

ACT 134

S.B. NO. 2360

A Bill for an Act Relating to Grounded Vessels.

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

SECTION 1. Chapter 200, Hawaii Revised Statutes, is amended by adding a new section to part III to be designated and to read as follows:

**“§200-47.5 Vessel aground on state property.** (a) All vessels grounded on state submerged lands, shorelines, or coral reefs shall be removed immediately by the owner or operator at the owner’s or operator’s expense. Vessels grounded on a sand beach, sandbar, or mudflat and not in imminent danger of breaking up shall be removed within seventy-two hours, unless otherwise agreed to by the department.

Damage to state or private property caused by a grounded vessel shall be the sole responsibility of the vessel's owner or operator.

(b) Solely for the purposes of removal and with no liability to the department, the department may assume control of any vessel that:

- (1) Is grounded on a coral reef or in imminent danger of breaking up; and
- (2) Cannot be immediately removed by the owner in a manner that is reasonably safe, as determined by the department.

Once the department assumes control over the vessel, the vessel shall be directed to a safer location. All costs and expenses of removing the vessel and damages to state or private property shall be the sole responsibility of the vessel's owner or operator. This section shall apply whether the vessel is attended or deemed derelict under section 200-48.

(c) The department may take legal action to collect any costs or expenses incurred by the department for any removal under this section. All moneys collected shall be deposited in the boating special fund.

(d) Any person who renders assistance to the department when it acts pursuant to subsection (b) and any person who, in good faith and without remuneration or expectation of remuneration, renders assistance at the scene of a vessel grounded on a coral reef or in imminent danger of breaking up shall not be liable for any civil damages resulting from the person's acts or omissions in providing or arranging towage or other assistance, except for damages caused by the person's gross negligence or wanton acts or omissions."

SECTION 2. New statutory material is underscored.<sup>1</sup>

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

(Approved May 24, 2006.)

**Note**

1. Edited pursuant to HRS §23G-16.5.