
A BILL FOR AN ACT

RELATING TO SHIPPING CONTAINER INSPECTIONS.

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

1 SECTION 1. The legislature finds that the state
2 departments of transportation, defense, and agriculture do not
3 have the statutory authority to inspect incoming shipping
4 containers as those containers sit on the docks.

5 Inspection of containers is currently handled by the
6 shipping companies that inspect their own shipping containers to
7 ensure that the cargo matches the description on the shipping
8 manifest for purposes of correctly billing the owners of the
9 cargo. "The Adherence Group" is a third-party private
10 inspection group that is mutually hired by the shipping
11 companies to inspect shipping containers to ensure the cargo
12 matches the manifest. The legislature believes that The
13 Adherence Group could serve as a model of private inspections of
14 cargo on a voluntary basis whose procedures could help state
15 authorities in formulating their own procedures for inspecting
16 shipping containers.

17 The legislature further finds that the inspection of
18 shipping containers is a major element of protecting against



1 terrorism. Particularly with the State's isolation and the
2 numerous containers arriving by ships, it is imperative that the
3 State take the initiative to require the inspection of shipping
4 containers.

5 The purpose of this Act is to allow the state inspection of
6 shipping containers.

7 SECTION 2. Chapter 128, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 "§128- Power to inspect shipping containers. (a) In
11 addition to the powers provided by any other law, the department
12 of defense may inspect any shipping container situated anywhere
13 at any commercial harbor, as defined in section 266-1.

14 (b) The department of defense may open any shipping
15 container under subsection (a) for the purpose of inspection to
16 detect and confiscate any explosives, not including fireworks
17 under chapter 132D, or other material constituting a threat
18 directly or indirectly to the security of life and property in
19 Hawaii.

20 (c) The department of defense may collaborate with any
21 federal agencies, including the United States armed services,
22 and state and county agencies for purposes of this section. The



1 department of defense shall be the lead agency among state
2 agencies to coordinate the inspection of shipping containers.

3 (d) This section shall be deemed to supersede any labor
4 work rules or contracts to the contrary.

5 (e) This section shall not be construed to interfere with
6 interstate commerce as this section is in furtherance of the
7 security of the State of Hawaii."

8 SECTION 3. Chapter 141, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§141- Power to inspect shipping containers. (a) In
12 addition to the powers provided by any other law, the department
13 of agriculture may inspect any shipping container situated
14 anywhere at any commercial harbor, as defined in section 266-1.

15 (b) The department of agriculture may open any shipping
16 container under subsection (a) for the purpose of inspection to
17 detect and confiscate any explosives, not including fireworks
18 under chapter 132D, or other material constituting a threat
19 directly or indirectly to the security of life and property in
20 Hawaii.

21 (c) The department of agriculture may collaborate with any
22 federal agencies, including the United States armed services,



1 and state and county agencies for purposes of this section. The
2 department of defense shall be the lead agency among state
3 agencies to coordinate the inspection of shipping containers.

4 (d) This section shall be deemed to supersede any labor
5 work rules or contracts to the contrary.

6 (e) This section shall not be construed to interfere with
7 interstate commerce as this section is in furtherance of the
8 security of the State of Hawaii."

9 SECTION 4. Chapter 266, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§266- Power to inspect shipping containers. (a) In
13 addition to the powers provided by any other law, the department
14 of transportation may inspect any shipping container situated
15 anywhere at any commercial harbor, as defined in section 266-1.

16 (b) The department of transportation may open any shipping
17 container under subsection (a) for the purpose of inspection to
18 detect and confiscate any explosives, not including fireworks
19 under chapter 132D, or other material constituting a threat
20 directly or indirectly to the security of life and property in
21 Hawaii.



1 (c) The department of transportation may collaborate with
2 any federal agencies, including the United States armed
3 services, and state and county agencies for purposes of this
4 section. The department of defense shall be the lead agency
5 among state agencies to coordinate the inspection of shipping
6 containers.

7 (d) This section shall be deemed to supersede any labor
8 work rules or contracts to the contrary.

9 (e) This section shall not be construed to interfere with
10 interstate commerce as this section is in furtherance of the
11 security of the State of Hawaii."

12 SECTION 5. New statutory material is underscored.

13 SECTION 6. This Act shall take effect on July 1, 2525.

14



Report Title:

Harbors; Inspection of Shipping Containers

Description:

Authorizes the department of transportation, department of defense, and department of agriculture to inspect shipping containers for non-fireworks explosives. Eff 7/1/2525. (SD1)

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