THE SENATE THIRTIETH LEGISLATURE, 2019 STATE OF HAWAII

S.B. NO. ¹²⁵⁷ S.D. 2 H.D. 2

A BILL FOR AN ACT

RELATING TO USE PERMITS FOR SMALL BOAT HARBOR FACILITIES.

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:

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1		(A) Schedule A shall include existing mooring
2		permittees; and
3		(B) Schedule B shall apply to all new mooring
4		applicants and transient slips on or after July
5		1, 2011;
6		provided further that schedule A rates shall be
7		increased by the same amount each year so that
8		schedule A rates equal schedule B rates by July 1,
9		2014];
10	(2)	For commercial maritime activities where there is a
11		tariff established by the harbors division of the
12		department of transportation, the department may adopt
13		the published tariff of the harbors division of the
14		department of transportation or establish the fee by
15		appraisal by a state-licensed appraiser approved by
16		the department;
17	(3)	An application fee shall be collected when applying
18		for moorage in state small boat harbors and shall
19		thereafter be collected annually when the application
20		is renewed. The application fee shall be[\div
21		(A) Set] set by the department; [and



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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] by not
13		more than [five] <u>fifty</u> per cent in any one year,
14		beginning July 1 of each year;
15	(5)	If a vessel is used for commercial purposes from its
16		permitted mooring, the permittee shall pay, in lieu of
17		the moorage and liveaboard fee, [a fee based on three]
18		a fee that shall be the greater of:
19		(A) Three per cent of the gross revenues derived from
20		the use of the vessel; or [two]

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1	<u>(</u> B) <u>Two</u> times the moorage fee <u>that would be</u> assessed
2		for a recreational vessel of the same size[$_ au$
3		whichever is greater; and]; provided that if a
4		vessel is also used as a place of principal
5		habitation, the vessel permittee shall also pay a
6		liveaboard fee established by appraisal by a
7		state-licensed appraiser approved by the
8		department;
9	(6) Th	e department is authorized to assess and collect
10	ut	ility fees, including electrical and water charges,
11	ar	d common-area maintenance fees in small boat
12	ha	rbors[-] <u>; and</u>
13	<u>(7)</u> <u>Al</u>	l fees established by appraisal pursuant to this
14	ຣບ	bsection shall be set at fair market value."
15	SECTION	2. This Act does not affect rights and duties that
16	matured, per	alties that were incurred, and proceedings that were
17	begun before	its effective date.
18	SECTION	3. Statutory material to be repealed is bracketed
19	and stricker	. New statutory material is underscored.
20	SECTION	4. This Act shall take effect upon its approval.

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Report Title:

DLNR; Mooring Fees; Liveaboard Fees; State Small Boat Harbors

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Description:

Amends the various fees the Department of Land and Natural Resources may charge for the usage of state small boat harbors. Amends the manner in which those fees are applied. (SB1257 HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

