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# A BILL FOR AN ACT

RELATING TO A NONRESIDENT RECREATIONAL MARINE FISHING LICENSE.

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

1           SECTION 1. The legislature finds that fishing in marine  
2 waters is an important pastime for the people of Hawaii,  
3 providing valuable opportunities for outdoor recreation,  
4 subsistence, and transmission of cultural practices and values.  
5 Hawaii's marine fishing opportunities also attract thousands of  
6 visitors each year, from professional anglers who participate in  
7 big game fishing tournaments to weekend fishing enthusiasts  
8 seeking to enjoy their favorite recreational activity while on  
9 vacation. With ever increasing pressure on the State's marine  
10 resources, it is critical that the State identify and develop  
11 sustainable sources of funding to effectively manage its  
12 fisheries.

13           The legislature further finds that the department of land  
14 and natural resources (DLNR) issues commercial marine fishing  
15 licenses and freshwater game fishing licenses. DLNR uses these  
16 license fees toward management of commercial marine fisheries  
17 and recreational freshwater fisheries. Additionally, Hawaii



1 residents pay taxes that support state fisheries management  
2 programs. In contrast, nonresident recreational fishers  
3 directly benefit from enjoyment of Hawaii's marine fishery  
4 resources without directly contributing to management of those  
5 resources.

6 The legislature also finds that a nonresident recreational  
7 marine license and associated fees would provide an additional  
8 source of revenue to the State for marine fisheries management.  
9 Fees would be deposited into DLNR's sport fish special fund  
10 pursuant to section 187A-9.5, Hawaii Revised Statutes.

11 The purposes of this Act are to:

12 (1) Establish a nonresident recreational marine fishing  
13 license requirement and fees to enable DLNR to more  
14 effectively manage the marine fisheries resources of  
15 the State; and

16 (2) Require DLNR to adopt rules to implement this license.

17 SECTION 2. Chapter 188, Hawaii Revised Statutes, is  
18 amended by adding a new section to be appropriately designated  
19 and to read as follows:

20 "§188- Nonresident recreational marine fishing license;  
21 application; fees; restrictions. (a) It is unlawful for any



1 nonresident of the State who has attained the age of fifteen,  
2 except members of the armed forces of the United States on  
3 active duty in the State and their spouse and minor children, to  
4 fish for, take, or catch any marine life for noncommercial or  
5 recreational purposes without first obtaining a nonresident  
6 recreational marine fishing license. The department shall adopt  
7 rules pursuant to chapter 91 necessary for the purposes of this  
8 section.

9 (b) Nonresident recreational marine fishing licenses shall  
10 be issued by agents of the department upon written application  
11 in a form as prescribed by the department together with payment  
12 of a fee. The fees for a nonresident recreational marine  
13 fishing license shall be as follows:

14 (1) For a one-day fishing license - \$20;

15 (2) For a seven-day fishing license - \$40; and

16 (3) For an annual fishing license - \$70.

17 Fees established by this subsection may be increased by the  
18 department no more frequently than once every five years, at the  
19 rate of the consumer price index change from July 2021,  
20 compounded annually, rounded to the nearest dollar.



1        (c) No person to whom a license has been issued under this  
2 section shall permit any other person to carry, display, or use  
3 the license for any purpose. Every person to whom a license has  
4 been issued under this section shall show the license upon  
5 demand of any officer authorized to enforce the fishing laws of  
6 the State.

7        (d) It shall be illegal to sell or offer for sale any  
8 marine life taken under a nonresident recreational marine  
9 fishing license; provided that marine life taken by nonresident  
10 licensees on board a charter fishing vessel owned or operated by  
11 a person with a valid commercial marine license pursuant to  
12 section 189-2(b) may be sold.

13        (e) The department may revoke any nonresident recreational  
14 marine fishing license for any violation of the terms and  
15 conditions of the license. Any person whose nonresident  
16 recreational marine fishing license has been revoked shall not  
17 be eligible to apply for another nonresident recreational marine  
18 fishing license until one year after the date of revocation.

19        (f) For the purposes of this section:

20        (1) "Marine life" has the same meaning as defined in  
21 section 187A-1;



- 1       (2)   "Nonresident" means any individual who is not a  
2       resident of Hawaii; and
- 3       (3)   "Resident of Hawaii" means an individual who has:
- 4       (A)   Established the individual's primary residence  
5       and worked in the State continuously for a period  
6       of twelve months or longer immediately prior to  
7       applying for, or obtaining a license;
- 8       (B)   Filed or paid the individual's state income taxes  
9       for the previous tax period; or
- 10      (C)   Established the individual's domicile in the  
11      State, as evidenced by documentation showing the  
12      individual's address, including:
- 13      (i)   A valid driver's license;
- 14      (ii)   A valid identification card;
- 15      (iii)  A valid school identification card; or
- 16      (iv)   Any other official document issued to the  
17      individual within the last thirty days from  
18      a government agency, financial institution,  
19      insurance company, or utility company in the  
20      State.



1        (g) Any person violating this section or any rule adopted  
2 pursuant to this section shall be subject to administrative  
3 penalties as provided by section 187A-12.5."

4        SECTION 3. New statutory material is underscored

5        SECTION 4. This Act shall take effect on January 1, 2022.



**Report Title:**

Nonresident Recreational Marine Fishing License

**Description:**

Establishes a nonresident recreational marine fishing license requirement and fees to enable the department of land and natural resources to more effectively manage the marine fisheries resources of the State. Prohibits nonresidents, with certain exceptions, from fishing, taking, or catching marine life without a nonresident recreational marine fishing license. Effective 1/1/22. (SD1)

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

