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Testimony of
WILLIAM J. AILA, JR.
Chairperson

Before the House Committee on
WATER, LAND, & OCEAN RESOURCES

Friday, February 11, 2011
9:00 AM
State Capitol, Conference Room 325

In consideration of
HOUSE BILL 1083
RELATING TO IMPOUNDED VESSELS

House Bill 1083 clarifies that all costs and expenses associated with the disposal of an impounded unauthorized vessel by the Department of Land and Natural Resources (Department) shall be borne by the vessel owner. The Department strongly supports this Administration measure.

Currently, Section 200-16, Hawaii Revised Statutes, as interpreted by Brown v. Thompson, 91 Haw. 1, 979 P.2d 586 (1999), places the burden, along with the costs and expenses of disposal of all impounded unauthorized vessels, on the Department when the vessel owner does not repossess the impounded vessel prior to disposition. The process is both costly and time-consuming for the Department. Under Brown v. Thompson, 91 Haw. 1, 979 P.2d 586 (1999), the State is also not entitled to recover mooring fees incurred by the vessel owner prior to impoundment. The Department believes that in the case of a vessel owner who is in violation of mooring within a state small boat harbor or offshore mooring area without a valid use permit, the vessel owner should have a continuing obligation to pay for all fees incurred.

This bill clarifies that the vessel owner shall be responsible for absorbing the costs and expenses related to the disposition of impounded unauthorized vessels within state small boat harbors and offshore mooring areas and for all mooring fees incurred prior to impoundment.