

JAN 26 2009

A BILL FOR AN ACT

RELATING TO ABANDONED VESSELS.

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

1 SECTION 1. Section 200-41, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~f~~]**\$200-41[~~f~~]** **Disposition by chairperson of certain**
4 **abandoned vessels.** Any vessel which:

5 (1) Has been left unattended for a continuous period of
6 more than thirty days; and

7 (2) Is within the waters of the State or on public
8 property[, ~~or is on private property without~~
9 ~~authorization of the owner or occupant of the~~
10 ~~property,~~] under the jurisdiction of the department,

11 may be caused by the chairperson to be taken into custody and
12 disposed of pursuant to this part. All other vessels abandoned
13 on other public property or on private property may be the
14 responsibility of the property owner."

15 SECTION 2. Chapter 200, Hawaii Revised Statutes, is
16 amended by amending the title of part IV to read:

17 **"PART IV. VESSELS ABANDONED ON [BUSINESS] PREMISES**
18 **OF PERSONS ENGAGED IN REPAIR BUSINESS,**

S.B. NO. 960

1 OF PRIVATE MARINAS, [AND] OF YACHT CLUBS,
2 OR OF OTHER PROPERTY OWNERS"

3 SECTION 3. Section 200-51, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§200-51 Disposition of vessels [by persons in] abandoned
6 on premises of vessel repair business, private marinas, [or]
7 yacht clubs[-], or other property. When any person abandons a
8 vessel upon the premises of a vessel repair business, a private
9 marina, [or] a yacht club, or other property, the owner of the
10 vessel repair business or private marina, or the owner's
11 representative, or the designated representative of the yacht
12 club, or the owner of the other property, may sell or dispose of
13 the vessel in accord with this part."

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

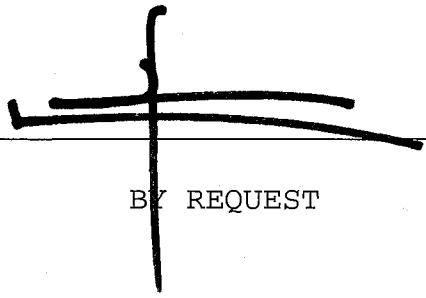
16 SECTION 5. This Act shall take effect upon its approval.

17

18

19

INTRODUCED BY:


BY REQUEST

Report Title:

Abandoned Vessels

Description:

Clarifies the responsibility for disposing of any abandoned vessel.

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO ABANDONED VESSELS.

PURPOSE: To clarify the responsibility for disposing of any abandoned vessel within the State.

MEANS: Amend section 200-41, the title of part IV of chapter 200, and section 200-51, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Current statutes place the burden of disposal of all abandoned vessels on the Department, regardless if the vessels lie abandoned on public lands under another agencies' jurisdiction or on private lands. The Department has the ability to take boats off reefs but not the equipment or expertise to remove abandoned boats on public streets. The disposition is both costly and time-consuming for the Department. This bill clarifies that the Department shall only be responsible for the disposition of vessels abandoned on lands and waters under its jurisdiction.

Section 200-51, HRS, specifically provides that when any person abandons a vessel upon the premises of a vessel repair business, a private marina, a yacht club, the owner of the business or private marina, or the owner's representative, or the designated representative of the yacht club, may sell or dispose of the vessel in accord with this part. This bill proposes to expand the authority to sell or dispose of a vessel abandoned on other property to the owners of the other property.

Impact on the public: None.

Impact on the department and other agencies:
Would release the Department from having to

pay for the disposing of abandoned vessels on lands and water not under its jurisdiction.

Approval of this proposed bill would release the Department from the time-consuming process of disposing of abandoned vessels on lands and waters not under its jurisdiction. Additionally, this would free the Department from having to pay for the disposal of abandoned vessels on lands and waters not under its jurisdiction.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: LNR 801.

OTHER AFFECTED
AGENCIES: State and county agencies.

EFFECTIVE DATE: Upon approval.