

JAN 21 2011

S.B. NO. 170

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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 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.



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

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**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.

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

