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# A BILL FOR AN ACT

RELATING TO COMMERCIAL MARINE LICENSES.

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

1           SECTION 1. The legislature finds that fishing is an  
2 important pastime for many Hawaii residents, providing not only  
3 recreational and subsistence benefits, but also a source of  
4 additional income for many small-scale commercial fishers who  
5 often sell a portion of their catch to cover costs of fuel or  
6 fishing gear.

7           The legislature further finds that the current commercial  
8 marine license laws are unnecessarily burdensome on boat-based  
9 fishers due to the requirement that each individual on a fishing  
10 vessel have a commercial marine license to participate in a  
11 commercial fishing trip where the resulting catch may be sold.  
12 This places logistical and financial burdens on vessel captains  
13 when part-time crew members are needed for a commercial fishing  
14 trip, or when unscheduled or infrequent visitors are invited  
15 aboard. It also leads to confusion regarding who is responsible  
16 for submitting commercial catch reports for fishing activities  
17 on board the vessel.



1           This Act requires the department of land and natural  
2 resources to issue commercial marine licenses. This Act also  
3 clarifies that a single valid commercial marine vessel license  
4 satisfies the licensure requirement for commercial purposes  
5 aboard a licensed vessel. A single commercial marine vessel  
6 license covering all parties engaging in commercial fishing  
7 aboard a vessel will be more convenient and cost effective for  
8 Hawaii boat-based fishers and will clarify who is responsible  
9 for submitting commercial catch reports for the vessel. The  
10 department has the discretion through the public rulemaking  
11 process contained in chapter 91, Hawaii Revised Statutes, to  
12 determine the specifications and qualifications for these  
13 licenses.

14           The legislature also finds that although existing statutory  
15 language requires vessel-based fishing charters to obtain a  
16 commercial marine license, it is unclear whether shore-based  
17 charters are also required to obtain a commercial marine  
18 license. This Act clarifies that the commercial marine license  
19 requirement applies to any person providing fishing charter  
20 services. The amendment will allow the department to better



1 understand and manage marine charter fishing activities in the  
2 State.

3 The purpose of this Act is to amend the commercial marine  
4 license statute to:

5 (1) Require the department of land and natural resources  
6 to issue commercial marine licenses for the taking of  
7 marine life for commercial purposes;

8 (2) Specify that a single commercial marine vessel license  
9 satisfies the licensure requirement for all persons  
10 aboard the licensed vessel; and

11 (3) Require any person providing fishing charter services  
12 to obtain a commercial marine license.

13 SECTION 2. Section 189-2, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "**§189-2 Commercial marine license.** (a) The department  
16 shall issue commercial marine licenses for the taking of marine  
17 life for commercial purposes.

18 [~~a~~] (b) No person shall take marine life for commercial  
19 purposes whether the marine life is caught or taken within or  
20 outside of the State, without first obtaining a commercial  
21 marine license as provided in this section~~[-]~~; provided that a



1 single valid commercial marine vessel license shall satisfy the  
2 licensure requirement for all persons taking marine life for  
3 commercial purposes aboard the validly-licensed vessel.

4 [~~(b)~~ ~~Additionally, any~~] (c) Any person providing [~~vessel~~]  
5 charter services in the State for the taking of marine life in  
6 or outside of the State shall obtain a commercial marine  
7 license.

8 [~~(e)~~] (d) The department may adopt rules pursuant to  
9 chapter 91 necessary for the purpose of this section and to set  
10 fees for commercial marine licensing.

11 [~~(d)~~] (e) The fees for commercial marine licenses and  
12 duplicate commercial marine licenses shall be established by the  
13 department by rules adopted in accordance with chapter 91.

14 [~~(e)~~] (f) The department shall suspend, shall refuse to  
15 renew, reinstate, or restore, or shall deny any license issued  
16 under this section if the department has received certification  
17 from the child support enforcement agency pursuant to section  
18 576D-13 that the licensee or applicant is not in compliance with  
19 an order of support or has failed to comply with a subpoena or  
20 warrant relating to a paternity or child support proceeding.  
21 The department shall issue, renew, reinstate, or restore an



1 affected license only upon receipt of authorization from the  
2 child support enforcement agency, the office of child support  
3 hearings, or the family court."

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

6 SECTION 4. This Act shall take effect on July 1, 2050.



**Report Title:**

Commercial Marine Licenses; Commercial Marine Vessel Licenses;  
Charter Services

**Description:**

Requires the DLNR to issue commercial marine licenses. Provides that a single commercial marine vessel license satisfies the licensure requirement for all persons aboard the licensed vessel. Requires any person who provides fishing charter services to obtain a commercial marine license. Effective 7/1/2050. (HD1)

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