

JAN 27 2010

S.B. NO. 2947

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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, collect, 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 50 cents for every one  
12           thousand pounds of freight or part thereof; and

13           (2) A transportation company that fails to:

14           (A) Collect the fee, within fifteen days of the  
15           delivery of the freight, from the person  
16           responsible for paying the freight charges to the  
17           transportation 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 50 cents for every one thousand  
6           pounds 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 and usually free-flowing, bought and sold by  
16 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 and usually free-flowing, bought and sold  
3 by weight or volume, 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 mixture 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.** 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, cement, coal, and aggregate  
18 bulk freight. The fee shall be paid by the person responsible  
19 for paying the freight charges to the transportation company,  
20 who shall collect the fee and forward the payment to the  
21 department at the port of disembarkation; provided that the  
22 transportation company shall not be liable for any fee that is



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

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

8 SECTION 4. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

Runees Kohb  
Jm



**Report Title:**

Invasive Species; Fee; Freight

**Description:**

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

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