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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 an additional  
4 source of 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 existing 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 must have a commercial marine license to participate in a  
11 commercial fishing trip where any portion of the resulting catch  
12 may be sold. This requirement places logistical and financial  
13 burdens on vessel captains when part-time crew members are  
14 needed for a commercial fishing trip or when unscheduled or  
15 infrequent visitors are invited aboard. It also leads to  
16 confusion about who is responsible for submitting commercial  
17 catch reports for fishing activities aboard a vessel.



1           The legislature also finds that although existing statutory  
2 language requires vessel-based fishing charters to obtain a  
3 commercial marine license, it is unclear whether shore-based  
4 charters are also required to obtain a commercial marine  
5 license.

6           The purpose of this Act is to:

- 7           (1) Authorize the department of land and natural resources  
8           to establish requirements and fees for obtaining a  
9           commercial marine vessel license;
- 10          (2) Specify that a single commercial marine vessel license  
11          satisfies the commercial marine licensure requirement  
12          for all persons aboard the licensed vessel;
- 13          (3) Require any person providing fishing charter services  
14          to obtain a commercial marine license;
- 15          (4) Allow marine charter fishing vessels to obtain  
16          commercial marine vessel licenses; and
- 17          (5) Require the department of land and natural resources  
18          to submit a report to the legislature regarding the  
19          status of its administrative rules establishing a new  
20          commercial marine vessel license category.



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

3 **"§189-2 Commercial marine license.** (a) No person shall  
4 take marine life for commercial purposes whether the marine life  
5 is caught or taken within or outside of the State, without first  
6 obtaining a commercial marine license as provided in this  
7 section[-]; provided that a single valid commercial marine  
8 vessel license shall satisfy the commercial marine licensure  
9 requirement for all persons taking marine life for commercial  
10 purposes aboard the validly-licensed vessel.

11 (b) [~~Additionally, any~~] Any person providing [vessel]  
12 charter services in the State for the taking of marine life in  
13 or outside of the State shall obtain a commercial marine  
14 license.

15 (c) Any vessel used for or engaged in the taking of marine  
16 life for commercial purposes may obtain a commercial marine  
17 vessel license.

18 [~~e~~] (d) The department may adopt rules pursuant to  
19 chapter 91 necessary for the purpose of this section and to set  
20 fees for commercial marine [~~licensing-~~] and commercial marine  
21 vessel licenses.



1           ~~[(d)]~~ (e) The fees for commercial marine and commercial  
2 marine vessel licenses and duplicate commercial marine and  
3 commercial marine vessel licenses shall be established by the  
4 department by rules adopted in accordance with chapter 91.

5           ~~[(e)]~~ (f) The department shall suspend, shall refuse to  
6 renew, reinstate, or restore, or shall deny any license issued  
7 under this section if the department has received certification  
8 from the child support enforcement agency pursuant to section  
9 576D-13 that the licensee or applicant is not in compliance with  
10 an order of support or has failed to comply with a subpoena or  
11 warrant relating to a paternity or child support proceeding.  
12 The department shall issue, renew, reinstate, or restore an  
13 affected license only upon receipt of authorization from the  
14 child support enforcement agency, the office of child support  
15 hearings, or the family court."

16           SECTION 3. The department of land and natural resources  
17 shall submit a report, including any proposed legislation, to  
18 the legislature no later than thirty days prior to the convening  
19 of the regular session of 2022, concerning the status of its  
20 administrative rules establishing a new commercial marine vessel  
21 license category.



1           SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.  
3           SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Commercial Marine Licenses; Commercial Marine Vessel Licenses;  
Charter Services

**Description:**

Authorizes the department of land and natural resources to establish rules and fees for the issuance of a commercial marine vessel license. Provides that a single valid 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. Allows marine charter fishing vessels to obtain commercial marine vessel licenses. Requires the department of land and natural resources to submit a report to the legislature regarding the status of its administrative rules establishing a new commercial marine vessel license category. (SD2)

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