
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 upon its approval.

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. (CD1)

