

# S .B. NO. 2850

JAN 25 2012

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## A BILL FOR AN ACT

RELATING TO GROUNDED VESSELS.

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

1           SECTION 1. Section 200-47.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3           "(b) Solely for the purposes of removal and with no  
4 liability to the department, the department may assume control  
5 of any vessel that:

6           (1) Is grounded on a coral reef or in imminent danger of  
7 breaking up; and

8           (2) Cannot be immediately removed by the owner within  
9 ~~[seventy-two]~~ twenty-four hours in a manner that is  
10 reasonably safe, as determined by the department.

11 Once the department assumes control over the vessel, the vessel  
12 shall be removed by conventional salvage methods to minimize  
13 damage to the natural resources and not become a hazard to  
14 navigation. All costs and expenses of removing the vessel and  
15 damage to state or private property shall be the sole  
16 responsibility of the vessel's owner or operator. This section  
17 shall apply whether the vessel is attended or deemed derelict  
18 under section 200-48."


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 Statutory material to be repealed is bracketed  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

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

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INTRODUCED BY: 

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BY REQUEST

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**Report Title:**

Grounded Vessels

**Description:**

Authorizes the Department of Land and Natural Resources to assume control of and remove a vessel grounded on a coral reef or in imminent danger of breaking up if the vessel cannot be removed by the owner within twenty-four hours of the grounding.

*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

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO GROUNDED VESSELS.

PURPOSE: To authorize the Department to assume control of and remove a vessel grounded on a coral reef or in imminent danger of breaking up if the vessel cannot be removed by the owner within twenty-four hours of the grounding.

MEANS: Amend section 200-47.5(b), Hawaii Revised Statutes (HRS).

JUSTIFICATION: Currently, section 200-47.5(b), HRS, allows vessels grounded on coral reefs or in imminent danger of breaking up to be removed by the owner within seventy-two hours. Seventy-two hours is deemed far too long to leave a vessel grounded on a coral reef or in imminent danger of breaking up. The Department has experienced vessels grounded: (1) on a coral reef causing extensive and irreparable damage; and (2) breaking apart due to wave action, which creates marine pollution and a hazard to the natural resource.

This bill proposes to require the vessel owner to remove a vessel grounded on a coral reef or in imminent danger of breaking up, within twenty-four hours of the grounding.

Impact on the public: This bill would ensure that grounded vessels are removed in a timely manner and reduce cost as well as potential harm to the natural resources.

Impact on the department and other agencies: This bill would reduce costs to the Department for having to salvage vessels that have broken apart or been deposited in

hard to reach areas due to the time it took  
the owner to act on the removal.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: LNR 801.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: Upon approval.