
A BILL FOR AN ACT

RELATING TO OCEAN VESSELS.

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

1 SECTION 1. Section 200-49, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§200-49 Disposition of derelict vessel[-] or vessel in**

4 **distress.** (a) The chairperson may cause a derelict vessel to
5 be immediately taken into custody. Upon taking custody of a
6 derelict vessel, the department, as soon as reasonably possible
7 shall:

8 (1) Give public notice of intended disposition and
9 procedure for requesting an administrative hearing;

10 (2) When possible, post a notice of intended disposition
11 and procedure for requesting an administrative hearing
12 on the vessel; and

13 (3) Serve a duplicate original of the notice of intended
14 disposition and procedure for requesting an
15 administrative hearing by certified mail, return
16 receipt requested on:

17 (A) The registered or documented owner of the vessel,
18 if known, at the owner's last known address on



1 record with the department or the United States
2 Coast Guard;

3 (B) All lien holders who have properly filed a
4 financing statement, referencing the name of the
5 registered or documented owner, in the bureau of
6 conveyances or who are shown on the records of
7 the department or the United States Coast Guard;
8 and

9 (C) Any operator of the vessel on record with the
10 department or the United States Coast Guard.

11 (b) The owner, lien holder, or operator of [~~the~~] a
12 derelict vessel shall have ten days after the date of the public
13 notice or receipt of the mailed notice[~~r~~] pursuant to subsection
14 (a), whichever occurs later, to request in writing an
15 administrative hearing. This administrative hearing is solely
16 for the purpose of allowing the owner, lien holder, or operator
17 of an impounded vessel to contest the basis given by the
18 department for the impoundment of the vessel. The hearing
19 [~~must~~] shall be held within five working days of the
20 department's receipt of the written request.

21 (c) [~~If the~~] Any derelict vessel [~~is~~] not repossessed
22 within twenty days after the date of the public notice or



1 mailing of the notice, whichever occurs later, [~~the vessel~~] may
2 be disposed of by negotiated sale except that, when two or more
3 purchasers indicate an interest in purchasing the vessel, the
4 vessel [~~will~~] shall be sold at public auction to the highest
5 bidder, unless the vessel is exempt from public auction under
6 section 200-45. If no purchaser expresses a desire to purchase
7 the vessel, the vessel may be destroyed or donated to any
8 governmental agency.

9 (d) Within twenty-four hours of obtaining the written
10 authorization of the owner of any vessel that is within ocean
11 waters and:

12 (1) Sunk or in immediate danger of sinking;

13 (2) Obstructing a waterway; or

14 (3) Endangering life or property,

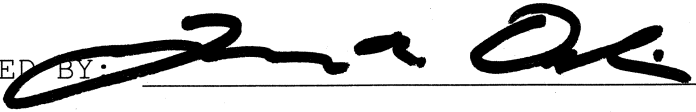
15 the chairperson shall take into custody and dispose of the
16 vessel by public auction or otherwise in accordance with the
17 procedures set forth in this part for the disposition of
18 abandoned vessels."

19 SECTION 2. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

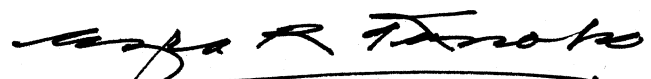


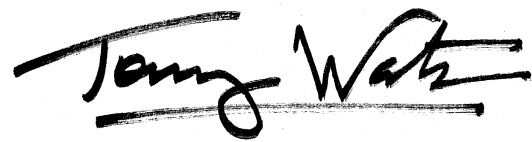
1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: 




RAMIRO ORTIZ



JAN 24 2006



H.B. NO. 2671

Report Title:

Ocean Vessels in Distress; Removal from State Waters

Description:

Requires DLNR to remove vessels in distress from state waters within twenty-four hours of obtaining the owner's written authorization.

