

JAN 17 2018

A BILL FOR AN ACT

RELATING TO SMALL BOAT HARBOR 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]~~ 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 a foot of vessel length a month if the~~
7 ~~permittee is a state resident, and~~

8 ~~(B) \$7.80 a foot of vessel length a month if the~~
9 ~~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,]~~ established by appraisal by a state-
15 licensed appraiser approved by the department and
16 shall be set at fair market value;

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



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

(6) The department is authorized to assess and collect
utility fees, including electrical and water charges,
and common-area maintenance fees in small boat
harbors ~~[]~~; and

(7) Any fee increases pursuant to this subsection shall go
into effect sixty calendar days after the department
approves the increase."

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

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 Statutory material to be repealed is bracketed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

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Will Eyer
BY REQUEST



S.B. NO. 2023

Report Title:

Small Boat Harbors; Moorage Fees; Liveaboard Fees; State Residents; State Nonresidents

Description:

Eliminates separate moorage and liveaboard fee rates for resident and nonresident small boat owners.

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