

**HAWAII ADMINISTRATIVE RULES
TITLE 19
DEPARTMENT OF TRANSPORTATION
CHAPTER 42
VESSEL AND HARBOR CONTROLS**

**SUBCHAPTER 4
SAFETY, CLEANLINESS, AND USE OF FACILITIES**

§19-42-125 Liability for damage to or loss of merchandise and cargo.

(a) The department shall not be liable for any damage to or loss of merchandise or other property on any wharf under its control.

(b) It shall be the responsibility of shipping concerns or their agents to exert every effort to protect cargo from the effect of weather conditions while same is stored on state wharves. This responsibility shall include the proper closing of all openings such as outside doors and windows, and the placing of cargo on pallets or dunnage so that it will not be damaged by moisture from the shed floors. Unless the above precautions are taken and unless carelessness on the part of department employees can be shown, no claim for damaged cargo due to inclement weather shall be considered. [Eff 5/20/82; comp 2/26/96] (Auth: HRS §§266-2, 266-3) (Imp: HRS §§266-2, 266-3)