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# 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 harbor facilities are required to  
3 comply with all applicable federal, state, or county laws,  
4 ordinances, rules and regulation. Any violation resulting from  
5 the acts or omissions by any harbor tenant or user that results  
6 in a fine against the state for actions that are under the  
7 control or responsibility of a harbor user or tenant should be  
8 paid by the violator.

9           SECTION 2. Section 266-25, Hawaii Revised Statutes, is  
10 amended to read as follows:

11           "**§266-25 Violation of rules; penalty.** Any person who  
12 violates any rule made, adopted, and published by the department  
13 of transportation as herein provided, or who violates any lawful  
14 command of any harbor master, harbor agent, or harbor district  
15 manager, while in the discharge of the person's duties, or who  
16 violates this chapter, shall be fined not more than [~~\$10,000~~  
17 \$27,500 for each offense~~[, and any]~~. Any vessel, [the agents],  
18 agent, owner, or crew [of which violate] that violates any rule



1 of the department of transportation as herein provided, or who  
2 violates any lawful command of any harbor master, harbor agent,  
3 or harbor district manager, pertaining to federal, state or  
4 county rule or who violates the rules of the department or this  
5 chapter, shall be fined not more than [~~\$10,000~~] \$27,500 for each  
6 violation; provided that in addition to or as a condition to the  
7 suspension of the fines and penalties, the court may deprive the  
8 offender of the privilege of operating or mooring any vessel in  
9 state waters for a period of not more than two years."

10 SECTION 3. Statutory material to be deleted is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Department of Transportation

**Description:**

Increases fines imposed on users and tenants who violate chapter 266, HRS, the department's administrative rules, or any lawful command of any harbor master, agent, or district manager. Allows for a full recovery of fines imposed on the DOT for violations of federal and state air and water pollution laws committed by harbor users and tenants. (SD1)

