
A BILL FOR AN ACT

RELATING TO HARBORS.

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

1 SECTION 1. Section 266-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§266-3 Rules.** (a) The director of transportation may
4 adopt rules as necessary to:

5 (1) Regulate the manner in which all vessels may enter and
6 moor, anchor, or dock in the commercial harbors,
7 ports, and roadsteads of the State, or move from one
8 dock, wharf, pier, quay, bulkhead, landing, anchorage,
9 or mooring to another within the commercial harbors,
10 ports, or roadsteads;

11 (2) The examination, guidance, and control of harbor
12 masters and their assistants and their conduct while
13 on duty;

14 (3) The embarking or disembarking of passengers;

15 (4) The expeditious and careful handling of freight,
16 goods, wares, and merchandise of every kind which may
17 be delivered for shipment or discharged on the



1 commercial docks, wharves, piers, quays, bulkheads, or
2 landings belonging to or controlled by the State; and
3 (5) Defining the duties and powers of carriers, shippers,
4 and consignees respecting passengers, freight, goods,
5 wares, and merchandise in and upon the docks, wharves,
6 piers, quays, bulkheads, or landings within the
7 commercial harbors, ports, and roadsteads of the
8 State. The director may also make further rules for
9 the safety of the docks, wharves, piers, quays,
10 bulkheads, and landings on, in, near, or affecting a
11 commercial harbor and waterfront improvements
12 belonging to or controlled by the State.

13 (b) The director may also adopt, amend, and repeal such
14 rules as are necessary:

15 (1) For the proper regulation and control of all shipping
16 in the commercial harbors belonging to or controlled
17 by the State, and of the entry, departure, mooring,
18 and berthing of vessels therein, and for the
19 regulation and control of all other matters and things
20 connected with such shipping;



1 (2) To prevent the discharge or throwing into commercial
2 harbors of rubbish, refuse, garbage, or other
3 substances likely to affect water quality or that
4 contribute to making such harbors unsightly,
5 unhealthful, or unclean, or that are liable to fill up
6 shoal or shallow waters in, near, or affecting the
7 commercial harbors; and

8 (3) To prevent the escape of fuel or other oils or
9 substances into the waters in, near, or affecting
10 commercial harbors from any source point, including[~~7~~
11 ~~but not limited to,~~] any vessel or pipes or storage
12 tanks upon the land.

13 (c) The director may also adopt, amend, and repeal such
14 rules as are necessary to require any person who uses or
15 occupies for business or commercial purposes the commercial
16 harbors, ports, roadsteads, harbor buildings, and other harbor
17 facilities of the State, including the docks, wharves, piers,
18 quays, bulkheads, or landings therein, to defend, indemnify, and
19 hold harmless the State and any of its agencies, officers, and
20 employees, from and against all liability, loss, damage, cost
21 and expense, including all attorneys' fees, and all claims,



1 suits, and demands therefor, arising out of or resulting from
2 such use or occupation.

3 [~~e~~] (d) The rules shall be adopted in the manner
4 prescribed in chapter 91 and shall have the force and effect of
5 law."

6 SECTION 2. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect on July 1, 2046.



Report Title:

Commercial Harbors; Indemnification

Description:

Authorizes the Director of Transportation to require any person who uses or occupies State commercial harbors for business or commercial purposes, to defend, indemnify, and hold harmless the State against claims that may arise from such use or occupation.
(HB1163 HD1)

