
A BILL FOR AN ACT

RELATING TO WATER POLLUTION.

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

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

3 "**§200-14 Violation of chapter or rules; penalty.** (a) Any
4 person who violates any provision in this chapter, or rule
5 adopted by the department, relating to boating accidents,
6 reckless or unauthorized operation of a vessel, unauthorized
7 mooring of a vessel, unauthorized commercial activity,
8 unauthorized camping within state small boat harbors or boating
9 facilities, animal abandonment within state small boat harbors
10 or boating facilities, or creation of animal colonies within
11 state small boat harbors or boating facilities shall be guilty
12 of a petty misdemeanor and shall be fined not more than \$1,000.

13 (b) Any person who violates any rule adopted by the
14 department under this part regulating vehicular parking or
15 traffic movement shall have committed a traffic infraction as
16 set forth in chapter 291D, the adjudication of which shall be
17 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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