

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO STATE SMALL BOAT HARBORS.

**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] For mooring use permits at all state small boat  
4 harbors, permittee shall pay moorage fees to the department for  
5 the use permit that shall be based on but not limited to the use  
6 of the vessel, its effect on the harbor, use of facilities, and  
7 the cost of administering this mooring program; and,  
8 furthermore:

9           (1) Except for commercial maritime activities where there  
10           is a tariff established by the department of  
11           transportation, moorage fees shall be established by  
12           appraisal by a state-licensed appraiser approved by  
13           the department ~~[and shall be higher for nonresidents~~  
14           ~~than for residents. The moorage fees shall be set by~~  
15           ~~appraisal categories schedule A and schedule B, to be~~  
16           ~~determined by the department, and may be increased~~



1           ~~annually by the department, to reflect a cost of~~  
2           ~~living index increase, provided that:~~

3           ~~(A) Schedule A shall include existing mooring~~  
4           ~~permittees, and~~

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

8           ~~provided further that schedule A rates shall be~~  
9           ~~increased by the same amount each year so that~~  
10           ~~schedule A rates equal schedule B rates by July 1,~~  
11           ~~2014,] and shall be set at fair market value no more~~  
12           ~~than once per twelve months;~~

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

20           (3) An application fee shall be collected when applying  
21           for moorage in state small boat harbors and shall



1           thereafter be collected annually when the application  
2           is renewed. The application fee shall be:

3           (A) Set by the department; and

4           (B) ~~[Not]~~ No less than \$100 for nonresidents;

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

9       ~~(A) \$5.20 a foot of vessel length a month if the  
10       permittee is a state resident; and~~

11       ~~(B) \$7.80 a foot of vessel length a month if the  
12       permittee is a nonresident;~~

13       ~~provided that the liveaboard fees established by this  
14       paragraph may be increased by the department at the  
15       rate of the annual cost of living index, but not more  
16       than five per cent in any one year, beginning July 1  
17       of each year;]~~ established by appraisal by a state-  
18       licensed appraiser approved by the department and  
19       shall be set at fair market value once per year;

20       (5) If a vessel is used for commercial purposes from its  
21       permitted mooring, the permittee shall pay, in lieu of



1 the moorage and liveaboard fee, a fee based on three  
 2 per cent of the gross revenues derived from the use of  
 3 the vessel or two times the moorage fee assessed for a  
 4 recreational vessel of the same size, whichever is  
 5 greater; [~~and~~]

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

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

13 SECTION 2. Statutory material to be repealed is bracketed  
 14 and stricken. New statutory material is underscored.

15 SECTION 3. This Act shall take effect on August 1, 2019.

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INTRODUCED BY:     *Karl Rhoads*    

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# S.B. NO. 559

**Report Title:**

State Small Boat Harbors; Mooring Permit Prices; Mooring Fees

**Description:**

Requires moorage fees for non-commercial mooring use permits at state small boat harbors to be determined by appraisal and set at fair market value. Establishes effective date for state small boat harbor moorage fee increases. Effective August 1, 2019.

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

