  
17 company; or



1           (B) Remit the fee to the department within forty-five  
2           days of collecting the fee from the person  
3           responsible for paying the freight charges to the  
4           transportation company,  
5           shall pay a fine of \$100 for every one thousand pounds  
6           of freight or part thereof.

7           (b) All fines shall be paid to the department and  
8           deposited into the pest inspection, quarantine, and eradication  
9           fund under section 150A-4.5."

10           SECTION 2. Section 150A-2, Hawaii Revised Statutes, is  
11 amended by adding four new definitions to be appropriately  
12 inserted and to read as follows:

13           "Aggregate bulk freight" means unpackaged, pre-processed  
14 homogenous particulate material used in construction, without  
15 mark or count, that is usually free-flowing, and bought and sold  
16 by weight or volume, such as clean sand, gravel, crushed stone,  
17 slag, recycled concrete, and geosynthetic aggregates.

18           "Cement bulk freight" means unpackaged, homogenous cement,  
19 without mark or count, that is usually free-flowing, and bought  
20 and sold by weight or volume.



1       "Coal bulk freight" means unpackaged, homogenous coal,  
2 without mark or count, that is usually free-flowing, bought and  
3 sold by weight or volume, and used as a fuel.

4       "Liquid bulk freight" means unpackaged, homogenous liquid  
5 goods, without mark or count, that are usually free-flowing, and  
6 bought and sold by weight or volume, such as oil, or other  
7 complex mixtures of petroleum hydrocarbons, bituminous liquids  
8 such as asphalt, gasoline, and fuel oils."

9       SECTION 3. Section 150A-5.3, Hawaii Revised Statutes, is  
10 amended to read as follows:

11       **"§150A-5.3 Inspection, quarantine, and eradication service**  
12 **fee and charge.** (a) There is imposed a fee for the inspection,  
13 quarantine, and eradication of invasive species contained in any  
14 freight, including but not limited to marine commercial  
15 container shipment, air freight, or any other means of  
16 transporting freight, foreign or domestic, that is brought into  
17 the State[-], except for liquid bulk freight, cement bulk  
18 freight, coal bulk freight, and aggregate bulk freight, as  
19 provided in subsection (c). The fee shall be paid by the person  
20 responsible for paying the freight charges to the transportation  
21 company, who shall collect the fee and forward the payment to  
22 the department at the port of disembarkation; provided that the



1 transportation company shall not be liable for any fee that is  
2 not paid by the person responsible for paying the freight  
3 charges to the transportation company. The department shall  
4 deposit the fee into the pest inspection, quarantine, and  
5 eradication fund under section 150A-4.5.

6 (b) The fee shall be assessed on the net weight of the  
7 imported freight computed on the basis of 50 cents for every one  
8 thousand pounds of freight brought into the State, or part  
9 thereof.

10 (c) No fee shall be imposed for the inspection,  
11 quarantine, and eradication of invasive species, as authorized  
12 in subsection (a), for the import of liquid bulk freight, cement  
13 bulk freight, coal bulk freight, and aggregate bulk freight, as  
14 defined in section 150A-2."

15 SECTION 4. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect on July 1, 2010;  
18 provided that sections 2 and 3, upon approval, shall take effect  
19 retroactive to July 1, 2007.



**Report Title:**

Inspection, Quarantine, and Eradication Service Fee

**Description:**

Establishes fines for failing to pay, bill, or remit the inspection, quarantine, and eradication fee. Exempts bulk freight of foreign origin from the inspection, quarantine, and eradication service fee and charge, retroactive to July 1, 2007.  
(SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

