

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

**SUBCHAPTER 2  
SMALL CRAFT AND SMALLER COMMERCIAL VESSELS**

**§19-42-42** Temporary permittees use of berth and liability. Temporary use of a berth by a temporary permittee does not grant the temporary permittee any right to retain the use of the berth or any other space in the harbor. The temporary permittee shall remove the temporary permittee's vessel from the berth and the harbor upon expiration of the temporary mooring permit or upon lapse of forty-eight hours notice to vacate the berth from the department, whichever event occurs first.

Failure of a temporary permittee to vacate the berth upon expiration of the temporary mooring permit or upon lapse of forty-eight hours notice shall subject the temporary permittee to liability for any damages incurred by the regular permittee assigned to the berth resulting from the temporary permittee's failure to vacate, and to a fine pursuant to section 266-25, Hawaii Revised Statutes, and entitles the department to remove the temporary permittee's vessel to an impounding area. The temporary permittee shall indemnify and hold harmless the State from any liability for damages arising from the temporary permittee's failure to vacate the berth and the harbor and from the removal of the vessel to an impounding area by the department. [Eff 5/20/82; am and comp 2/26/96] (Auth: HRS §§266-2, 266-3) (Imp: HRS §§266-2, 266-3)