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

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 the vessel removal and damages to state or private property
7 shall be the sole responsibility of the vessel's owner. This
8 section shall apply whether the vessel is attended or deemed
9 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 in compliance with
15 subsection (b) and any person who in good faith without
16 remuneration or expectation of remuneration renders assistance
17 at the scene of a vessel grounded on a coral reef or in imminent
18 danger of breaking up shall not be liable for any civil damages
19 resulting from the person's acts or omissions in providing or
20 arranging towage or other assistance, except for damages caused
21 by the person's 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.

SB2360, SD1

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. (SD1)

