

JAN 27 2021

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A BILL FOR AN ACT

RELATING TO BOATING REPORTS.

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

1 SECTION 1. Section 200-27, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "~~[f]~~\$200-27~~[t]~~ ~~Police~~ Boating reports. ~~[For the purpose~~  
4 ~~of enforcement, it]~~ It shall be incumbent upon the director of  
5 public safety ~~[and the]~~, police chief of each county, fire chief  
6 of each county, and ocean safety director of each county to  
7 transmit to the department a copy of every ~~[investigation]~~ report  
8 submitted by ~~[the director of public safety and the police~~  
9 ~~chief's]~~ subordinate ~~[officers which]~~ employees that relate to  
10 boating accidents or the theft, loss, or recovery of vessels  
11 required to be registered and numbered pursuant to section 200-  
12 31. All reports required to be submitted pursuant to this  
13 section shall be unredacted."

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 Statutory material to be repealed is bracketed  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

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S.B. NO. 1164

1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: *Mark A. ...*

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BY REQUEST

S.B. NO. 1164

**Report Title:**

Boating Reports; Unredacted

**Description:**

Requires the fire chief and ocean safety director of each county, in addition to the Director of Public Safety and police chief of each county, to transmit to the Department of Land and Natural Resources a copy of every report relating to boating accidents or the theft, loss, or recovery of vessels. Requires all reports submitted to be unredacted.

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

# SB. NO. 1164

## JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO BOATING REPORTS.

PURPOSE: To require the fire chief and the ocean safety director of each county, in addition to the Director of Public Safety and the police chief of each county, to transmit to the Department a copy of every report relating to boating accidents or the theft, loss, or recovery of vessels; and to require all reports submitted pursuant to section 200-27, Hawaii Revised Statutes (HRS), to be unredacted.

MEANS: Amend section 200-27, HRS.

JUSTIFICATION: The Department is tasked with collecting data on recreational boating accidents that occur in Hawaii's waters. The data collected is entered into the Boating Accident Report Database (BARD), a repository of national recreational boating accident statistics commissioned by the United States Coast Guard (Coast Guard). BARD allows the Coast Guard and state boating law administrators to study trends in recreational boating accidents across the country to help in drafting legislation and supporting laws to counter these trends.

While existing laws require vessel owners/operators in Hawaii to file accident reports when events meet or exceed thresholds for reporting, not all accidents are reported. In these cases, where limited information is available, the Department has had to rely on whatever it can gather from partners for further information. Section 200-27, HRS, currently only addresses police reports, and this may be adequate to address theft and damage to vessels while on land, as county police departments do not respond

to emergency situations on the ocean waters of the State. The agencies tasked with search and rescue at sea include county ocean safety offices and county fire departments. These agencies respond to marine emergencies and generate reports that are of high value to the Department.

Lastly, boating reports may be heavily redacted and therefore would not provide the entirety of information that the Department needs. By requiring unredacted reports, the Department can improve the accuracy and richness of the data entered into BARD.

Impact on the public: Data collected by the Department will indirectly improve ocean-user and recreational boater safety through the formation of preventative measures and cooperation between jurisdictions to address patterns and trends.

Impact on the department and other agencies: This bill would allow the Department to collect reports from additional emergency responders, greatly improving the quality of the data it enters into BARD. County fire departments and ocean safety offices would be tasked with sharing unredacted, completed incident reports with the Department.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: LNR 801.

OTHER AFFECTED AGENCIES: Department of Public Safety, County Police Departments, County Fire Departments, and County Ocean Safety Offices.

EFFECTIVE DATE: Upon approval.