

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 11

OCEAN RECREATION AND COASTAL AREAS

PART 3

OCEAN WATERS, NAVIGABLE STREAMS AND BEACHES

CHAPTER 252

ENFORCEMENT, PENALTIES, ACCIDENTS, AND REPORTS

Historical note

- §13-252-1 Accidents involving death, personal injury or damage to property
- §13-252-2 Duty to render aid and give information
- §13-252-3 Duty upon striking buoys, aids to navigation or other property
- §13-252-4 Immediate notice of accident
- §13-252-5 When operator unable to report
- §13-252-6 Littering or polluting water - prohibited
- §13-252-7 Penalties
- §13-252-8 Powers of arrest
- §13-252-9 Taking legal custody of property
- §13-252-10 Attorney general

Historical note. This chapter is based on accidents and accident reports and enforcement; penalties of the Hawaii Shore Waters Rules, effective November 6, 1982, and as amended thereafter, under the jurisdiction of the Department of Transportation, Harbors Division. The administrative jurisdiction for recreational boating and related vessel activities was transferred from the Department of Transportation, Harbors Division, to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, effective July 1, 1992, in accordance with Act 272, SLH 1991. [Eff 2/24/94]

§13-252-1 Accidents involving death, personal injury or damage to property. The operator of any vessel or surfboard involved in a collision, accident, or other casualty resulting in injury to or death of any person which is operated or attended by any person shall immediately stop at the scene of the accident or as close thereto as possible without serious danger to the operator's own life, vessel, crew, and passengers and remain at the scene of the accident until the operator has fulfilled the requirements of section 13-252-2. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-252-2 Duty to render aid and give information. The operator of any vessel or surfboard involved in a collision, accident, or other casualty resulting in injury to or death of any person or damage to any vessel or surfboard operated or attended by any person shall, so far as can be accomplished without serious danger to the operator's own life, vessel, crew, and passengers, render to other persons affected by the collision, accident, or other casualty that assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the accident, and shall give the operator's name, address, and the registration number of the vessel (if applicable) being operated, to the person struck or the operator, occupant of, or person attending any vessel or surfboard struck. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-252-3 Duty upon striking buoys, aids to navigation or other property. The operator of any vessel or surfboard involved in an accident resulting only in damage to buoys, aids to navigation, markers or other unattended property shall take reasonable steps to locate and notify the owner or persons in charge of the property of the accident and of the operator's name and address and shall make a report of

the accident when and as required in section 13-252-4. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-252-4 Immediate notice of accident. The operator of any vessel or surfboard involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of \$200 or more shall as soon as possible, after fulfilling the requirements of section 13-252-2, by the quickest means of communication give notice of the accident to a city and county lifeguard or to the city and county police department and to any other persons or agencies as may be required by other laws or rules. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-252-5 When operator unable to report. (a) An accident report is not required under this part from any person who is physically incapable of making a report during the period of that person's incapacity.

(b) Whenever the operator of a vessel or surfboard is physically incapable of giving an immediate notice of an accident as required in section 13-252-4 and there is another occupant in the vessel or on the surfboard at the time of the accident capable of doing so, that occupant shall give or cause to be given the notice which the operator cannot give.

(c) Whenever the operator is physically incapable of making a report of an accident as required by section 13-252-4 and the operator is not the owner of the vessel or surfboard, then the owner of the vessel or surfboard involved in the accident shall, immediately after learning of the accident, make the report not made by the operator. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-252-6 Littering or polluting water - prohibited. No person shall place, throw, deposit, or discharge, or cause to be placed, thrown, deposited, or discharged into the ocean waters or shores any litter, sewage, or other gaseous, liquid, or solid materials which render the water unsightly, noxious, or otherwise unwholesome and detrimental to the public health and welfare or to the enjoyment of the water or shore. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-252-7 Penalties. Any person who is guilty of violating these rules shall be punished as provided in section 200-25, Hawaii Revised Statutes. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §200-25)

§13-252-8 Powers of arrest. Any police officer or any employee, agent, or representative of the department authorized by the chairperson of the board of land and natural resources who observes any violation by any person of these rules may forthwith arrest the person without a warrant. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-24)

§13-252-9 Taking legal custody of property. As incident to a lawful arrest, the arresting authority may take legal custody of any personal property which is the subject of or related to any violation of these rules. The property may be released only upon approval by the court which has jurisdiction of the case. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4, 200-27) (Imp: HRS §§200-2, 200-3, 200-4, 200-27)

§13-252-10 Attorney general. The attorney general may bring appropriate proceedings to enjoin the continuance of any act or omission in violation of

these rules. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3,
200-4) (Imp: HRS §§200-2, 200-3, 200-4)