

ACT 195

H.B. NO. 189

A Bill for an Act Relating to Boating.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 267-6, Hawaii Revised Statutes is amended to read:

“**Sec. 267-6 Enforcement.** The director of transportation may enter into a contract with corporations authorized to engage in business in the State to aid in enforcing this chapter and all rules and regulations adopted pursuant to this chapter in specified areas provided that the corporations agree to undertake this activity at no expense to the State and to hold the State harmless in respect to all injuries, losses, or damages arising from, growing out of or caused by any acts or omissions of the corporations, their officers, agents or employees in connection with the contract. The director of transportation may appoint no more than ten (10) officers and employees of the corporations to serve as boating enforcement officers to enforce this chapter. The director of transportation, officers, and employees of the department of transportation, boating enforcement officers appointed by the director under this section, and every state and county officer charged with the enforcement of state laws shall enforce and assist in the enforcement of this chapter and of all rules adopted pursuant to this chapter.

For the purpose of enforcement, the powers of police officers are conferred upon the director, other officers and employees of the department designated by the director, and boating enforcement officers appointed by the director; and the powers herein conferred shall, without limiting their generality, include the power to be exercised reasonably with respect to the service and execution of warrants, arresting of offenders, service of notices and order, and the stopping, boarding, investigation, and inspection of vessels.

Nothing herein shall preclude enforcement of state or federal laws and requirements pursuant to agreements or other arrangements entered into between the director and appropriate officers and agencies of the United States and other states to ensure the fullest possible cooperation in promoting and attaining the declared policy of section 267-1.’’

SECTION 2. Section 662-15, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 662-15 Exceptions. This chapter shall not apply to:

- (1) Any claim based upon an act or omission of an employee of the State, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation is valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a state officer or employee, whether or not the discretion involved has been abused;
- (2) Any claim arising in respect of the assessment or collection of any tax, or the detention of any goods or merchandise by law enforcement officers;
- (3) Any claim for which a remedy is provided elsewhere in the laws of the State;
- (4) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights;
- (5) Any claim arising out of the combatant activities of the Hawaii national guard and Hawaii state guard during time of war;
- (6) Any claim arising in a foreign country.
- (7) Any claim arising out of the acts or omissions of any boating enforcement officer appointed under section 267-6.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.*

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

(Approved June 7, 1979.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.