
A BILL FOR AN ACT

RELATING TO IMPOUNDED VESSELS.

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

1 SECTION 1. Section 188-40.6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " [†] §188-40.6 [†] Shark feeding; prohibitions; exceptions;
4 penalties. (a) Except as provided in subsection (b), or as
5 otherwise provided by law, it shall be unlawful for any person
6 to conduct any activity related to the feeding of sharks in
7 state marine waters.

8 (b) Persons may engage in the feeding of sharks for
9 traditional Hawaiian cultural or religious practices; provided
10 that the feeding is not part of a commercial activity.

11 (c) Persons engaged in the taking of marine life that
12 results in captured, injured, or dead fish being incidentally
13 eaten by sharks shall not be considered in violation of this
14 section; provided that the purpose of the taking of marine life
15 is not the feeding of sharks.

16 (d) The department may issue permits to engage in
17 activities otherwise prohibited by law, in accordance with
18 section 187A-6, or as may be otherwise authorized by law.



1 (e) Any person violating this section or any rule adopted
2 by the department pursuant to this section shall be subject to:

3 (1) Impoundment and forfeiture of any commercial marine
4 vessel; and

5 (2) An administrative fine of not less than \$5,000 and not
6 more than \$15,000. In addition, the violator may be
7 assessed administrative fees and costs, and attorney's
8 fees and costs.

9 Each day of violation shall constitute a separate offense. Any
10 action taken to impose or collect the penalty provided for in
11 this subsection shall be considered a civil action. Any
12 criminal prosecution or penalty imposed for violation of this
13 section or any rule adopted by the department pursuant to this
14 section shall not preclude impoundment and forfeiture or the
15 imposition of any administrative fines and costs for attorney's
16 fees and costs under this subsection.

17 [~~e~~] (f) As used in this section:

18 "Commercial activity" means to engage in any action or to
19 attempt to engage in any action for compensation in any form.

20 The action or actions may include, but are not limited to,
21 providing, or attempting to provide, guide services, charters,



1 tours, and transportation to and from the location or locations
2 for which such services are provided.

3 "Compensation" means money, barter, trade, credit, and
4 other instruments of value, goods, and other forms of payment.

5 "Feeding" means the introduction of or an attempt to
6 introduce any food or other substance into the water to attract
7 marine life for any purpose other than to take the marine life."

8 SECTION 2. Section 200-16, Hawaii Revised Statutes, is
9 amended by amending subsection (c) to read as follows:

10 "(c) An unauthorized vessel may be impounded by the
11 department at the sole [~~cost and~~] risk of the owner of the
12 vessel, if the vessel is not removed after the seventy-two-hour
13 period or if during that period the vessel is removed and
14 remoored in the harbor or mooring or anchorage area or any other
15 state harbor or mooring or anchorage area without a use permit.
16 The owner of the vessel shall be solely responsible for all
17 costs of the impoundment and the disposal of the vessel. Any
18 proceeds resulting from the impoundment of the unauthorized
19 vessel shall be used first to pay the costs of impoundment and
20 disposal and then to pay any mooring fees due. If the proceeds
21 resulting from the impoundment are inadequate to pay for all



1 costs and mooring fees due, the owner of the vessel shall remain
2 liable for the outstanding costs and mooring fees."

3 SECTION 3. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

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

8 SECTION 5. This Act shall take effect on July 1, 2010.



Report Title:

Shark Feeding; Penalties; Impounded Vessels; State Small Boat Harbors

Description:

Establishes civil penalties for shark feeding, including impoundment and forfeiture of any commercial marine vessel, and administrative fines; clarifies that all costs and expenses associated with the disposal of an impounded unauthorized vessel by the department of land and natural resources shall be borne by the vessel owner. (HB2583 CD1)

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