

JAN 27 2010

S.B. NO. 2936

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# 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 neither the state  
2 department of transportation nor the state department of defense  
3 has any statutory authority to inspect incoming shipping  
4 containers as those containers sit on the docks. The only  
5 existing authority to inspect and open containers is with the  
6 federal agencies. Inspection of containers is currently handled  
7 by the shipping companies that inspect their own shipping  
8 containers to ensure that the cargo matches the description on  
9 the shipping manifest for purposes of correctly billing the  
10 owners of the cargo.

11           The legislature further finds that the inspection of  
12 shipping containers is a major element of protecting against  
13 terrorism. Particularly with the State's isolation and the  
14 numerous containers arriving by ships, it is imperative that the  
15 State take the initiative to require inspection of shipping  
16 containers.

17           The purpose of this Act is to allow the state inspection of  
18 shipping containers.



1 SECTION 2. Chapter 266, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§266- Power to inspect shipping containers. (a) In  
5 addition to the powers provided by any other law, the department  
6 of transportation and department of defense may inspect any  
7 shipping container situated anywhere at any commercial harbor,  
8 as defined in section 266-1.

9 (b) The department of transportation or department of  
10 defense, or both, may open any shipping container under  
11 subsection (a) for the purpose of inspection to detect and  
12 confiscate any explosives, not including fireworks under chapter  
13 132D, or other material constituting a threat directly or  
14 indirectly to the security of life and property in Hawaii.

15 (c) The department of transportation and department of  
16 defense may collaborate with any federal agencies, including the  
17 United States armed services, for purposes of this section.

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

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



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1 SECTION 3. New statutory material is underscored.

2 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

Will Engro



**Report Title:**

Harbors; Defense; Inspection of Shipping Containers

**Description:**

Authorizes the department of transportation and the department of defense to inspect shipping containers.

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

