

ACT 139

S.B. NO. 1515

A Bill for an Act Relating to the Department of Transportation.

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

SECTION 1. The legislature finds that all users and tenants of state harbor and other harbor facilities are required to comply with all applicable federal, state, or county laws, ordinances, and rules. If a harbor user or tenant is responsible for a violation of applicable laws that results in a fine assessed against the State, the harbor user or tenant should pay the fine.

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

“§266- Fines arising from environmental protection violations. Notwithstanding any other law to the contrary, any commercial harbor tenant or user, including any shipper or shipping agent, who violates any federal, state, or county law or rule relating to environmental protection and thereby causes a fine to be levied upon the department, shall reimburse the department for the entire amount of the fine. The department may take such actions necessary to collect any amount

reimbursable under this section, and may also demand reimbursement for costs or expenses incurred by the department resulting from enforcement of this section.”

SECTION 3. Section 266-25, Hawaii Revised Statutes, is amended to read as follows:

“§266-25 Violation of rules; penalty. ~~[Any]~~ In addition to the reimbursement of fines and costs as provided in section 266-~~—~~, any person who violates any rule made, adopted, and published by the department of transportation as herein provided, or who violates any lawful command of any harbor master, harbor agent, or harbor district manager, while in the discharge of the person’s duty, or who violates this chapter, shall be fined not more than \$10,000 for each offense, and any vessel, the agents, owner, or crew of which violate the rules of the department or this chapter, shall be fined not more than \$10,000 for each violation; provided that in addition to or as a condition to the suspension of the fines and penalties, the court may deprive the offender of the privilege of operating or mooring any vessel in state waters for a period of not more than two years.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved June 6, 2007.)

Note

1. Edited pursuant to HRS §23G-16.5.