

JAN 19 2024

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# A BILL FOR AN ACT

RELATING TO HARBOR SAFETY.

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

1           SECTION 1. The legislature finds that the Hawaiian  
2 archipelago is the most remote island chain in the world, and  
3 ninety-eight per cent of all goods coming into Hawaii are  
4 processed by the State's harbor system. There is no viable  
5 alternative to ocean shipping for transporting the enormous  
6 volume of goods that enter the State. Each day, approximately  
7 four hundred shipping containers arrive at Honolulu Harbor,  
8 including approximately three thousand tons of food. The State  
9 imports more than 1,100,000 tons of food products annually. The  
10 Hawaii emergency management agency estimates that existing  
11 commercial food stocks would only support Hawaii's residents and  
12 visitors for five to seven days if port services were  
13 interrupted. Damage to a commercial port could quickly cause  
14 food insecurity in Hawaii and limit the State's access to  
15 medical supplies and other critically needed goods.

16           The legislature recognizes that, in commercial shipping,  
17 tugs are used to tow larger vessels into the harbor, and the



1 vessels are then secured to the bulkhead with mooring lines. In  
2 most cases, the mooring lines are secured by certified longshore  
3 linespersons. However, presently in Hawaii, out-of-state  
4 companies are not required to utilize trained local longshore  
5 linespersons, or stevedores, to secure their operational vessels  
6 to the State's commercial docks, wharves, piers, quays,  
7 bulkheads, and landings.

8 The legislature believes that ensuring the safety of  
9 Hawaii's commercial harbors is in the best interest of the  
10 State. The State has a responsibility to help protect not only  
11 the personal safety of harbor workers but also the physical  
12 integrity of the State's commercial docks. To this end, the  
13 best way to ensure the safety of Hawaii's harbors and harbor  
14 workers is to require the use of a stevedoring company to secure  
15 mooring lines when vessels are pulled into the State's harbors  
16 by tug. Stevedoring companies in Hawaii are safety-certified  
17 and are well-versed in the unique challenges and safety concerns  
18 of each individual state harbor. However, the legislature also  
19 recognizes that there are public utilities commission regulated  
20 shipping carriers with personnel who are capable of safely  
21 mooring the carrier's vessels. The legislature believes that



1 these carriers should be permitted to continue using the  
2 services of their own personnel; provided that the personnel are  
3 certified and regularly recertified on the State's safety  
4 guidelines and best practices.

5 The legislature declares that this Act is necessary to  
6 advance a legitimate local, important, non-economic state  
7 interest by protecting the health and safety of the State's  
8 inhabitants and that the requirements of this Act are the least  
9 restrictive means of effectuating this purpose.

10 Accordingly, the purpose of this Act is to require, with  
11 certain exceptions, that the securing of mooring lines from  
12 vessels requiring tug assistance to the State's commercial  
13 docks, wharves, piers, quays, and landings be performed by a  
14 stevedoring company.

15 SECTION 2. Section 266-2, Hawaii Revised Statutes, is  
16 amended by amending subsection (a) to read as follows:

17 "(a) The department of transportation shall:  
18 (1) Have and exercise all the powers and shall perform all  
19 the duties [~~which~~] that may lawfully be exercised by  
20 or under the State relative to the control and  
21 management of commercial harbors, commercial harbor



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1           and waterfront improvements, ports, docks, wharves,  
2           piers, quays, bulkheads, and landings belonging to or  
3           controlled by the State, and the shipping using the  
4           same;

5           (2) Have the authority to use and permit and regulate the  
6           use of the commercial docks, wharves, piers, quays,  
7           bulkheads, and landings belonging to or controlled by  
8           the State for receiving or discharging passengers and  
9           for loading and landing merchandise, with a right to  
10          collect wharfage and demurrage thereon or therefor;

11          (3) Subject to all applicable provisions of law, have the  
12          power to fix and regulate from time to time rates and  
13          charges for:

14           (A) Services rendered in mooring commercial vessels;

15           (B) The use of commercial moorings belonging to or  
16           controlled by the State;

17           (C) Wharfage or demurrage;

18           (D) Warehouse space, office space, and storage space  
19           for freight, goods, wares and merchandise; and



1 (E) The use of derricks or other equipment belonging  
2 to the State or under the control of the  
3 department;

4 (4) Make other charges, including toll or tonnage charges  
5 on freight passing over or across docks, wharves,  
6 piers, quays, bulkheads, or landings;

7 (5) Appoint and remove clerks, harbor agents and their  
8 assistants, and all such other employees as may be  
9 necessary, and to fix their compensation;

10 (6) Require that the securing of mooring lines from  
11 vessels requiring tug assistance to commercial docks,  
12 wharves, piers, quays, and landings be performed by a  
13 stevedoring company; provided that this paragraph  
14 shall not apply to the securing of mooring lines from  
15 any vessels operating on behalf of an authorized  
16 intrastate or transpacific water carrier of property  
17 holding a certificate of public convenience and  
18 necessity issued under section 271G-10; provided  
19 further that all personnel conducting the mooring of  
20 vessels operating on behalf of an authorized  
21 intrastate or transpacific water carrier of property



1           holding a certificate of public convenience and  
2           necessity under section 271G-10 who are not employed  
3           by a stevedoring company shall be certified and  
4           recertified on the State's health and safety  
5           guidelines that are applicable to the mooring of water  
6           carrier of property vessels;

7       ~~[(+6)]~~ (7) Adopt rules pursuant to chapter 91 and not  
8           inconsistent with law; and

9       ~~[(+7)]~~ (8) Generally have all powers necessary to fully  
10           carry out this chapter.

11       As used in this subsection:

12       "Manifested cargo" means the cargo, passengers, and crew of  
13       a vessel that are listed on a manifest or cargo document for the  
14       use of customs and other officials.

15       "Stevedoring company" means a company that is registered to  
16       do business in the State and authorized to secure mooring lines  
17       from vessels to commercial docks, wharves, piers, quays,  
18       bulkheads, and landings and that provides services in the  
19       loading and offloading of manifested cargo.

20       "Tug" means a boat used for towing larger vessels."



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1           SECTION 3. The provisions of this Act shall be enforced to  
2 the extent they are not held to conflict with any federal or  
3 state constitutional provision, law, rules, or regulations. The  
4 provisions of this Act are not severable and if any provision of  
5 the Act, or the application thereof to any person or  
6 circumstance is held to conflict with any federal or state  
7 constitutional provision, law, rule, or regulation, this Act, in  
8 its entirety, shall be invalid and section 266-2, Hawaii Revised  
9 Statutes, shall be reenacted in the form in which it read on the  
10 day before the approval of this Act.

11           SECTION 4. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13           SECTION 5. This Act shall take effect upon its approval;  
14 provided that on July 1, 2028, this Act shall be repealed and  
15 section 266-2, Hawaii Revised Statutes, shall be reenacted in  
16 the form in which it read on the day before the approval of this  
17 Act.

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INTRODUCED BY:



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**Report Title:**

Harbor Safety; Mooring Lines; Department of Transportation; Stevedoring Companies; Certificate of Public Convenience and Necessity .

**Description:**

Requires that the securing of mooring lines from vessels requiring tug assistance to commercial docks, wharves, piers, quays, and landings be performed by a stevedoring company. Defines "stevedoring company." Exempts, under certain circumstances, vessels operating on behalf of an authorized intrastate or transpacific water property carrier holding a certificate of public convenience and necessity issued under section 271G-10, HRS. Sunsets on 7/1/2028.

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

