

MAR 10 2023

---

# SENATE RESOLUTION

---

REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES'  
DIVISION OF BOATING AND OCEAN RECREATION TO AMEND TITLE 13,  
CHAPTER 241, HAWAII ADMINISTRATIVE RULES, TO EXPRESSLY  
REQUIRE THAT ALL VESSELS REQUIRED TO OBTAIN INSURANCE IN  
THE STATE REGULARLY PROVIDE PROOF OF INSURANCE AT LEAST ON  
AN ANNUAL BASIS.

1           WHEREAS, while owning and operating a recreational vessel  
2 can provide many hours of enjoyment and a source of income,  
3 there are many responsibilities that accompany vessel operation,  
4 such as the liability for vessel accidents, grounding, or  
5 sinking; and

6  
7           WHEREAS, since 2002, the Department of Land and Natural  
8 Resources' Division of Boating and Ocean Recreation (DOBOR) has  
9 expended approximately \$2.37 million from the Boating Special  
10 Fund to address vessels aground, derelict vessels, and abandoned  
11 vessels in waters of the State; and

12  
13           WHEREAS, the State will often bear all costs involved in  
14 removing a grounded vessel if the vessel is uninsured; and

15  
16           WHEREAS, to rebalance the burden of risk, the Legislature  
17 enacted Act 94, Session Laws of Hawaii 2019 (codified as section  
18 200-13.5, Hawaii Revised Statutes), to require certain vessel  
19 owners operating a vessel required to be registered with the  
20 State, or being operated in state ocean waters with valid  
21 documentation from the United States Coast Guard, and certain  
22 grounded vessels, to obtain vessel insurance; and

23  
24           WHEREAS, pursuant to section 200-13.5, Hawaii Revised  
25 Statutes, DOBOR has implemented a process to require a vessel  
26 owner to show proof of grounding insurance when:

- 27  
28           (1) Registering a vessel for the first time;  
29  
30           (2) Renewing a registration, which occurs annually;  
31  
32           (3) Transferring a registration; and



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(4) Upon request by Division of Conservation and Resources Enforcement officers while the vessel is being operated on state waters; and

WHEREAS, although DOBOR's internal process is consistent with the purpose and intent of section 200-13.5, Hawaii Revised Statutes, it is not currently adopted under title 13, chapter 241, Hawaii Administrative Rules; now, therefore,

BE IT RESOLVED by the Senate of the Thirty-second Legislature of the State of Hawaii, Regular Session of 2023, that the Division of Boating and Ocean Recreation is requested to amend title 13, chapter 241, Hawaii Administrative Rules, to expressly require that all vessels required to obtain insurance in the State regularly provide proof of insurance at least on an annual basis; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Chairperson of the Board of Land and Natural Resources and Administrator of the Division of Boating and Ocean Recreation.

OFFERED BY: \_\_\_\_\_

