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# A BILL FOR AN ACT

RELATING TO WATER POLLUTION.

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

SECTION 1. Section 200-14, Hawaii Revised Statutes, is amended to read as follows:

**"§200-14 Violation of chapter or rules; penalty.** (a) Any person who violates any provision in this chapter, or rule adopted by the department, relating to boating accidents, reckless or unauthorized operation of a vessel, unauthorized mooring of a vessel, unauthorized commercial activity, unauthorized camping within state small boat harbors or boating facilities, animal abandonment within state small boat harbors or boating facilities, or creation of animal colonies within state small boat harbors or boating facilities shall be guilty of a petty misdemeanor and shall be fined not more than \$1,000.

(b) Any person who violates any rule adopted by the department under this part regulating vehicular parking or traffic movement shall have committed a traffic infraction as set forth in chapter 291D, the adjudication of which shall be subject to the provisions contained ~~[therein.]~~ in chapter 291D.



1 A person found to have committed a traffic infraction shall be  
2 fined not more than:

3 (1) \$100 for a first violation;

4 (2) \$200 for a second violation; and

5 (3) \$500 for a third or subsequent violation.

6 ~~[(c) Notwithstanding the provisions of subsection (a), any~~  
7 ~~person who knowingly or intentionally violates any rule adopted~~  
8 ~~by the department relating to unauthorized discharge, dumping,~~  
9 ~~or abandoning, in any state boating facility or state waters, of~~  
10 ~~any petroleum product, hazardous material, or sewage in~~  
11 ~~violation of the state water quality standards established by~~  
12 ~~the department of health, shall be fined not more than \$10,000~~  
13 ~~for each day of violation, and any vessel, the agents, owner, or~~  
14 ~~crew of which violate the rules of the department shall be fined~~  
15 ~~not more than \$10,000 for each day or instance of violation, or~~  
16 ~~sentenced to a term of imprisonment of not more than thirty~~  
17 ~~days, or both. Each day or instance of each violation shall be~~  
18 ~~deemed a separate offense. Additionally, the agents, owner, or~~  
19 ~~crew of any vessel that violates the rules of the department~~  
20 ~~shall be fined not more than \$10,000 for each day of violation.~~



1       ~~(d)~~ (c) As a condition of probation pursuant to sections  
2   706-623 and 706-624, or as a condition to the suspension of any  
3   criminal penalties, the environmental court may provide that the  
4   defendant refrain from operating any vessel, including but not  
5   limited to any thrill craft or vessel engaged in parasailing or  
6   water sledding, in specified geographical areas of the waters of  
7   the State.

8       ~~(e)~~ (d) For the purposes of this section, "operate",  
9   "parasailing", "thrill craft", "vessel", "water sledding", and  
10   "waters of the State" have the same meaning as those terms are  
11   defined in section 200-23."

12       SECTION 2. Statutory material to be repealed is bracketed  
13   and stricken. New statutory material is underscored.

14       SECTION 3. The Act shall take effect upon its approval.



**Report Title:**

Water Pollution Offenses; Enforcement

**Description:**

Repeals duplicative and potentially confusing penalties for water pollution offenses in section 200-14, HRS, and thereby clarifies that enforcement of criminal water pollution offenses remains under the jurisdiction of the Department of Health, rather than the Department of Land and Natural Resources. (CD1)

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