
A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1 SECTION 1. Chapter 150A, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated 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 as
8 provided for in section 150A-5.3:

9 (1) A person responsible for paying the freight charges to
10 the transportation company who does not pay the fee
11 shall be assessed a fine of \$250 for every one
12 thousand pounds of freight or part thereof; and

13 (2) A transportation company that does not:
14 (A) Bill the fee to the person responsible for paying
15 the freight charges to the transportation company
16 within fifteen days of the delivery of the
17 freight; 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 \$250 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 §150A- Private cause of action. Any person may bring an
11 action in the appropriate court to enforce the provisions of
12 this chapter or enjoin the actions of a person in violation of
13 the provisions of this chapter. If the decree is for the
14 plaintiff, the plaintiff shall be awarded reasonable attorney's
15 fees together with the cost of suit."

16 SECTION 2. Section 150A-2, Hawaii Revised Statutes, is
17 amended by adding two new definitions to be appropriately
18 inserted and to read as follows:

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



1 "Liquid bulk freight" means unpackaged, homogenous liquid
2 goods, without mark or count and usually free-flowing, bought
3 and sold by weight or volume, such as oil."

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

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



1 The fee shall be assessed on the net weight of the imported
2 freight computed on the basis of 50 cents for every one thousand
3 pounds of freight brought into the State, or part thereof. The
4 fee shall be paid by the person responsible for paying the
5 freight charges to the transportation company, who shall collect
6 the fee and forward the payment to the department at the port of
7 disembarkation; provided that the transportation company shall
8 not be liable for any fee that is not paid by the person
9 responsible for paying the freight charges to the transportation
10 company. The department shall deposit the fee into the pest
11 inspection, quarantine, and eradication fund under section 150A-
12 4.5.

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

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

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

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INTRODUCED BY: Jessica Woolley

JAN 25 2010



Report Title:

Environment; Inspection; Quarantine; Freight Importation

Description:

Sets penalty for failure to pay or remit freight inspection service fee; establishes private cause of action to enforce chapter.

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