
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 traffic, and other related activities in the
17 commercial harbors belonging to or controlled by the
18 State; of the entry, departure, mooring, and berthing
19 of vessels therein; and of all other matters and
20 things connected with such activities;



1 (2) To establish safety measures and security requirements
2 in or about the commercial harbors, land, and
3 facilities belonging to or controlled by the State;

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

11 (4) To prevent the escape of fuel or other oils or
12 substances into the waters in, near, or affecting
13 commercial harbors from any source point, including,
14 but not limited to, any vessel or pipes or storage
15 tanks upon the land.

16 (c) The director may also adopt, amend, and repeal such
17 rules as are necessary to require any person who uses or
18 occupies the commercial harbors, ports, roadsteads, harbor
19 buildings, and other harbor facilities of the State, including,
20 but not limited to, the docks, wharves, piers, quays, bulkheads,
21 or landings therein, to defend, indemnify, and hold harmless,
22 the State, and any of its agencies, officers, and employees,



1 from and against all liability, loss, damage, cost, and expense,
2 including all attorneys' fees, and all claims, suits, and
3 demands therefor, arising out of or resulting from such use or
4 occupation.

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

8 SECTION 2. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 3. This Act shall take effect on July 1, 2020.



Report Title:

Harbors; Indemnification

Description:

Authorizes the Department of Transportation to adopt rules to impose upon private parties who use state commercial harbors the duty to defend, indemnify, and hold harmless the State against claims that arise from such use. Effective July 1, 2020.

(HB979 HD1)

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