

JAN 23 2025

A BILL FOR AN ACT

RELATING TO SHIPPING CONTAINER LICENSING.

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

1 SECTION 1. The legislature finds that the inordinate
2 influx of illegal fireworks, invasive species, narcotics, and
3 other forms of contraband into the State presents a significant
4 threat to public safety, environmental integrity, and the
5 well-being of Hawaii's residents. The unique geographical
6 isolation of Hawaii further necessitates enhanced oversight and
7 regulatory measures to mitigate these threats.

8 The legislature further finds that establishing a nominal
9 licensing program for all shipping containers entering the
10 State, set at a fee of \$1 per container, will provide state
11 agencies with a critical tool to conduct seamless and lawful
12 inspections. This program would ensure that commerce remains
13 unhindered by imposing minimal costs while empowering state
14 authorities to inspect and seize contraband efficiently.

15 Accordingly, the purpose of this Act is to establish a
16 container licensing program that:



- 1 (1) Enhances the ability of state officials to lawfully
- 2 inspect shipping containers entering the State without
- 3 a warrant, thereby reducing the influx of contraband;
- 4 (2) Minimizes financial burdens on commerce by
- 5 implementing a nominal fee of \$1 per container; and
- 6 (3) Establishes a framework for interagency collaboration
- 7 between the department of transportation's harbor
- 8 division and department of law enforcement to ensure
- 9 effective program enforcement.

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

13 "§266- Container licensing program. (a) The
14 department of transportation shall establish a container
15 licensing program for all shipping containers entering the State
16 to enable lawful and efficient inspection of containers to
17 detect and prevent the entry of contraband, including illegal
18 fireworks, invasive species, and narcotics.

19 (b) The program shall impose a nominal licensing fee of \$1
20 per container, payable by the owner or consignee of the
21 container upon arrival at any commercial harbor, roadstead, or



1 port of entry. Payment of the fee shall deem the container
2 "licensed" pursuant to this section.

3 (c) All licensed containers shall be subject to inspection
4 by authorized state officials, including department of law
5 enforcement officers or agents. No inspections conducted
6 pursuant to this section shall require a warrant, pursuant to
7 legal precedents governing administrative searches in regulated
8 industries.

9 (d) The department of law enforcement shall have primary
10 jurisdiction and enforcement authority for inspections and
11 seizures pursuant to this section; provided that the department
12 of law enforcement shall collaborate with the department of
13 transportation in implementing and operating the container
14 licensing program.

15 (e) The department of transportation shall adopt rules
16 pursuant to chapter 91 necessary for the implementation and
17 administration of the program, including:

- 18 (1) Procedures for the collection of licensing fees;
19 (2) Procedures and processes for inspections, seizures,
20 and handling and storage of seized contraband; and



1 (3) Mechanisms for interagency coordination to ensure
2 effective enforcement.

3 (f) All fees collected pursuant to this section shall be
4 deposited into the harbor special fund pursuant to section
5 266-19 and be used exclusively for the administration and
6 enforcement of the program."

7 SECTION 3. If any provision of this Act, or the
8 application thereof to any person or circumstance, is held
9 invalid, the invalidity does not affect other provisions or
10 applications of the Act that can be given effect without the
11 invalid provision or application, and to this end the provisions
12 of this Act are severable.

13 SECTION 4. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 5. New statutory material is underscored.

17 SECTION 6. This Act shall take effect on July 1, 2025.

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INTRODUCED BY: _____



S.B. NO. 1295

Report Title:

HDOT; Department of Law Enforcement; Container Licensing Program; Harbors; Fee; Cargo Inspection; Fireworks; Seizure of Contraband

Description:

Establishes within the Department of Transportation the container licensing program to mitigate the influx of illegal contraband into the State. Imposes a nominal licensing fee of \$1 per container. Subjects all containers entering the State to inspections and authorizes the seizure of contraband.

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