



GOV. MSG. NO. **897**

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

June 6, 2007

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fourth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 6, 2007, the following bill was signed into law:

SB1515 SD2 HD2 CD1

A BILL FOR AN ACT RELATING TO THE  
DEPARTMENT OF TRANSPORTATION.  
(ACT 139)

Sincerely,

LINDA LINGLE

Approved by the Governor

on JUN 6 2007

THE SENATE  
TWENTY-FOURTH LEGISLATURE, 2007  
STATE OF HAWAII

**ACT 139**  
**S.B. NO.** 1515  
S.D. 2  
H.D. 2  
C.D. 1

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# A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF TRANSPORTATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

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

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

11           "§266- Fines arising from environmental protection  
12 violations. Notwithstanding any other law to the contrary, any  
13 commercial harbor tenant or user, including any shipper or  
14 shipping agent, who violates any federal, state, or county law  
15 or rule relating to environmental protection and thereby causes  
16 a fine to be levied upon the department, shall reimburse the  
17 department for the entire amount of the fine. The department  
18 may take such actions necessary to collect any amount



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

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

6 "§266-25 Violation of rules; penalty. [~~Any~~] In addition  
7 to the reimbursement of fines and costs as provided in section  
8 266- , any person who violates any rule made, adopted, and  
9 published by the department of transportation as herein  
10 provided, or who violates any lawful command of any harbor  
11 master, harbor agent, or harbor district manager, while in the  
12 discharge of the person's duty, or who violates this chapter,  
13 shall be fined not more than \$10,000 for each offense, and any  
14 vessel, the agents, owner, or crew of which violate the rules of  
15 the department or this chapter, shall be fined not more than  
16 \$10,000 for each violation; provided that in addition to or as a  
17 condition to the suspension of the fines and penalties, the  
18 court may deprive the offender of the privilege of operating or  
19 mooring any vessel in state waters for a period of not more than  
20 two years."

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



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



GOVERNOR OF THE STATE OF HAWAII

Approved this day: JUN 6 2007

