

JAN 26 2022

A BILL FOR AN ACT

RELATING TO OCEAN RECREATION.

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

1 SECTION 1. The legislature finds that a variety of laws
2 and administrative rules apply to persons on vessels in the
3 State's large and small boat harbors. The department of
4 transportation harbor police has the authority to enforce rules
5 and laws relating to harbors under the jurisdiction of the
6 department of transportation and the division of conservation
7 and resources enforcement has the authority to enforce rules and
8 laws relating to harbors and waterways under the jurisdiction of
9 the department of land and natural resources.

10 The legislature further finds that certain unlawful
11 activity takes place on land and water under the jurisdiction of
12 the department of land and natural resources in which neither
13 the division of boating and ocean recreation nor the division of
14 conservation and resources enforcement have the capacity or
15 resources to regulate in a manner that will deter future illegal
16 activity. The legislature also finds that in certain situations



1 the department of transportation harbor police could help
2 enforce these rules and laws.

3 The purpose of this Act is to authorize the department of
4 transportation harbor police to enforce laws and rules adopted
5 by the department of land and natural resources relating to
6 ocean recreation.

7 SECTION 2. Section 200-14, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§200-14 Violation of rules; penalty.** (a) Except as
10 provided in subsection (b), any person who violates any rule
11 adopted by the department under this part or who violates this
12 part, shall be fined not more than \$1,000 or less than \$50 for
13 each violation, and any vessel, the agents, owner, or crew of
14 which violate the rules of the department or this part, shall be
15 fined not more than \$1,000 or less than \$50 for each violation;
16 provided that in addition to or as a condition to the suspension
17 of the fines and penalties, the environmental court may deprive
18 the offender of the privilege of operating or mooring any vessel
19 in state waters for a period of not more than thirty days.

20 (b) Any person who violates any rule adopted by the
21 department under this part regulating vehicular parking or



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1 traffic movement shall have committed a traffic infraction as
2 set forth in chapter 291D, the adjudication of which shall be
3 subject to the provisions contained therein. A person found to
4 have committed such a traffic infraction shall be fined not more
5 than:

- 6 (1) \$100 for a first violation;
- 7 (2) \$200 for a second violation; and
- 8 (3) \$500 for a third or subsequent violation.

9 (c) Notwithstanding the provisions of subsection (a)
10 establishing a fine of not more than \$1,000 or less than \$50 for
11 each violation, any person who violates any rule adopted by the
12 department relating to unauthorized discharge, dumping, or
13 abandoning, in any state boating facility or state waters, of
14 any petroleum product, hazardous material, or sewage in
15 violation of the state water quality standards established by
16 the department of health, shall be fined not more than \$10,000
17 for each day of violation, and any vessel, the agents, owner, or
18 crew of which violate the rules of the department shall be fined
19 not more than \$10,000 for each day of violation.



1 (d) The director of transportation shall have the
2 authority to enforce this part and any rule adopted by the
3 department under this part."

4 SECTION 3. Section 266-24, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§266-24 Enforcement.** (a) The director of transportation
7 shall enforce this chapter and all rules thereunder, except for
8 the rules relative to the control and management of the beaches
9 encumbered with easements in favor of the public and ocean
10 waters, which shall be enforced by the department of land and
11 natural resources[-]; provided that the director of
12 transportation may enforce the rules adopted by the department
13 of land and natural resources under chapter 200, part I. For
14 the purpose of the enforcement of this chapter or the rules
15 adopted pursuant under chapter 200, part I and of all rules
16 adopted pursuant to this chapter, the powers of police officers
17 are conferred upon the director of transportation and any
18 officer, employee, or representative of the department of
19 transportation. Without limiting the generality of the
20 foregoing, the director and any person appointed by the director
21 hereunder may serve and execute warrants, arrest offenders, and



1 serve notices and orders. The director of transportation and
2 any employee, agent, or representative of the department of
3 transportation appointed as enforcement officers by the
4 director, and every state and county officer charged with the
5 enforcement of any law, statute, rule, regulation, ordinance, or
6 order, shall enforce and assist in the enforcement of this
7 chapter and of all rules and orders issued pursuant thereto^[7]
8 and the rules adopted under chapter 200, part I, and in carrying
9 out the responsibilities hereunder, each shall be specifically
10 authorized to:

11 (1) Conduct any enforcement action hereunder in any
12 commercial harbor area and any area over which the
13 department of transportation and the director of
14 transportation has jurisdiction under this chapter;

15 (2) Conduct any enforcement action hereunder in any harbor
16 area and any area over which the department of land
17 and natural resources has jurisdiction under chapter
18 200;

19 ~~[(2)]~~ (3) Inspect and examine at reasonable hours any
20 premises, and the buildings and other structures
21 thereon, where harbors or harbor facilities are



1 situated, or where harbor-related activities are
2 operated or conducted; and
3 ~~(3)~~ (4) Subject to limitations as may be imposed by the
4 director of transportation, serve and execute
5 warrants, arrest offenders, and serve notices and
6 orders.

7 Any employee appointed as a law enforcement officer by the
8 director of transportation pursuant to this section who has been
9 qualified by training may use electric guns, as specifically
10 provided in section 134-87, when exercising powers of police
11 officers and carrying out the responsibilities described herein;
12 provided that training for the purposes of this section means a
13 course of instruction or training in the use of any electric gun
14 that is provided, authorized, or approved by the manufacturer of
15 the electric gun before deployment or issuance of electric guns
16 and related equipment.

17 For purposes of this subsection, "agent" and
18 "representative" includes but is not limited to persons
19 performing services at harbors or harbor areas under contract
20 with the department of transportation.



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1 (b) The department of transportation, in the name of the
2 State, may enforce this chapter and the rules and orders issued
3 pursuant thereto and chapter 200, part I by injunction or other
4 legal process in the courts of the State."

5 SECTION 4. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 5. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 6. This Act shall take effect upon its approval.

11

INTRODUCED BY:



A handwritten signature in black ink, appearing to be 'C. L. ...', is written over a horizontal line.



S.B. NO. 3161

Report Title:

Ocean Recreation; Department of Land and Natural Resources;
Violation; Enforcement; Department of Transportation

Description:

Authorizes the Department of Transportation Harbor Police to enforce laws and rules adopted by the Department of Land and Natural Resources relating to ocean recreation.

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

