

JAN 15 2014

A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1 SECTION 1. Chapter 342D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§342D- Unlimited liability for vessels engaged in
5 transporting, storing, or transferring oil or hazardous
6 substances. (a) Any owner or operator of any vessel engaged in
7 the commercial transportation, storage in a vessel, or transfer
8 of any oil, hazardous substances, or unnatural or artificial
9 substance shall have unlimited liability for all damages
10 resulting from any spill or incurred by the State in responding
11 to a release or threatened release of any oil, hazardous
12 substances, or unnatural or artificial substance.

13 (b) The owner or operator of the vessel shall have a right
14 to contribution from any third party if the owner or operator
15 can prove that the spill or release of oil, hazardous
16 substances, or unnatural or artificial substance was caused
17 solely by:

18 (1) An act of war;



- 1 (2) An act of God;
- 2 (3) A criminal or negligent act of a third party other
- 3 than the owner or operator or an agent or employee of
- 4 the owner or operator;
- 5 (4) Negligence on the part of the United States
- 6 government; or
- 7 (5) Negligence on the part of the State.
- 8 (c) Damages for which an owner or operator, or third party
- 9 contributor, is liable under this section are the following:
- 10 (1) All costs of response, containment, cleanup, removal,
- 11 and treatment, including but not limited to monitoring
- 12 and administration costs;
- 13 (2) Injury to, or economic losses resulting from
- 14 destruction of or injury to, real or personal
- 15 property;
- 16 (3) Injury to, destruction of, or loss of, natural
- 17 resources, including but not limited to the reasonable
- 18 cost of rehabilitating wildlife, habitat, and other
- 19 resources and the reasonable cost of assessing that
- 20 injury, destruction, or loss, in any action brought by
- 21 the State;



1 (4) Loss of taxes, royalties, rents, use, or profit shares
2 caused by the injury, destruction, loss, or impairment
3 of use of real property, personal property, or natural
4 resources; and

5 (5) Loss of use and enjoyment of natural resources and
6 other public resources or facilities in any action
7 brought by the State.

8 (d) The department shall use eighty per cent of any fines
9 received for a violation of this section to the response,
10 containment, cleanup, removal, and treatment of the violation.

11 (e) For purposes of this section:

12 "Hazardous substance" has the same meaning as in section
13 342D-38.

14 "Owner" or "operator" means any person owning or operating,
15 or chartering by demise, such vessel.

16 "Unnatural or artificial substance" means the release of
17 any substance in a quantity, duration, or form that disrupts or
18 causes damage to the natural ecosystem of the ocean."

19 SECTION 2. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.

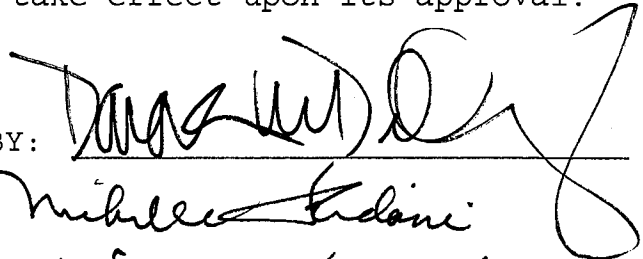
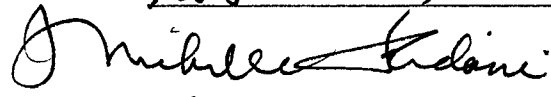

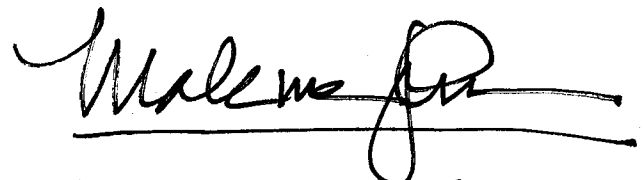

22 SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY:



S.B. NO. 2018

Report Title:

Water Pollution; Unlimited Liability; Hazardous Substances

Description:

Establishes unlimited liability for persons responsible for spills or releases of oil, hazardous substances, or unnatural or artificial substances in the State.

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