

JAN 21 2011

S.B. NO. 168

A BILL FOR AN ACT

RELATING TO CARGO 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 cargo
4 containers are inspected by shipping companies who match the
5 cargo with the shipping manifest for billing purposes. This
6 lack of sufficient cargo inspections means that there is ample
7 opportunity for illegal fireworks and explosives to be smuggled
8 into the State. Particularly in light of the State's
9 geographical isolation and the numerous cargo containers
10 arriving by ship, it is imperative that the State broaden its
11 authority to inspect incoming cargo.

12 The purpose of this Act is to expand the State's authority
13 to inspect incoming cargo.

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

17 "§128- Power to inspect incoming cargo. (a) In
18 addition to any other powers provided by law, the department of



1 defense may enter private commercial property at reasonable
2 times to inspect any incoming cargo for the purpose of detecting
3 and confiscating illegal fireworks or any explosives
4 constituting a threat directly or indirectly to the security of
5 life or property in the State.

6 (b) All owners, employees, and agents of any business
7 operating at any private commercial property subject to
8 inspection under this section shall cooperate with the
9 department of defense to enable the department to conduct
10 inspections effectively, including providing shipping manifests
11 and other assistance.

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

17 (d) This section shall supersede any labor work rules or
18 contracts commencing after the effective date of this Act, that
19 are contrary to the intent of this section.

20 (e) For the purposes of this section, "private commercial
21 property" means:



1 (1) Freight forwarder warehouses and other commercial
2 facilities where consolidated cargo transported from
3 any shipping port is segregated and prepared for
4 delivery; and

5 (2) Other commercial facilities where cargo containers
6 transported from any shipping port are unloaded."

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

10 "§266- Power to inspect incoming cargo. (a) In
11 addition to any other powers provided by law, the department of
12 transportation may enter private commercial property at
13 reasonable times to inspect any incoming cargo for the purpose
14 of detecting and confiscating illegal fireworks or any
15 explosives constituting a threat directly or indirectly to the
16 security of life or property in the State.

17 (b) All owners, employees, and agents of any business
18 operating at any private commercial property subject to
19 inspection under this section shall cooperate with the
20 department of transportation to enable the department to conduct
21 inspections effectively, including providing shipping manifests
22 and other assistance.



1 (c) The department of transportation may collaborate with
2 federal agencies, including any of the United States armed
3 services, and state and county agencies to effectuate this
4 section. The department of defense shall serve as the lead
5 state agency to coordinate the inspection of incoming cargo.

6 (d) This section shall supersede any labor work rules or
7 contracts commencing after the effective date of this Act, that
8 are contrary to the intent of this section.

9 (e) For the purposes of this section, "private commercial
10 property" means:

11 (1) Freight forwarder warehouses and other commercial
12 facilities where consolidated cargo transported from
13 any shipping port is segregated and prepared for
14 delivery; and

15 (2) Other commercial facilities where cargo containers
16 transported from any shipping port are unloaded."

17 SECTION 4. The department of defense and the department of
18 transportation shall meet with and seek input from members of
19 the shipping industry and local businesses to effectuate this
20 Act through an efficient inspection system designed to avoid
21 delays and inefficiencies in commerce and the distribution of
22 goods and products.



1 SECTION 5. The revisor of statutes shall insert the
2 effective date of this Act in the appropriate places in section
3 128-___(d) in section 2 of this Act and in section 266-___(d) in
4 section 3 of this Act.

5 SECTION 6. New statutory material is underscored.

6 SECTION 7. This Act shall take effect upon its approval.

7

INTRODUCED BY: Will Evers

John R. ...
Mike Hubbard



Report Title:

Cargo Inspections; Fireworks; Explosives

Description:

Authorizes the department of transportation and department of defense to inspect incoming cargo for illegal fireworks and explosives at certain private commercial facilities.

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

