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# A BILL FOR AN ACT

RELATING TO TRANSFERABILITY OF MOORING PERMITS.

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 (d) to read as follows:

3       "(d) The department shall not renew or issue a permit to a  
4 person who is not the owner of the vessel [~~which~~] that is moored  
5 or [~~which~~] that the person desires to moor in a state small boat  
6 harbor. No use permit may be transferred unless specifically  
7 provided by law.

8       Any person possessing a mooring permit may transfer the  
9 mooring permit to a new vessel owner upon the sale of the  
10 mooring permittee's vessel, and the transferee shall be allowed  
11 to retain the mooring permit; provided that all of the following  
12 are met:

13       (1) The sale price of the vessel shall not take into  
14 account the value of the attendant mooring permit nor  
15 any fees required by this subsection; provided further  
16 that the department shall have the discretion to  
17 require an appraisal of the vessel, by a state-



1           licensed appraiser at the expense of the vessel owner,  
2           if the department has reason to believe that the  
3           vessel is being sold for a price substantially greater  
4           or less than fair market value;

5           (2) The seller shall pay to the department a mooring  
6           permit transfer fee of \$150; and

7           (3) The seller is in compliance with chapters 200 and  
8           200A, and any administrative rules adopted thereunder.

9           Unless otherwise required by law or a court of competent  
10          jurisdiction, when a vessel is sold in accordance with this  
11          subsection, a principal habitation permit, if any, shall not  
12          transfer and shall automatically terminate. Nothing in this  
13          subsection shall be construed to allow a person possessing a  
14          mooring permit to transfer the mooring permit without a  
15          corresponding sale of the vessel to which the mooring permit  
16          applies. If any person sells the person's vessel or transfers a  
17          mooring permit without complying with this subsection, the  
18          mooring permit shall automatically terminate.

19          Any individual who is an owner of a vessel used for  
20          commercial purposes, including commercial fishing as a principal  
21          means of livelihood, and possesses a valid mooring permit or



1 commercial permit, or both, in accordance with the rules adopted  
2 by the chairperson pursuant to chapter 91, may transfer  
3 ownership of the vessel from personal ownership to corporate or  
4 other business ownership without terminating the right to moor  
5 or operate the vessel under the permit or permits. The existing  
6 permit or permits shall be reissued in the name of the  
7 transferee corporation or other business entity."

8 SECTION 2. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

Mooring Permit; Transfer; Department of Land and Natural Resources

**Description:**

Allows a holder of a mooring permit within a state small boat harbor to transfer the mooring permit under certain terms and conditions. Takes effect 7/1/2050. (SD1)

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

