

ACT 34

H.B. NO. 2127-80

A Bill for an Act Relating to the Impoundment of Vessels.

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

SECTION 1. Chapter 266, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

**“Sec. 266- Mooring of unauthorized vessel in state harbors; impoundment and disposal proceedings.** (a) No person shall moor a vessel in a state harbor without obtaining a use permit; nor shall a person continue to moor a vessel in any state harbor, if the use permit authorizing the vessel to moor has expired or otherwise been terminated. A vessel moored without a use permit or with a use permit that has expired or been terminated is an unauthorized vessel and is subject to subsections (b) to (e) of this section.

(b) The department shall cause to be placed upon, or as near to the unauthorized

vessel as possible, a notice to remove vessel, which shall indicate that the vessel is in violation of section 266- , the date and time the notice was posted, and that the vessel must be removed within seventy-two hours from the time the notice was posted.

(c) An unauthorized vessel may be summarily and administratively impounded by the department at the sole cost and risk of the owner of the vessel, if such a vessel is not removed after the seventy-two hour period or if during said period the vessel is removed and re-moored in said harbor or any other state harbor without a use permit. The notice and hearing requirements of chapter 91 shall not be prerequisite to an administrative impoundment.

(d) Custody of an unauthorized vessel shall be returned to the person entitled to possession upon payment of all fees and costs due, and fines levied by a court.

(e) Any unauthorized vessel impounded under this section, which remains unclaimed by the person entitled to possession, the registered owner or a lien holder for more than thirty days, may be sold by the department at public auction in accordance with the procedures set forth in chapter 267A.”

SECTION 2. New statutory material is underscored.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved April 22, 1980.)

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