

A Bill for an Act Relating to Grounded Vessels.

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

SECTION 1. Section 200-47.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(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 within ~~seventy-two~~ twenty-four hours of actual notification to the vessel owner or the owner’s representative by the department and in a manner that is reasonably safe, as determined by the department. If the department has made good faith efforts to provide actual notice to the owner or the owner’s representative but such actual notice is futile, the department may assume control of the grounded vessel within twenty-four hours from the time it has been determined actual notice is futile. If the owner’s representative has received actual notice from the department and has commenced effective salvage operations, this section shall not apply.

The owner of the vessel may continue as the primary agent in salvaging the vessel after twenty-four hours upon providing proof of a marine insurance policy listing the State as an additional insured in the amount of at least \$1,000,000 and proof that the owner is actively and effectively initiating a salvage effort with reasonable evidence, as determined by the department, that the vessel may be saved within seventy-two hours of grounding; provided that the department may allow an extension beyond the seventy-two hour limit if it determines that no additional environmental damage exists. Once the department assumes control over the vessel, the vessel shall be removed by conventional salvage methods to minimize damage to the natural resources and not become a hazard to navigation. All costs and expenses of removing the vessel and damage 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.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

(Approved April 23, 2012.)