
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 and defense lack the statutory
3 authority to inspect incoming shipping containers. Most
4 containers are inspected by shipping companies who match the
5 cargo with the shipping manifest for billing purposes.
6 "The Adherence Group" is a third-party private inspection
7 service that is hired by shipping companies to inspect shipping
8 containers to ensure that the cargo matches the manifest. The
9 legislature believes that The Adherence Group could serve as a
10 model for state authorities in formulating procedures for
11 inspecting shipping containers.
12 The legislature further finds that the inspection of
13 shipping containers is a major element in the fight against
14 terrorism. Particularly in light of the State's geographical
15 isolation and the numerous containers arriving by ship, it is
16 imperative that the State broaden its inspection of incoming
17 shipping containers.



1 The purpose of this Act is to broaden the State's
2 inspection of shipping containers.

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

6 "§128 Power to inspect shipping containers. (a) In
7 addition to any other powers provided by law, the department of
8 defense may inspect any shipping container situated anywhere at
9 any commercial harbor, as defined in section 266-1.

10 (b) The department of defense may inspect any shipping
11 container under subsection (a) to detect and confiscate any
12 material constituting a threat directly or indirectly to the
13 security of life and property in Hawaii, including explosives,
14 but excluding fireworks regulated in chapter 132D.

15 (c) The department of defense may collaborate with any
16 federal agencies, including any of the United States armed
17 services, and state and county agencies to effectuate this
18 section. The department of defense shall serve as the lead
19 state agency to coordinate the inspection of shipping
20 containers.

21 (d) This section shall supersede any labor work rules or
22 contracts that are contrary to the intent of this section."



1 SECTION 3. 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 any other powers provided by law, the department of
6 transportation may inspect any shipping container situated
7 anywhere at any commercial harbor, as defined in section 266-1.

8 (b) The department of transportation may inspect any
9 shipping container under subsection (a) to detect and confiscate
10 any material constituting a threat directly or indirectly to the
11 security of life and property in Hawaii, including explosives,
12 but excluding fireworks regulated in chapter 132D.

13 (c) The department of transportation may collaborate with
14 any federal agencies, including any of the United States armed
15 services, and state and county agencies to effectuate this
16 section. The department of defense shall serve as the lead
17 state agency to coordinate the inspection of shipping
18 containers.

19 (d) This section shall supersede any labor work rules or
20 contracts that are contrary to the intent of this section."

21 SECTION 4. New statutory material is underscored.

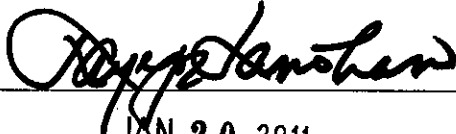


H.B. NO. 150

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

2

INTRODUCED BY:



JAN 20 2011



Report Title:

Harbors; Inspection of Shipping Containers

Description:

Authorizes the department of transportation and department of defense to inspect shipping containers for dangerous materials, including explosives.

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