
A BILL FOR AN ACT

RELATING TO MOTORBOATS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 200, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 "PART . MANDATORY BOATING SAFETY EDUCATION ACT

5 §200-A Definitions. As used in this part, unless the
6 context otherwise requires:

7 "Certificate" means a boating education safety certificate
8 issued as evidence of successful completion of a course in safe
9 boating or successful passage of an equivalency examination.

10 "Department" means the department of land and natural
11 resources.

12 "Operate" or "operating" means to navigate or otherwise
13 control the movement of a vessel, including control of the
14 vessel's propulsion system.

15 "Operator" means the person who navigates or is otherwise
16 in control or in charge of the movement of a vessel, including
17 control of the vessel's propulsion system.

18 "Person" means any natural person or individual.



1 "Motorboat" means a recreational vessel propelled in whole
2 or in part by machinery, including a recreational vessel
3 temporarily equipped with a detachable engine.

4 "Vessel" means every description of watercraft, other than
5 a seaplane, used or capable of being used as a means of
6 transportation on the water.

7 "Waters of the State" means any waters within the
8 jurisdiction of the State.

9 **§200-B Applicability.** This part shall apply to persons:

- 10 (1) Less than twenty years of age, one year after the
11 effective date of this part;
- 12 (2) Less than thirty years of age, two years after the
13 effective date of this part;
- 14 (3) Less than forty years of age, three years after the
15 effective date of this part;
- 16 (4) Less than fifty years of age, four years after the
17 effective date of this part;
- 18 (5) Less than sixty years of age, five years after the
19 effective date of this part; and
- 20 (6) Sixty years of age or older, six years after the
21 effective date of this part.



1 §200-C Operator requirements. (a) A person shall not
2 operate a motorboat on any waters of the State unless the
3 operator:

4 (1) Has successfully completed a course in safe boating
5 that is approved by the National Association of State
6 Boating Law Administrators and certified by the State
7 or passed an equivalency examination if the
8 examination was proctored and tests the knowledge of
9 information included in the curriculum of such a
10 course; and has received a certificate as evidence of
11 successful:

12 (A) Completion of the state-certified course; or

13 (B) Passage of the equivalency examination,
14 approved by the National Association of State Boating
15 Law Administrators;

16 (2) Possesses a valid license to operate a vessel issued
17 for maritime personnel by the United States Coast
18 Guard pursuant to title 46, Code of Federal
19 Regulations, part 10 or a marine certificate issued by
20 the Canadian government;

21 (3) Possesses a state-approved non-renewable temporary
22 operator's permit to operate a motorboat that is valid



1 for sixty days and was issued with the certificate of
2 number for the motorboat if the boat is new or was
3 sold with a transfer of ownership;

4 (4) Possesses a rental agreement or lease agreement,
5 provided pursuant to section 200-E, that lists the
6 person as an authorized operator of the motorboat;

7 (5) Is not a resident of this State, is temporarily using
8 the waters of this State for a period not to exceed
9 sixty days, and meets any applicable requirements of
10 the person's state of residency or possesses a
11 Canadian pleasure craft operator's card; or

12 (6) Is a person who operates a vessel under supervised
13 training, as authorized by the State.

14 (b) A person under twelve years of age shall not operate a
15 motorboat on the waters of the State unless accompanied on-board
16 and directly supervised by a person eighteen years of age or
17 older who holds a certificate as evidence of successful:

18 (1) Completion of the state-certified course; or
19 (2) Passage of the equivalency examination,
20 approved by the National Association of State Boating Law
21 Administrators.



1 **§200-D Compliance; penalties for violation.** (a) A person
2 who is operating a motorboat on any waters of the State and who
3 is stopped by a law enforcement officer in the enforcement of
4 this part, or rules adopted pursuant to this part, shall present
5 to the officer evidence that the requirements of section 200-C
6 have been met. Failure to present the evidence that the
7 requirements of section 200-C have been met shall constitute
8 prima facie evidence of a violation of this part.

9 (b) A person who:

- 10 (1) Alters, forges, counterfeits, or falsifies a
11 certificate or other document used as evidence that
12 the requirements of section 200-C have been met;
13 (2) Possesses a certificate or other document that has
14 been altered, forged, counterfeited, or falsified; or
15 (3) Loans or permits their certificate or other document
16 to be used by another person;
17 shall be guilty of a misdemeanor.

18 (c) No person charged with violating this section shall be
19 convicted if the person produces in court, or proves from the
20 proper official or other records that the person was the holder
21 of a certificate or other document as required by this section



1 theretofore issued to the person and valid at the time of the
2 person's arrest.

3 (d) In any proceeding for a violation of this part, the
4 court may suspend all or part of the fine to be imposed on the
5 defendant if the defendant completes the safe boating education
6 course approved by the National Association of State Boating Law
7 Administrators and certified by the State within the time limits
8 imposed by the court.

9 (e) The court may prohibit a person who is found to have
10 violated any of the provisions of this part from operating a
11 motorboat upon the waters of the State until the person
12 successfully completes the safe boating education course
13 approved by the National Association of State Boating Law
14 Administrators and certified by the State.

15 **§200-E Requirements for motorboat rental and leasing**
16 **businesses.** (a) A person or the person's agent or employee
17 engaged in the business of renting or leasing motorboats for
18 periods not exceeding thirty days shall not rent or lease a
19 motorboat to any person for operation on the waters of the State
20 unless the person:

21 (1) Meets the provisions of section 200-C; and

22 (2) Is eighteen years of age or older.



1 (b) A person or the person's agent or employee engaged in
2 the business of renting or leasing motorboats shall list on each
3 rental or lease agreement for a motorboat the name and age of
4 each person who is authorized to operate the motorboat. The
5 person to whom the motorboat is rented or leased shall ensure
6 that only those persons who are listed as authorized operators
7 are allowed to operate the motorboat.

8 (c) A person or the person's agent or employee engaged in
9 the business of renting or leasing motorboats shall provide to
10 each authorized operator of a motorboat a summary of the
11 statutes and rules governing the operation of a motorboat and
12 instructions regarding the safe operation of the motorboat.
13 Each person who is listed as an authorized operator of the
14 motorboat shall review the summary of the statutes, rules, and
15 instructions before the motorboat departs from the rental or
16 leasing office.

17 (d) A person or the person's agent or employee engaged in
18 the business of renting or leasing motorboats may utilize a
19 rental safety checklist that highlights the most important
20 boating safety rules and requires the person to whom the
21 motorboat is rented to initial each section to prove that the
22 person read it and is aware of the safety issues.



Report Title:

Motorboats; Safety Education

Description:

Requires operators of motorboats and thrillcraft in the State to complete a boater safety course.

