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# A BILL FOR AN ACT

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RELATING TO LIVEABOARD FEES.

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

1       SECTION 1.   Section 200-10, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3       "(c)   The permittee shall pay moorage fees to the  
4 department for the use permit that shall be based on but not  
5 limited to the use of the vessel, its effect on the harbor, use  
6 of facilities, and the cost of administering this mooring  
7 program; and, furthermore:

8       (1)   Except for commercial maritime activities where there  
9           is a tariff established by the department of  
10          transportation, moorage fees shall be established by  
11          appraisal by a state-licensed appraiser approved by  
12          the department and shall be higher for nonresidents  
13          than for residents.   The moorage fees shall be set by  
14          appraisal categories schedule A and schedule B, to be  
15          determined by the department, and may be increased  
16          annually by the department, to reflect a cost-of-  
17          living index increase; provided that:



(A) Schedule A shall include existing mooring permittees; and

(B) Schedule B shall apply to all new mooring applicants and transient slips on or after July 1, 2011;

provided further that schedule A rates shall be increased by the same amount each year so that schedule A rates equal schedule B rates by July 1, 2014;

(2) For commercial maritime activities where there is a tariff established by the harbors division of the department of transportation, the department may adopt the published tariff of the harbors division of the department of transportation or establish the fee by appraisal by a state-licensed appraiser approved by the department;

(3) An application fee shall be collected when applying for moorage in state small boat harbors and shall thereafter be collected annually when the application is renewed. The application fee shall be:

(A) Set by the department; and



1 (B) Not less than \$100 for nonresidents;

2 (4) If a recreational vessel is used as a place of  
3 principal habitation, the permittee shall pay, in  
4 addition to the moorage fee, a liveaboard fee that  
5 shall be calculated at a rate of:

6 (A) [~~\$5.20~~] \$9.43 a foot of vessel length a month if  
7 the permittee is a state resident; and

8 (B) [~~\$7.80~~] \$14.14 a foot of vessel length a month if  
9 the permittee is a nonresident;

10 provided that the liveaboard fees established by this  
11 paragraph may be increased [~~by the department at the~~  
12 ~~rate of the annual cost of living index, but not more~~  
13 ~~than five per cent in any one year, beginning July 1~~  
14 ~~of each year;~~] or decreased by rules adopted by the  
15 department pursuant to chapter 91;

16 (5) If a vessel is used for commercial purposes from its  
17 permitted mooring, the permittee shall pay, in lieu of  
18 the moorage and liveaboard fee, a fee based on three  
19 per cent of the gross revenues derived from the use of  
20 the vessel or two times the moorage fee assessed for a



1 recreational vessel of the same size, whichever is  
2 greater; and

3 (6) The department is authorized to assess and collect  
4 utility fees, including electrical and water charges,  
5 and common-area maintenance fees in small boat  
6 harbors."

7 SECTION 2. This Act does not affect rights and duties that  
8 matured, penalties that were incurred, and proceedings that were  
9 begun before its effective date.

10 SECTION 3. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.  
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**Report Title:**

Liveaboard Fees; State Small Boat Harbors

**Description:**

Increases the current rate of the liveaboard fee for state small boat harbors and clarifies that the liveaboard fee may be increased or decreased by rule adopted by the department of land and natural resources pursuant to chapter 91, Hawaii Revised Statutes. (SD1)

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