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# A BILL FOR AN ACT

RELATING TO GROUNDED VESSELS.

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

1           SECTION 1. Chapter 200, Hawaii Revised Statutes, is  
2 amended by adding a new section to part III to be designated and  
3 to read as follows:

4           "§200-47.5 Vessel aground on state property. (a) All  
5 vessels grounded on state submerged lands, shorelines, or coral  
6 reefs shall be removed immediately by the owner or operator at  
7 the owner's or operator's expense. Vessels grounded on a sand  
8 beach, sandbar, or mudflat and not in imminent danger of  
9 breaking up shall be removed within seventy-two hours, unless  
10 otherwise agreed to by the department. Damage to state or  
11 private property caused by a grounded vessel shall be the sole  
12 responsibility of the vessel's owner or operator.

13           (b) Solely for the purposes of removal and with no  
14 liability to the department, the department may assume control  
15 of any vessel that:

16           (1) Is grounded on a coral reef or in imminent danger of  
17           breaking up; and



1       (2) Cannot be immediately removed by the owner in a manner  
2           that is reasonably safe, as determined by the  
3           department.

4       Once the department assumes control over the vessel, the vessel  
5       shall be directed to a safer location. All costs and expenses  
6       of removing the vessel and damages to state or private property  
7       shall be the sole responsibility of the vessel's owner or  
8       operator. This section shall apply whether the vessel is  
9       attended or deemed derelict under section 200-48.

10       (c) The department may take legal action to collect any  
11       costs or expenses incurred by the department for any removal  
12       under this section. All moneys collected shall be deposited in  
13       the boating special fund.

14       (d) Any person who renders assistance to the department  
15       when it acts pursuant to subsection (b) and any person who, in  
16       good faith and without remuneration or expectation of  
17       remuneration, renders assistance at the scene of a vessel  
18       grounded on a coral reef or in imminent danger of breaking up  
19       shall not be liable for any civil damages resulting from the  
20       person's acts or omissions in providing or arranging towage or  
21       other assistance, except for damages caused by the person's  
22       gross negligence or wanton acts or omissions."



- 1 SECTION 2. New statutory material is underscored.
- 2 SECTION 3. This Act shall take effect on January 1, 2096.



**Report Title:**

Conservation; Vessel Removal

**Description:**

Allows the State to take immediate action when a vessel is grounded on a coral reef or is in imminent danger of breaking up. (SB2360 HD1)

