

JAN 21 2010

S.B. NO. 2236

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# A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

**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 two new definitions to be appropriately  
12           inserted and to read as follows:

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

16           "Liquid bulk freight" means unpackaged, homogenous liquid  
17           goods, without mark or count, that are usually free-flowing and  
18           bought and sold by weight or volume, such as oil, or other  
19           complex mixture of petroleum hydrocarbons, bituminous liquids  
20           such as asphalt, gasoline, and fuel oils."

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



1           "§150A-5.3   **Inspection, quarantine, and eradication service**  
2 **fee and charge.** There is imposed a fee for the inspection,  
3 quarantine, and eradication of invasive species contained in any  
4 freight, including but not limited to marine commercial  
5 container shipment, air freight, or any other means of  
6 transporting freight, foreign or domestic, that is brought into  
7 the State[-], except for liquid bulk freight and cement bulk  
8 freight. The fee shall be paid by the person responsible for  
9 paying the freight charges to the transportation company, who  
10 shall collect the fee and forward the payment to the department  
11 at the port of disembarkation; provided that the transportation  
12 company shall not be liable for any fee that is not paid by the  
13 person responsible for paying the freight charges to the  
14 transportation company. The department shall deposit the fee  
15 into the pest inspection, quarantine, and eradication fund under  
16 section 150A-4.5.

17           The fee shall be assessed on the net weight of the imported  
18 freight computed on the basis of 50 cents for every one thousand  
19 pounds of freight brought into the State, or part thereof."

20           SECTION 4. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.

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1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Nike Galt

Paul H. Bell

Carol F. Williams

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**Report Title:**

Invasive Species; Fee; Freight

**Description:**

Establishes fines for failing to pay, bill, or remit the inspection, quarantine, and eradication fee. Exempts liquid bulk freight and cement bulk freight from the fee.

