

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

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

**§19-42-48** Use permit and assigned berth not transferable. A permittee may not transfer, either temporarily or permanently, a use permit or berthing space to anyone for any purpose. This authority is vested only in the department. Whenever a permittee parts with possession of or transfers title to or interest in the vessel identified in the permit to another person, or corporation by any arrangement whatsoever, the permit shall automatically expire as of the date possession or title is transferred, except as otherwise provided in this section. The new possessor, transferee, or owner of the vessel shall have no right to the use permit or the berthing space.

However, upon the death of a permittee, the permittee's spouse may retain the permittee's berthing space and mooring permit if, in the normal course of probate, title to the vessel identified in the applicable mooring permit passes to the spouse. Notwithstanding the foregoing, a permit shall not expire and the permittee may, upon written application to and with the prior approval of the department, retain the use permit, provided that within thirty days, the permittee moves into the berth another vessel of appropriate characteristics, owned or leased by the permittee and legally in the permittee's possession to the exclusion of the registered owner, and provided that the appropriate fees continue to be paid. The department may extend this thirty-day period because of special circumstances.

The department may extend the deadline to furnish a suitable replacement vessel if a permittee presents conclusive evidence in writing to the department that the granting of additional time is necessary for the construction and delivery of the replacement vessel or reasonable and essential to prevent undue hardship. Any extension of time from the initial thirty-day period shall not exceed a period of one year from the date of the sale or transfer of the previously assigned vessel. For the purpose of this section, if the owner transfers less than a fifty per cent interest in the vessel mentioned in the permit by any means, it will not be considered to be a transfer of title or interest in the vessel. [Eff 5/20/82; am 12/20/85; am 11/7/91; comp 2/26/96] (Auth: HRS §§266-2, 266-3) (Imp: HRS §§266-2, 266-3)