

JAN 25 2023

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# 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 recreation  
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 has led to an increase in safety-related incidents over  
15 time, including a fatal boating accident off the coast of  
16 Kailua-Kona in April of 2022. More stringent crew training  
17 requirements would both increase safety and ensure that



1 companies engaging in commercial tours have to meet some minimum  
2 requirements 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 such  
16 as snorkeling, scuba diving, kayaking, and surfing  
17 lessons, to have at least one individual aboard the  
18 vessel who is certified as a rescue diver or lifeguard  
19 by a nationally recognized certification organization;  
20 and



1           (2) Each vessel that transports customers for the purpose  
2           of engaging in an activity in state waters 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 state waters to engage  
12          in recreational activities, including snorkeling, scuba diving,  
13          kayaking, and surfing, shall have aboard the vessel used to  
14          transport the customers at least one individual who is certified  
15          as a rescue diver or lifeguard by a nationally recognized  
16          certification organization; provided that this subsection shall  
17          not apply to vessels having a valid vessel safety check issued  
18          by the United States Coast Guard Auxiliary and that have at  
19          least one individual aboard the vessel who is lifeguard  
20          certified in cardio pulmonary resuscitation, use of an automated  
21          external defibrillator, and basic first aid.



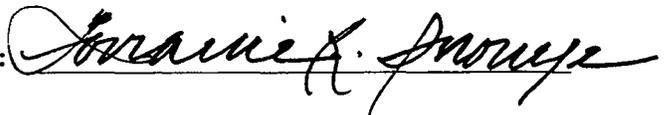
1        (b) Each vessel used by a commercial ocean operator to  
2 transport customers for the purpose of engaging in any activity  
3 in state waters shall have a backboard, emergency oxygen, and an  
4 automated external defibrillator included in its onboard safety  
5 equipment."

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

9        SECTION 4. New statutory material is underscored.

10       SECTION 5. This Act shall take effect on January 1, 2024.

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INTRODUCED BY: 



# S.B. NO. 1263

**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. 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.

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

