

MAR 10 2023

SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES'
DIVISION OF BOATING AND OCEAN RECREATION TO AMEND TITLE 13,
CHAPTER 241, HAWAII ADMINISTRATIVE RULES, TO EXPRESSLY
REQUIRE THAT ALL VESSELS REQUIRED TO OBTAIN INSURANCE IN
THE STATE REGULARLY PROVIDE PROOF OF INSURANCE AT LEAST ON
AN ANNUAL BASIS.

1 WHEREAS, while owning and operating a recreational vessel
2 can provide many hours of enjoyment and a source of income,
3 there are many responsibilities that accompany vessel operation,
4 such as the liability for vessel accidents, grounding, or
5 sinking; and

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7 WHEREAS, since 2002, the Department of Land and Natural
8 Resources' Division of Boating and Ocean Recreation (DOBOR) has
9 expended approximately \$2.37 million from the Boating Special
10 Fund to address vessels aground, derelict vessels, and abandoned
11 vessels in waters of the State; and

12
13 WHEREAS, the State will often bear all costs involved in
14 removing a grounded vessel if the vessel is uninsured; and

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16 WHEREAS, to rebalance the burden of risk, the Legislature
17 enacted Act 94, Session Laws of Hawaii 2019 (codified as section
18 200-13.5, Hawaii Revised Statutes), to require certain vessel
19 owners operating a vessel required to be registered with the
20 State, or being operated in state ocean waters with valid
21 documentation from the United States Coast Guard, and certain
22 grounded vessels, to obtain vessel insurance; and

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24 WHEREAS, pursuant to section 200-13.5, Hawaii Revised
25 Statutes, DOBOR has implemented a process to require a vessel
26 owner to show proof of grounding insurance when:

- 27
28 (1) Registering a vessel for the first time;



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- 1 (2) Renewing a registration, which occurs annually;
- 2
- 3 (3) Transferring a registration; and
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- 5 (4) Upon request by Division of Conservation and Resources
- 6 Enforcement officers while the vessel is being
- 7 operated on state waters; and
- 8

9 WHEREAS, although DOBOR's internal process is consistent
 10 with the purpose and intent of section 200-13.5, Hawaii Revised
 11 Statutes, it is not currently adopted under title 13, chapter
 12 241, Hawaii Administrative Rules; now, therefore,

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 14 BE IT RESOLVED by the Senate of the Thirty-second
 15 Legislature of the State of Hawaii, Regular Session of 2023, the
 16 House of Representatives concurring, that the Division of
 17 Boating and Ocean Recreation is requested to amend title 13,
 18 chapter 241, Hawaii Administrative Rules, to expressly require
 19 that all vessels required to obtain insurance in the State
 20 regularly provide proof of insurance at least on an annual
 21 basis; and

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 23 BE IT FURTHER RESOLVED that certified copies of this
 24 Concurrent Resolution be transmitted to the Chairperson of the
 25 Board of Land and Natural Resources and Administrator of the
 26 Division of Boating and Ocean Recreation.

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 29 OFFERED BY: _____


