

P.L. 2006-74

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**AN ACT**

to amend the "Import Duties Act, 1989"(48 MIRC Ch.2) in order to change the definition of "Chief;" prohibit the import of goods into the Republic without the approval of the Secretary of Finance; and to increase the amount of monetary penalties under the Act.

**BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS:**

**Section 1. Short Title.**

This Act may be cited as the Import Duties (Amendment) Act, 2006.

**Section 2. Amendments.**

**(1)** Section 203 Subsection (b) of the Import Duties Act, 1989 is hereby amended to read as follows:

**§203. Interpretation.**

In this Chapter, unless the context otherwise requires:

(b) "Chief" means the Chief of the Customs Division;

**(2)** Section 203(A) of the Import Duties Act, 1989 is hereby amended to read as follows:

**§203(A). Prohibition against Importation without a License**

(1) Notwithstanding the provisions of any other Act to the contrary, no person corporation or any other business association or entity shall have the authority to

1 import into the Republic, any alcohol or alcohol based products or any tobacco, or  
2 any other tobacco based products, without the approval of the Secretary of Finance.

3 (2) Such approval shall be issued in the form of a license or licenses, pursuant to the  
4 provisions of this Part.

5 (3) Any person, corporation or any other business association or entity that violates the  
6 prohibition set out in subsection (1) above shall be liable to the penalties set out  
7 under Sections 203 (F) and 223 of this Act.

8  
9 (3) Subsection 2 of Section 223 of the Import Duties Act, 1989 is hereby amended to read as  
10 follows:

11 **§223. Penalties.**

12 (2) Any person who commits an offense under section 222 subsection (1) paragraphs (c),  
13 (d) and (e) or violates the prohibition contained in Section 203A above shall be  
14 punishable as follows;

15 (a) for a first offense, the offender shall be liable to a fine in an amount equal to  
16 double the value of the goods involved or twenty thousand dollars (\$20,000),  
17 whichever is the greater amount, or imprisonment for a term not exceeding 3  
18 months, or both.

19 (b) for a second offense, the offender shall be liable to a fine in an amount equal  
20 to double the value of the goods involved or fifty thousand dollars (\$50,000),

1 which ever is the greater amount, and to a term of imprisonment not  
2 exceeding six (6) months, or both. If the offender in this case is a corporation  
3 or other legal entity, doing business in the Republic, the Secretary of Finance  
4 shall recommend to the appropriate Local Government, for the suspension of  
5 such entity's business license for a period of three months.

6 (c) for a third offense, the penalty shall be a fine in an amount equal to double  
7 the value of the goods involved or one hundred thousand dollars (\$100,000),  
8 which ever is the greater amount, or to a term of imprisonment not exceeding  
9 twelve (12) months, or both. If the offender is a corporation or other legal  
10 entity doing business in the Republic, the Secretary of Finance shall  
11 recommend to the appropriate Local Government, for the permanent  
12 revocation of any such entity's business license.

13  
14 **Section 3. Effective date**

15 This Act shall come into effect upon certification in accordance with Article IV Section  
16 21 of the Constitution and the Rules of Procedures of the Nitijela.

17  
18 **CERTIFICATE**

19 **I hereby certify:**

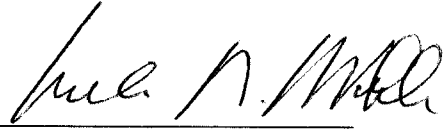
20 (1) That Nitijela Bill No: 131 was passed by the Nitijela of the Republic of the Marshall

1 Islands on the 6<sup>th</sup> day of November, 2006; and

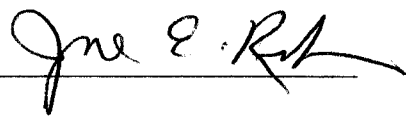
- 2 (2) That I am satisfied that Nitijela Bill No.: 131 was passed in accordance with the relevant  
3 provisions of the Constitution of the Republic of the Marshall Islands and the Rules of  
4 Procedures of the Nitijela.

5  
6 I hereby place my signature before the Clerk this 5<sup>th</sup> day of December, 2006.

7  
8 **Attest:**

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10 \_\_\_\_\_

11 **Ruben R. Zackhras**  
12 Vice-Speaker  
13 Nitijela of the Marshall Islands

14   
15 \_\_\_\_\_

16 **Joe E. Riklon**  
17 Clerk  
18 Nitijela of the Marshall Islands