

ACT 41

S.B. NO. 1086

A Bill for an Act Relating to Boating Penalties.

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

SECTION 1. Chapter 200, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§200- General administrative penalties. (a) Except as otherwise provided by law, the board is authorized to set, charge, and collect administrative fines and to recover administrative fees and costs, including attorney’s fees and costs, or bring legal action to recover administrative fines and fees and costs, including attorney’s fees and costs, or payment for damages or for the cost to correct damages resulting from a violation of subtitle 8 of title 12 or any rule adopted thereunder. Each day or instance of violation shall constitute a separate offense.

(b) For violations involving pollution of the waters of the State, the administrative fine shall be as follows:

- (1) For a first violation or a violation beyond five years of a previous violation, a fine of not more than \$10,000;
 - (2) For a second violation within five years of a previous violation, by a fine of not more than \$15,000; and
 - (3) For a third or subsequent violation within five years of the last violation, by a fine of not more than \$25,000.
- (c) For all other violations the administrative fine shall be as follows:
- (1) For a first violation or a violation beyond five years of a previous violation, a fine of not more than \$5,000;
 - (2) For a second violation within five years of a previous violation, by a fine of not more than \$10,000; and
 - (3) For a third or subsequent violation within five years of the last violation, by a fine of not more than \$15,000.

(d) Any criminal action against a person for any violation of subtitle 8 of title 12 or any rule adopted thereunder shall not preclude the State from pursuing civil legal action to recover administrative fines, fees and costs, or damages against that person. Any civil legal action to recover administrative fines, fees and costs, or damages for any violation of subtitle 8 of title 12 or any rule adopted thereunder shall not preclude the State from pursuing any appropriate criminal action against that person. All fines, fees and costs, or damages recovered by the department under this section shall be deposited in the boating special fund.”

SECTION 2. New statutory material is underscored.¹

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

(Approved April 26, 1999.)

Note

1. Edited pursuant to HRS §23G-16.5.