

ACT 117

H.B. NO. 3195

A Bill for an Act Relating to Commercial Harbors.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 266-27, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Custody of an impounded vessel shall be returned to the person entitled to possession upon payment to the department of all fees and costs due, and fines levied by a court. In addition, the department, within seventy-two hours of impoundment, shall send by certified mail, return receipt requested, a notice of impoundment to the registered owner or operator of any impounded vessel. The owner or operator of an impounded vessel shall have ten days after receipt of notice of impoundment of the vessel to request in writing an administrative hearing. This administrative hearing is solely for the purpose of allowing the owner or operator of an impounded vessel to contest the basis given by the department for the impoundment of the vessel. The administrative hearing must be held within [seventy-two hours] five days of the department’s receipt of the written request[.], excluding Saturdays, Sundays, and holidays designated under section 8-1. The department shall adopt rules pursuant to chapter 91 to implement the requirement for this post-seizure administrative hearing process.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 8, 1994.)