

S.B. NO. 1478

JAN 23 2025

A BILL FOR AN ACT

RELATING TO COMMERCIAL HARBORS.

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

1 SECTION 1. Chapter 266, Hawaii Revised Statutes, is
2 amended by adding to part I a new section to be appropriately
3 designated and to read as follows:

4 "§266- Order to evacuate a commercial harbor;
5 penalties. (a) During an emergency, any master or person in
6 charge of a vessel using the commercial waterways and facilities
7 under the jurisdiction of the department of transportation shall
8 comply with and carry into effect any evacuation order from a
9 commercial harbor issued by the harbor master assigned to that
10 commercial harbor.

11 (b) Notwithstanding any law to the contrary, any person,
12 including but not limited to a vessel master, agent, owner, or
13 crew, who violates this section shall be fined \$10,000 for each
14 day of violation per vessel; provided that in addition to the
15 finest, a court, the department of transportation, or a hearing
16 officer may deprive the offender of the privilege of entering
17 the secured area of a commercial harbor or obtaining an

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1 operating or mooring permit for any vessel in a commercial
2 harbor for a period of one year.

3 (c) When used in this chapter, unless context otherwise
4 requires:

5 "Emergency" has the same meaning as in section 127A-2.

6 "Evacuation" means the immediate and rapid movement of
7 individuals and vessels away from the threat or actual
8 occurrence of any hazard, emergency, or disaster, which includes
9 leaving any commercial harbor under the jurisdiction of the
10 department of transportation.

11 "Harbor master" means any person appointed to that office
12 by the director of transportation and vested with the
13 operational control of a state commercial harbor and includes
14 any harbor district manager, commercial harbors manager, and
15 harbor agent.

16 "Vessel" includes all description of watercraft that are
17 used or are capable of being used as a means of transportation
18 on or in the water."

19 SECTION 2. Section 266-19, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:

21 "(a) There is created in the treasury of the State the
22 harbor special fund. All moneys received by the department of

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1 transportation from the rates, fees, fines, and administrative
2 penalties pursuant to sections 266-17(a)(1), 266-25, 266-28,
3 [~~and~~] 266-30, and 266-_____ shall be paid into the harbor special
4 fund. The harbor special fund and the second separate harbor
5 special fund heretofore created shall be consolidated into the
6 harbor special fund at such time as there are no longer any
7 revenue bonds payable from the second separate harbor special
8 fund. The harbor reserve fund heretofore created is abolished.

9 All moneys derived pursuant to this chapter from harbor
10 properties of the statewide system of harbors shall be paid into
11 the harbor special fund and each fiscal year shall be
12 appropriated, applied, or expended by the department of
13 transportation for the statewide system of harbors for any
14 purpose within the jurisdiction, powers, duties, and functions
15 of the department of transportation related to the statewide
16 system of harbors, including, without limitation, the costs of
17 operation, maintenance, and repair of the statewide system of
18 harbors and reserves therefor, and acquisitions (including real
19 property and interests therein), constructions, additions,
20 expansions, improvements, renewals, replacements,
21 reconstruction, engineering, investigation, and planning, for
22 the statewide system of harbors, all or any of which in the

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1 judgment of the department of transportation are necessary to
2 the performance of its duties or functions."

3 SECTION 3. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: 

8

BY REQUEST

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Report Title:

Department of Transportation; Commercial Harbor; Evacuation Orders; Emergencies

Description:

Specifically requires masters or persons in charge of vessels to follow an order by a harbor master to evacuate a commercial harbor in emergencies. Establishes higher penalties for noncompliance. Amends section 266-19(a) to include fines collected for violations of this section as moneys to be paid into the Special Harbor Fund.

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

JUSTIFICATION SHEET

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DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO COMMERCIAL HARBORS.

PURPOSE: To clarify the requirement of vessels to evacuate a commercial harbor upon order by the harbor master during an emergency and to set penalties for noncompliance.

MEANS: Add a new section to part I of chapter 266, Hawaii Revised Statutes (HRS). Amend §266-19(a), HRS.

JUSTIFICATION: In times of emergency, it is essential that commercial harbor users evacuate the commercial harbors when ordered by the harbor master. There have been instances when the United States Coast Guard has closed a commercial harbor as part of an emergency response, and persons responsible for a vessel have not followed the harbor master's order to evacuate a commercial harbor. This bill seeks to specifically require all vessels to evacuate a commercial harbor when ordered by the harbor master. In heavy weather, there have been instances in which vessels sink in a waterway and obstruct vessel traffic, impeding the delivery of cargo. In emergency preparedness exercises, there are often scenarios in which vessels that do not evacuate cause damage to piers and port infrastructure or otherwise impede restoration of port operations. While there are broad authorities for evacuations and parameters for penalties, this bill seeks to specify the requirements to follow an order to evacuate to prevent these situations in future emergency events and to set higher penalties for noncompliance.

Impact on the public: This bill will increase safety at the commercial harbors by ensuring that persons in charge of vessels

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follow the harbor master's order to evacuate a commercial harbor. Evacuations will mitigate damage to port infrastructure during an emergency event and support efficient restoration of port operations.

Impact on the department and other agencies:
The bill will increase safety in commercial ports and mitigate damage to port infrastructure, reducing the costs for repairs and time required to restore port operations following an emergency event.

GENERAL FUND: None.
OTHER FUNDS: None.
PPBS PROGRAM DESIGNATION: TRN 395.
OTHER AFFECTED AGENCIES: None.
EFFECTIVE DATE: Upon approval.