
A BILL FOR AN ACT

RELATING TO WATER.

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

1 SECTION 1. Section 174C-87, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "§174C-87 Abandonment of wells. (a) When a well is
4 abandoned, the owner shall fill and seal the well in a manner
5 approved by the commission. Before abandonment, the owner shall
6 file with the commission a report showing the owner's name and
7 address; the water use permit number, if any; the name and
8 address of the well driller who will be employed to perform the
9 work required for abandonment; the reason for abandonment; a
10 description of the work to be performed to effect the
11 abandonment; and such other information as the commission may
12 require.
13 (b) The owner of an abandoned well shall repair or fill
14 and seal the well at the owner's expense, as provided by rules
15 adopted pursuant to chapter 91.
16 (c) Notwithstanding any other law to the contrary, if the
17 owner of real property that includes an abandoned well transfers



1 ownership of the real property to another person without first
2 reporting, filling, and sealing the abandoned well pursuant to
3 subsection (a), the transferring owner shall be liable under
4 this section; provided that the commission establishes that:

5 (1) The well was abandoned when the transferring owner
6 transferred the property; and

7 (2) The transferring owner did not report, fill, and seal
8 the well pursuant to subsection (a);

9 provided further that, if the commission establishes the
10 transferring owner's liability pursuant to this subsection, the
11 new owner shall not be liable under this section."

12 SECTION 2. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 3. New statutory material is underscored.

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

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H.B. NO. 2032

Report Title:

Water; Wells; Abandonment; Liability

Description:

Provides that the Commission on Water Resource Management shall require an owner or prior owner of an abandoned well to repair or seal the well at the owner's or prior owner's expense.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

