
A BILL FOR AN ACT

RELATING TO OCEAN RECREATION.

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

1 SECTION 1. Section 200-37, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§200-37 Operation of thrill craft; parasailing; water**
4 **sledding; commercial high speed boating.** (a) No person shall
5 operate a thrill craft unless the person is fifteen years of age
6 or older.

7 (b) The department shall adopt rules to designate areas
8 where, and time periods during which, thrill craft may be
9 operated and parasailing, water sledding, and commercial high
10 speed boating may be engaged in.

11 (c) No person shall operate a thrill craft in the waters
12 of the State, except:

13 (1) In areas and during time periods designated by the
14 department;

15 (2) Through areas designated by the department to serve as
16 avenues for the ingress and egress of thrill craft
17 between the areas designated under paragraph (1) and
18 the shore;



1 (3) Authorized government personnel conducting operations
2 approved by the department;

3 (4) Authorized film production permit holders conducting
4 operations approved by the department; or

5 (5) When used to conduct ocean cleanup, as authorized by
6 rules adopted by the department.

7 To the extent that the authorization to operate thrill
8 craft pursuant to this subsection is inconsistent with any other
9 law, including section 200-38, this subsection shall control.

10 (d) No person shall:

11 (1) Engage in parasailing; or

12 (2) Operate a motorized vessel towing a person engaged in
13 parasailing;

14 on or above the waters of the State, except on or above areas
15 and during time periods designated by the department.

16 (e) No person shall:

17 (1) Engage in water sledding; or

18 (2) Operate a motorized vessel towing a person engaged in
19 water sledding;

20 in the waters of the State, except in areas and during time
21 periods designated by the department.



1 (f) No person shall engage in commercial high speed
2 boating or operate an open power boat capable of exceeding forty
3 miles per hour for commercial high speed boating purposes in the
4 waters of the State, except:

5 (1) In areas, along routes, and during time periods
6 designated by the department; and

7 (2) In accordance with a permit issued by the department.

8 (g) During all weekends and state and federal holidays, no
9 commercial operator shall operate a thrill craft, or engage in
10 parasailing, water sledding, or commercial high speed boating,
11 or operate a motor vessel towing a person engaged in water
12 sledding or parasailing in Maunalua Bay on Oahu as provided for
13 in section 200-38.

14 (h) On Sundays, all commercial ocean recreation
15 activities, including those listed in this section, shall be
16 prohibited on Oahu in Maunalua Bay as provided for in section
17 200-38.

18 (i) Between December 15 and May 15 of each year, no person
19 shall operate a thrill craft, or engage in parasailing, water
20 sledding, or commercial high speed boating, or operate a motor
21 vessel towing a person engaged in water sledding or parasailing



1 on the west and south shore of Maui as provided in section 200-
2 38.

3 (j) All commercial use and operator permits issued by the
4 department for commercial thrill craft, and parasailing
5 activities shall be fully transferable upon the payment of a
6 business transfer fee in an amount determined by the department,
7 which shall be no greater than six per cent of the transfer
8 price; provided that no more than one transfer every two years
9 shall be authorized with respect to any given permit, except
10 transfers between family members for the purpose of business
11 reorganization.

12 (k) The department may immediately revoke a commercial use
13 permit without a hearing for any activity that endangers or may
14 endanger the health or safety of passengers or the public, and
15 may suspend or revoke a commercial use permit for violation of
16 any rules of the department if, after seventy-two hours notice
17 by the department of the violation, the permit holder fails to
18 cure the violation; provided that the permit holder shall have
19 ten days from receipt of the notice of suspension or revocation
20 to request in writing an administrative hearing. The
21 administrative hearing is solely for the purpose of allowing the
22 permit holder to contest the basis for the suspension or



1 revocation of the permit. The hearing shall be held within five
2 working days of the department's receipt of the written request.
3 The chairperson shall adopt rules pursuant to chapter 91 to
4 implement the procedures governing the administrative hearing
5 process. Within ten days after the conclusion of the hearing,
6 the department shall either:

7 (1) Lift the suspension;

8 (2) Suspend the permit for a period of not longer than one
9 year; or

10 (3) Revoke the permit.

11 (1) All new commercial use and operator permits issued by
12 the department for commercial thrill craft and parasailing
13 activities after June 18, 1996 shall be issued at public
14 auction.

15 (m) Each commercial use and operator permit issued by the
16 department for commercial thrill craft and parasailing
17 activities shall be valid for one year from the date of issuance
18 and shall be renewed by the department for additional one-year
19 periods; provided that the permit holder meets the following
20 conditions:

21 (1) The permit holder shall be in compliance with all
22 applicable rules of the department;



(2) The permit holder shall have timely filed and paid all applicable state taxes during the year; and

(3) The permit holder shall have a good safety record regarding the operation of a commercial thrill craft, or parasailing activity.

(n) All commercial use and operator permits issued by the department for commercial thrill craft, and parasailing activities shall be subject to an annual review by the department which shall include but not be limited to:

(1) The permit holder's compliance with applicable rules of the department;

(2) The permit holder's timely filing and payment of all applicable state taxes during the year; and

(3) The permit holder's safety record regarding the operation of a commercial thrill craft, or parasailing activity.

(o) The department shall adopt rules to encourage water safety education and programs with respect to thrill craft, or parasailing activities.

(p) No person shall operate a thrill craft at any speed above thirty miles per hour, except:



1 (1) In areas, along routes, and during time periods
2 designated by the department; and

3 (2) In accordance with a permit issued by the department;
4 provided that this subsection shall not apply to:

5 (A) Emergency service personnel;

6 (B) Law enforcement officers; or

7 (C) Persons operating a thrill craft for another engaged
8 in tow-in surfing.

9 For the purposes of this subsection:

10 "Emergency service personnel" means any person employed to
11 engage in providing water safety, emergency medical services, or
12 firefighting, including members of the Coast Guard.

13 "Law enforcement officer" shall have the same meaning as in
14 section 78-52.

15 "Tow-in surfing" means an activity in which a person with a
16 surfboard is assisted by another operating a thrill craft for
17 the purpose of the person catching faster moving waves, of more
18 than twenty feet in height, than ordinarily possible by an
19 unassisted person."

20 SECTION 2. New statutory material is underscored.

21 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Thrill Craft; Speed Limit

Description:

Prohibits the operation of thrill craft at any speed above thirty miles per hour, except under certain conditions. Prohibition excludes emergency personnel, law enforcement officers, and persons operating a thrill craft for another engaged in tow-in surfing. (HB1382 HD1)

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