
A BILL FOR AN ACT

RELATING TO COMMERCIAL OCEAN RECREATION.

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

1 SECTION 1. The legislature finds that many tourists who
2 visit the State participate in watersports, such as snorkeling,
3 scuba diving, kayaking, and surfing. There are companies that
4 conduct commercial operations that take customers on excursions
5 in state waters for the purpose of engaging in recreational
6 activities. These commercial operations are required to obtain
7 a permit from the department of land and natural resources
8 division of boating and ocean recreation. However, the
9 provisions for obtaining those permits do not include safety
10 requirements, which leads to potential consumer safety issues.

11 The legislature further finds that the number of visitors
12 coming to Hawaii continues to grow and locations for commercial
13 ocean recreation are more heavily used with each passing year.
14 This situation has led to an increase in safety-related
15 incidents over time, including a fatal boating accident off the
16 coast of Kailua-Kona in April 2022. More stringent crew
17 training requirements would both increase safety and ensure that



1 companies engaging in commercial tours meet minimum requirements
2 before charging customers.

3 The legislature also finds that House Concurrent Resolution
4 No. 86, H.D. 1, S.D. 1, adopted in 2015, requested the
5 department of land and natural resources to engage stakeholders
6 to consider adopting permitting provisions requiring employees
7 of companies who take customers on watersport excursions to be
8 trained in basic water safety measures. However, the
9 legislature finds that the department of land and natural
10 resources has not taken action in response to the provisions of
11 the concurrent resolution.

12 The purpose of this Act is to increase customer safety by
13 requiring:

14 (1) Commercial ocean operators who take customers into
15 state waters to engage in recreational activities,
16 such as snorkeling, scuba diving, kayaking, and
17 surfing lessons, to have at least one individual
18 aboard the vessel who is certified as a rescue diver
19 or lifeguard by a nationally recognized certification
20 organization; and



1 (2) Each vessel that transports customers for the purpose
2 of engaging in an activity in state waters to have a
3 backboard, emergency oxygen, and an automated external
4 defibrillator included in its onboard safety
5 equipment.

6 SECTION 2. Chapter 200, Hawaii Revised Statutes, is
7 amended by adding a new section to part II to be appropriately
8 designated and to read as follows:

9 "§200- Commercial ocean operator; crew and safety
10 requirements. (a) Each commercial ocean operator who
11 transports customers aboard a vessel into waters of the State to
12 engage in recreational activities, including snorkeling, scuba
13 diving, kayaking, and surfing, shall have aboard the vessel used
14 to transport the customers at least one individual who is
15 certified as a rescue diver or lifeguard by a nationally
16 recognized certification organization; provided that this
17 subsection shall not apply to vessels inspected by the United
18 States Coast Guard.

19 (b) Each vessel used by a commercial ocean operator to
20 transport customers for the purpose of engaging in any activity
21 in waters of the State shall have a backboard, emergency oxygen,



1 and an automated external defibrillator included in its onboard
2 safety equipment."

3 SECTION 3. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 4. New statutory material is underscored.

7 SECTION 5. This Act shall take effect on June 30, 3000.

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Report Title:

Boating Law; Commercial Ocean Operators; Vessels; Safety

Description:

Requires commercial ocean operators who take customers into state waters to engage in recreational activities to have at least one individual aboard the vessel who is rescue diver or lifeguard certified by a nationally recognized certification organization, with certain exceptions. Requires vessels that transport customers for the purpose of engaging in an activity in state waters to have a backboard, emergency oxygen, and an automated external defibrillator included in its onboard safety equipment. Effective 6/30/3000. (HD1)

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