
A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF TRANSPORTATION.

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

1 SECTION 1. The legislature finds that all users and
2 tenants of state harbor and other harbor facilities are required
3 to comply with all applicable federal, state, or county laws,
4 ordinances, and rules. If a harbor user or tenant is
5 responsible for a violation of applicable laws that results in a
6 fine assessed against the State, the harbor user or tenant
7 should pay the fine.

8 SECTION 2. Chapter 266, Hawaii Revised Statutes, is
9 amended by adding a new section to part I to be appropriately
10 designated and to read as follows:

11 "§266- Fines arising from environmental protection
12 violations. Notwithstanding any other law to the contrary, any
13 commercial harbor tenant or user, including any shipper or
14 shipping agent, who violates any federal, state, or county law
15 or rule relating to environmental protection and thereby causes
16 a fine to be levied upon the department, shall reimburse the
17 department for the entire amount of the fine. The department
18 may take such actions necessary to collect any amount



1 reimbursable under this section, and may also demand
2 reimbursement for costs or expenses incurred by the department
3 resulting from enforcement of this section."

4 SECTION 3. Section 266-25, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§266-25 Violation of rules; penalty. [~~Any~~] In addition
7 to the reimbursement of fines and costs as provided in section
8 266- , any person who violates any rule made, adopted, and
9 published by the department of transportation as herein
10 provided, or who violates any lawful command of any harbor
11 master, harbor agent, or harbor district manager, while in the
12 discharge of the person's duty, or who violates this chapter,
13 shall be fined not more than \$10,000 for each offense, and any
14 vessel, the agents, owner, or crew of which violate the rules of
15 the department or this chapter, shall be fined not more than
16 \$10,000 for each violation; provided that in addition to or as a
17 condition to the suspension of the fines and penalties, the
18 court may deprive the offender of the privilege of operating or
19 mooring any vessel in state waters for a period of not more than
20 two years."

21 SECTION 4. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.



S.B. NO. 1515
S.D. 2
H.D. 2
C.D. 1

Report Title:

Department of Transportation

Description:

Requires any commercial harbor tenant or user who violates any federal, state, or county law or rule relating to environmental protection and thereby causes an environmental fine to be levied upon the Department of Transportation to reimburse the DOT.
(CD1)

