
A BILL FOR AN ACT

RELATING TO COMMERCIAL HARBORS.

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

1 SECTION 1. Chapter 266, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§266- Order to evacuate a commercial harbor;
5 penalties. (a) During an emergency, any master or person in
6 charge of a vessel using the commercial waterways and facilities
7 under the jurisdiction of the department of transportation shall
8 comply with and carry into effect any evacuation order from a
9 commercial harbor issued by the harbor master assigned to that
10 commercial harbor.

11 (b) Notwithstanding any law to the contrary, any person,
12 including but not limited to a vessel master, agent, owner, or
13 crew, who violates this section shall be fined \$10,000 for each
14 day of violation per vessel to be deposited into the harbor
15 special fund pursuant to section 266-19; provided that in
16 addition to the fines, a court, the department of
17 transportation, or a hearing officer may deprive the offender of



1 the privilege of entering the secured area of a commercial
2 harbor or obtaining an operating or mooring permit for any
3 vessel in a commercial harbor for a period of one year.

4 (c) For purposes of this section:

5 "Emergency" has the same meaning as in section 127A-2.

6 "Evacuation" means the immediate and rapid movement of
7 individuals and vessels away from the threat or actual
8 occurrence of any hazard, emergency, or disaster, which includes
9 leaving any commercial harbor under the jurisdiction of the
10 department of transportation.

11 "Harbor master" means any person appointed to that office
12 by the director of transportation and vested with the
13 operational control of a state commercial harbor and includes
14 any harbor district manager, commercial harbors manager, and
15 harbor agent.

16 "Vessel" includes all description of watercraft that are
17 used or are capable of being used as a means of transportation
18 on or in the water."

19 SECTION 2. Section 266-19, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:



1 "(a) There is created in the treasury of the State the
2 harbor special fund. All moneys received by the department of
3 transportation from the rates, fees, fines, and administrative
4 penalties pursuant to sections 266-17(a)(1), 266-25, 266-28,
5 [~~and~~] 266-30, and 266-_____ shall be paid into the harbor special
6 fund. The harbor special fund and the second separate harbor
7 special fund heretofore created shall be consolidated into the
8 harbor special fund at such time as there are no longer any
9 revenue bonds payable from the second separate harbor special
10 fund. The harbor reserve fund heretofore created is abolished.

11 All moneys derived pursuant to this chapter from harbor
12 properties of the statewide system of harbors shall be paid into
13 the harbor special fund and each fiscal year shall be
14 appropriated, applied, or expended by the department of
15 transportation for the statewide system of harbors for any
16 purpose within the jurisdiction, powers, duties, and functions
17 of the department of transportation related to the statewide
18 system of harbors, including, without limitation, the costs of
19 operation, maintenance, and repair of the statewide system of
20 harbors and reserves therefor, and acquisitions (including real
21 property and interests therein), constructions, additions,



1 expansions, improvements, renewals, replacements,
2 reconstruction, engineering, investigation, and planning, for
3 the statewide system of harbors, all or any of which in the
4 judgment of the department of transportation are necessary to
5 the performance of its duties or functions."

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Department of Transportation; Commercial Harbor; Evacuation
Orders; Emergencies; Harbor Special Fund

Description:

Requires masters or persons in charge of vessels to follow an
order by a harbor master to evacuate a commercial harbor in
emergencies. Establishes higher penalties for noncompliance.
Includes fines collected for violations to be paid into the
Harbor Special Fund. Effective 7/1/3000. (HD1)

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not legislation or evidence of legislative intent.*

