

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

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

§19-42-49 Absence of vessel for more than fourteen days; effect on the permits. A regular mooring permit and related use permits issued to a vessel shall automatically expire if the vessel is absent from its assigned berth for more than fourteen days, unless the permittee who wishes to retain the permit submits an application prior to departure on a form furnished by the department enumerating the permit the permittee wishes to reserve during the permittee's absence.

The permittee shall present an estimated period of absence, which may not exceed eight months and shall continue to pay on the due date or by pre-payment all applicable fees and charges for the permit during the absence.

During such absence, the department may issue a temporary use permit for the use of the berthing space by another vessel and charge mooring fees to the temporary permittee at the rate prescribed in these rules. The permittee is responsible for renewing the use permit if it should expire during the period of the permittee's vessel's absence.

If the assigned vessel does not return within thirty days after the estimated return date or within eight months, whichever is less, all use permits shall automatically expire unless the permittee applies to the department, prior to the expiration of the permit for an extension and the extension is approved by the department.

An application for extension will not be granted if the vessel's absence would exceed eight months unless the permittee presents conclusive evidence to the department that due to a boating accident, casualty, hull or equipment failure, weather, sea or related environmental conditions involving the vessel or similar unforeseen occurrences, the granting of additional time is reasonable and essential to prevent undue hardship.

However, no absence may exceed one year for any reason.

The department retains the right to (1) deny the application to retain the berth; or deny the reissuance of or to revoke any use permit for failure to comply with any section of these rules; or (2) reassign a vessel to another berth in order to provide for more efficient use of facilities in the reasonable discretion of the department or when a berth is unusable, eliminated or in need of repairs.

A temporary mooring permit and related use permits issued for a vessel shall automatically expire if the vessel is absent from its assigned berth for more than fourteen days without authorization.

If a vessel is unable to return to the harbor within fourteen days as planned due to wind, sea or related environmental conditions, delays in completing repairs or refurbishing or other unforeseen occurrences the permittee may apply to the department by letter, telephone or any other means of communication and be

permitted to retain the permits upon the permittee's return. [Eff 5/20/82; am and comp 2/26/96] (Auth: HRS §§266-2, 266-3) (Imp: HRS §§266-2, 266-3)