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# A BILL FOR AN ACT

RELATING TO VESSELS AGROUND.

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

1           SECTION 1. Section 200-47.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§200-47.5 Vessels aground** ~~[on state property]~~. (a) All  
4 vessels grounded on state submerged lands, shorelines, or coral  
5 reefs shall be removed immediately by the owner or operator at  
6 the owner's or operator's expense. ~~[Vessels grounded on a sand~~  
7 ~~beach, sandbar, or mudflat and not in imminent danger of~~  
8 ~~breaking up shall be removed within seventy two hours, unless~~  
9 ~~otherwise agreed to by the department.]~~ Damage to state or  
10 private property caused by a grounded vessel shall be the sole  
11 responsibility of the vessel's owner or operator.

12           (b) Solely for the purposes of removal and with no  
13 liability to the department, the department may assume control  
14 of any vessel that[+

15           ~~(1) Is]~~ is grounded on state submerged land, a shoreline,  
16           or a coral reef or in imminent danger of breaking  
17           up[+] and



1       ~~(2) Cannot be immediately removed by the owner within~~  
2       ~~twenty four hours of actual notification to the vessel~~  
3       ~~owner or the owner's representative by the department~~  
4       ~~and in a manner that is reasonably safe, as determined~~  
5       ~~by the department. If the department has made good~~  
6       ~~faith efforts to provide actual notice to the owner or~~  
7       ~~the owner's representative but such actual notice is~~  
8       ~~futile, the department may assume control of the~~  
9       ~~grounded vessel within twenty four hours from the time~~  
10       ~~it has been determined actual notice is futile. If~~  
11       ~~the owner's representative has received actual notice~~  
12       ~~from the department and has commenced effective~~  
13       ~~salvage operations, this section shall not apply.~~

14       ~~The owner of the vessel may continue as the primary agent~~  
15       ~~in salvaging the vessel after twenty four hours upon providing~~  
16       ~~proof of a marine insurance policy listing the State as an~~  
17       ~~additional insured in the amount of at least \$1,000,000 and~~  
18       ~~proof that the owner is actively and effectively initiating a~~  
19       ~~salvage effort with reasonable evidence, as determined by the~~  
20       ~~department, that the vessel may be saved within seventy two~~  
21       ~~hours of grounding, provided that the department may allow an~~



1 ~~extension beyond the seventy two hour limit if it determines~~  
2 ~~that no additional environmental damage exists.] cannot be~~  
3 removed by the owner within twenty-four hours from the time the  
4 vessel is grounded; provided that this subsection shall not  
5 apply if the owner or owner's representative has received notice  
6 from the department and has commenced effective salvage  
7 operations.

8 (c) Vessels grounded on a sand beach, sandbar, or mudflat  
9 and not in imminent danger of breaking up shall be removed by  
10 the owner or operator within seventy-two hours, unless otherwise  
11 agreed to by the department.

12 (d) Solely for the purposes of removal and with no  
13 liability to the department, the department may immediately  
14 assume control of any vessel grounded on a sand beach, sandbar,  
15 or mudflat and not in imminent danger of breaking up that is not  
16 removed by the owner in a manner that is reasonably safe, as  
17 determined by the department, within seventy-two hours of  
18 notification to the vessel owner or the owner's representative;  
19 provided that this subsection shall not apply if the owner or  
20 owner's representative has received notice from the department  
21 and has commenced effective salvage operations.



1        (e) Once the department assumes control over the vessel,  
2 the vessel shall be removed by conventional salvage methods if  
3 possible, and if not possible by any means necessary, to  
4 minimize damage to the natural resources and not become a hazard  
5 to navigation. ~~[All costs and expenses of removing the vessel~~  
6 ~~and damage to state or private property shall be the sole~~  
7 ~~responsibility of the vessel's owner or operator. This section~~  
8 ~~shall apply whether the vessel is attended or deemed derelict~~  
9 ~~under section 200 48.~~

10        ~~(e)]~~ (f) All costs and expenses of removing the vessel and  
11 damage to state or private property shall be the sole  
12 responsibility of the vessel's owner or operator. The  
13 department may take legal action to collect any costs or  
14 expenses incurred by the department for any removal under this  
15 section. All moneys collected shall be deposited in the boating  
16 special fund.

17        ~~(d)]~~ (g) Any person who renders assistance to the  
18 department when it acts pursuant to subsection (b) or (c) and  
19 any person who, in good faith and without remuneration or  
20 expectation of remuneration, renders assistance at the scene of  
21 a vessel [grounded]:



1        (1) Grounded on state submerged land, a shoreline, or a  
2                coral reef [~~or in~~];

3        (2) In imminent danger of breaking up; or

4        (3) Grounded on a sand beach, sandbar, or mudflat and not  
5                in imminent danger of breaking up,

6 shall not be liable for any civil damages resulting from the  
7 person's acts or omissions in providing or arranging towage or  
8 other assistance, except for damages caused by the person's  
9 gross negligence or wanton acts or omissions.

10        (h) This section shall apply whether a vessel is attended  
11 or deemed derelict under section 200-48."

12        SECTION 2. This Act does not affect rights and duties that  
13 matured, penalties that were incurred, and proceedings that were  
14 begun before its effective date.

15        SECTION 3. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

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



**Report Title:**

Vessels Aground; DLNR Control of Vessels; Costs of Removal

**Description:**

Clarifies that the Department of Land and Natural Resources (DLNR) may assume immediate control of a vessel that is grounded on state submerged land, a shoreline, or a coral reef, or in imminent danger of breaking up, if the vessel cannot be removed by the owner within twenty-four hours from the time the vessel is grounded and effective salvage operations have not begun. Clarifies that the Department may assume immediate control of a vessel grounded on a sand beach, sand bar, or mudflat not in imminent danger of breaking up after the owner has been given seventy-two hours' notice to remove the vessel and has not done so. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

