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# A BILL FOR AN ACT

RELATING TO BOATING.

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

1           SECTION 1. The legislature finds that small boat harbors  
2 and boating facilities are some of the most heavily used  
3 facilities in the State, for commercial and non-commercial use  
4 and by residents and tourists alike. The division of  
5 conservation and resources enforcement of the department of land  
6 and natural resources is responsible for enforcing all statutes  
7 and administrative rules under the department's jurisdiction but  
8 spends a large part of its time responding to violations in  
9 small boat harbors and boating facilities.

10           The legislature also finds that enforcement efforts at  
11 small boat harbors and boating facilities are necessary to  
12 ensure public health and safety and to prevent vandalism, theft,  
13 trespassing, and squatting. The legislature believes that  
14 stricter penalties are needed to deter violators and repeat  
15 offenders.

16           Accordingly, the purpose of this Act is to clarify  
17 penalties for violations of boating and ocean recreation laws.



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

3 "~~§200-14 Violation of chapter or rules; penalty.~~ (a) Any  
4 person who violates any provision in this chapter, or any rule  
5 adopted by the department, relating to [~~boating accidents,~~  
6 ~~reckless or unauthorized operation of a vessel, unauthorized~~  
7 ~~mooring of a vessel, unauthorized commercial activity,~~  
8 ~~unauthorized camping within state small boat harbors or boating~~  
9 ~~facilities, animal abandonment within state small boat harbors~~  
10 ~~or boating facilities, or creation of animal colonies within~~  
11 ~~state small boat harbors or boating facilities shall be guilty~~  
12 ~~of a petty misdemeanor and shall be fined not more than \$1,000.]~~  
13 the following shall be guilty of a petty misdemeanor and shall  
14 be fined no more than \$1,000, imprisoned for no more than thirty  
15 days, or both:

- 16 (1) Boating accidents and boating accident reporting  
17 requirements;  
18 (2) Diver's flag display requirements;  
19 (3) Thrill craft or vessel speed restrictions;  
20 (4) Personal flotation device requirements;



- 1        (5) Reckless or careless operation of a thrill craft or  
2        vessel;
- 3        (6) Operating a thrill craft or vessel without valid  
4        mandatory safety education;
- 5        (7) Operating a thrill craft or vessel without insurance  
6        coverage required by section 200-13.5;
- 7        (8) Unauthorized mooring, anchoring, or storage of a  
8        thrill craft or vessel;
- 9        (9) Unauthorized operation or control of a thrill craft or  
10       vessel;
- 11       (10) Unauthorized commercial activity within state small  
12       boat harbors, boating facilities, or waters of the  
13       State;
- 14       (11) Unauthorized camping within state small boat harbors  
15       or boating facilities;
- 16       (12) Unauthorized access to restricted areas within state  
17       small boat harbors or boating facilities;
- 18       (13) Serving, sale, consumption, or possession of  
19       intoxicating liquor within state small boat harbors or  
20       boating facilities, except where permitted by law or  
21       rule;



- 1        (14) Operating a thrill craft or vessel under the influence
- 2            of an intoxicant, as defined in section 291E-1;
- 3        (15) Falsifying a permit, vessel title, or vessel
- 4            registration issued under this chapter, chapter 200A,
- 5            or any rules adopted thereunder, with intent to avoid
- 6            compliance, or conceal or misrepresent the identity of
- 7            a permittee, vessel, or owner; or
- 8        (16) Animal abandonment within state small boat harbors or
- 9            boating facilities, or creation of animal colonies
- 10           within state small boat harbors or boating facilities.

11           (b) Any person who violates any rule adopted by the  
12 department under this part regulating vehicular parking or  
13 traffic movement shall have committed a traffic infraction as  
14 set forth in chapter 291D, the adjudication of which shall be  
15 subject to the provisions contained in chapter 291D. A person  
16 found to have committed a traffic infraction shall be fined  
17 [~~not~~] no more than:

- 18           (1) \$100 for a first violation;
- 19           (2) \$200 for a second violation; and
- 20           (3) \$500 for a third or subsequent violation.



1 (c) As a condition of probation pursuant to sections 706-  
2 623 and 706-624, or as a condition to the suspension of any  
3 criminal penalties, the environmental court may provide that the  
4 defendant refrain, for a period not to exceed twelve months,  
5 from operating any vessel, including but not limited to any  
6 thrill craft or vessel engaged in parasailing or water sledding,  
7 in specified geographical areas of the waters of the State.

8 (d) For the purposes of subsections (a) (8) through (13),  
9 conduct shall only be considered unauthorized when that conduct  
10 is prohibited or conditioned by:

11 (1) Statute;

12 (2) A rule adopted by the department;

13 (3) A permit, lease, revocable permit, or written  
14 authorization issued by the department; or

15 (4) A posted restriction or written order of the  
16 department that provides reasonable notice of the  
17 prohibited conduct.

18 [~~(d)~~] (e) For the purposes of this section[, "operate",  
19 "parasailing", "thrill craft", "vessel", "water sledding", and  
20 "waters of the State" have the same meaning as those terms are  
21 defined in section 200-23.]:



1 "Operate" has the same meaning as in section 200-23.

2 "Parasailing" has the same meaning as in section 200-23.

3 "Restricted area" means an area within a state small boat  
4 harbor or boating facility that is designated as restricted by  
5 the department by rule or written order, and that is reasonably  
6 identified to the public by signage or physical markings at  
7 points of entry, except when temporary restriction is required  
8 for emergency operations or imminent public safety hazards.

9 "Thrill craft" has the same meaning as in section 200-23.

10 "Vessel" has the same meaning as in section 200-23.

11 "Water sledding" has the same meaning as in section 200-23.

12 "Waters of the State" has the same meaning as in section  
13 200-23."

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

17 SECTION 4. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect on July 1, 3000.



**Report Title:**

Boating and Ocean Recreation; Penalties

**Description:**

Clarifies the penalties for violations of boating and ocean recreation laws pursuant to chapter 200, HRS. Clarifies the violations that constitute unauthorized conduct. Effective 7/1/3000. (HD2)

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

