



GOV. MSG. NO. 1157

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

April 23, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

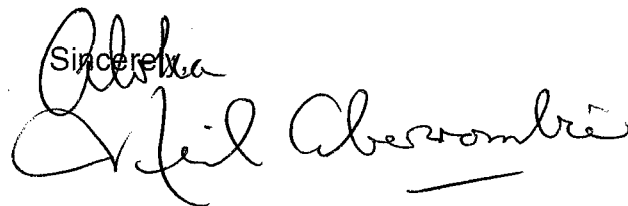
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on April 23, 2012, the following bill was signed into law:

SB2850 SD1 HD2

RELATING TO GROUNDED VESSELS.
Act 057

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

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 of actual notification
10 to the vessel owner or the owner's representative by
11 the department and in a manner that is reasonably
12 safe, as determined by the department. If the
13 department has made good faith efforts to provide
14 actual notice to the owner or the owner's
15 representative but such actual notice is futile, the
16 department may assume control of the grounded vessel
17 within twenty-four hours from the time it has been
18 determined actual notice is futile. If the owner's



1 representative has received actual notice from the
2 department and has commenced effective salvage
3 operations, this section shall not apply.

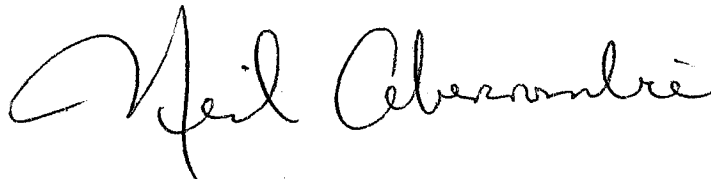
4 The owner of the vessel may continue as the primary agent
5 in salvaging the vessel after twenty-four hours upon providing
6 proof of a marine insurance policy listing the State as an
7 additional insured in the amount of at least \$1,000,000 and
8 proof that the owner is actively and effectively initiating a
9 salvage effort with reasonable evidence, as determined by the
10 department, that the vessel may be saved within seventy-two
11 hours of grounding; provided that the department may allow an
12 extension beyond the seventy-two hour limit if it determines
13 that no additional environmental damage exists. Once the
14 department assumes control over the vessel, the vessel shall be
15 removed by conventional salvage methods to minimize damage to
16 the natural resources and not become a hazard to navigation.
17 All costs and expenses of removing the vessel and damage to
18 state or private property shall be the sole responsibility of
19 the vessel's owner or operator. This section shall apply
20 whether the vessel is attended or deemed derelict under section
21 200-48."



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.

APPROVED this 23 day of APR, 2012

A handwritten signature in black ink, reading "Neil Abernethy". The signature is written in a cursive style with a large initial "N".

GOVERNOR OF THE STATE OF HAWAII