

H.B. NO. 2397

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 to part III a new section to be designated and
3 to read as follows:

4 "§200-47.5 Vessel aground on state property. (a) Any
5 vessel running aground on submerged lands of the State, a state
6 shoreline, or a state coral reef shall be removed immediately by
7 the owner, or operator, and at the owner's expense. Vessels
8 grounded on a sand beach, sandbar, or mudflats and not in
9 imminent danger of breaking up, shall be removed in a reasonable
10 time but not to exceed seventy-two hours, unless otherwise
11 agreed to by the department. Damages to state or private
12 property shall be the sole responsibility of the vessel owner.
13 For vessels grounded on a coral reef or in imminent danger of
14 breaking up, time is of the essence. If the department
15 determines that the owner or operator cannot achieve the
16 immediate removal of the vessel in a manner that is reasonably
17 safe, a state official on site may assume control of the vessel,

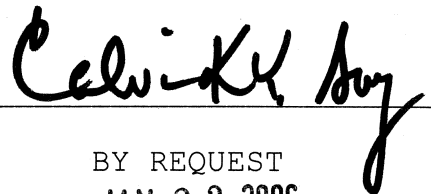
1 solely for the purposes of removal and with no liability to the
2 official or the State, and shall direct the removal of the
3 vessel to a safer location. All costs and expenses of the
4 removal and damages to state or private property shall be the
5 sole responsibility of the vessel owner. This section shall
6 apply whether the vessel is attended to or deemed derelict under
7 section 200-48.

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

12 SECTION 2. New statutory material is underscored.

13 SECTION 3. This Act shall take effect upon its approval.

14
15 INTRODUCED BY:



16 BY REQUEST
17 JAN 23 2006

18
19
20
21
22

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO GROUNDED VESSELS.

PURPOSE: To allow the State to take more immediate action in the case of a vessel grounded on a living reef or other critical areas where prompt action may minimize the damage to State property and ocean resources.

MEANS: Add a new section to part III of chapter 200, Hawaii Revised Statutes.

JUSTIFICATION: Current statutes do not clearly allow the State to order off a grounded vessel when there is imminent danger of it breaking up and/or there is ongoing damage to living reef structure. In these cases, time is of the essence and even a single tidal cycle can drive a vessel much further aground. Prompt action can often minimize the damage. Unfortunately, vessel owners often are only concerned with costs of removal and damage to their vessel and fail to fully appreciate the damage to living reefs and other local conditions that favor the speedy removal of grounded vessels. This bill would establish procedures for the removal of vessels grounded on state lands, including allowing the State to assume immediate control of a grounded vessel for the purpose of relocating the vessel to a safer area, when no other options are available.

Impact on the public: Minimal as there are only a few groundings each year, but each can be a significant event.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: LNR 801.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.