
A BILL FOR AN ACT

RELATING TO COMMERCIAL OCEAN RECREATION.

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

1 SECTION 1. The legislature finds that many tourists who
2 visit the State participate in watersports in the oceans
3 surrounding the State, such as snorkeling, scuba diving,
4 kayaking, and surfing lessons. There are companies that conduct
5 commercial operations which take customers on excursions in
6 state waters for the purpose of engaging in recreation
7 activities. These commercial operations are required to obtain
8 a permit from the division of boating and ocean recreation of
9 the department of land and natural resources. However, the
10 provisions for obtaining those permits do not include any safety
11 requirements, which can lead to potential consumer safety
12 issues.

13 The legislature further finds that House Concurrent
14 Resolution No. 86, H.D. 1, S.D. 1, adopted in 2015, requested
15 the department of land and natural resources to engage
16 stakeholders to consider adopting permitting provisions
17 requiring employees of companies who take customers on



1 watersport excursions to be trained in basic water safety
2 measures. The department has not taken action to carry out the
3 provisions of this resolution since its adoption.

4 The purpose of this Act is to require the department of
5 land and natural resources to adopt rules regulating the
6 activity of watersport excursion companies to provide for more
7 customer safety measures.

8 SECTION 2. The department of land and natural resources
9 shall adopt rules pursuant to chapter 91, Hawaii Revised
10 Statutes, by July 1, 2019, regulating the commercial ocean
11 operators that take customers into state waters for the purpose
12 of engaging in activities such as snorkeling, scuba diving,
13 kayaking, and surfing lessons. In adopting these rules, the
14 department shall require that:

15 (1) Commercial operators that allow customers to
16 participate in an activity in state waters away from a
17 vessel maintain a ratio of at least one tour guide or
18 instructor per eight participants;

19 (2) Each tour guide and instructor shall have a dive
20 master or lifeguard certification from a nationally
21 recognized certification organization; and



(3) Vessels used by commercial operators to transport customers for the purpose of engaging in an activity in ocean waters shall include a backboard and emergency oxygen in onboard safety equipment.

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

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H.B. NO. 2265

Report Title:

Commercial Ocean Recreation; Safety Measures; Watersports

Description:

Requires the Department of Land and Natural Resources to adopt rules regulating the activity of watersport excursion companies to provide for increased safety measures.

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