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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 utilized  
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 as follows:

3 1. By amending subsection (a) to read:

4 "(a) Any person who violates any provision in this  
5 chapter, or any rule adopted by the department, relating to  
6 ~~[boating accidents, reckless or unauthorized operation of a~~  
7 ~~vessel, unauthorized mooring of a vessel, unauthorized~~  
8 ~~commercial activity, unauthorized camping within state small~~  
9 ~~boat harbors or boating facilities, animal abandonment within~~  
10 ~~state small boat harbors or boating facilities, or creation of~~  
11 ~~animal colonies within state small boat harbors or boating~~  
12 ~~facilities shall be guilty of a petty misdemeanor and shall be~~  
13 ~~finned not more than \$1,000.] the following shall be guilty of a~~  
14 ~~petty misdemeanor and shall be fined not more than \$1,000,~~  
15 ~~imprisoned for not more than thirty days, or both:~~

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



- 1        (5) Reckless or careless operation of a vessel or thrill  
2            craft;
- 3        (6) Operating a vessel or thrill craft without valid  
4            mandatory safety education;
- 5        (7) Operating a vessel or thrill craft without insurance  
6            coverage required by section 200-13.5;
- 7        (8) Unauthorized mooring, anchoring, or storage of a  
8            vessel or thrill craft;
- 9        (9) Unauthorized operation or control of a vessel or  
10           thrill craft;
- 11       (10) Unauthorized commercial activity within state small  
12           boat harbors, boating facilities, or state ocean  
13           waters;
- 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 vessel or thrill craft 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  
11       facilities."

12       2. By amending subsection (c) to read:

13       "(c) As a condition of probation pursuant to sections  
14 706-623 and 706-624, or as a condition to the suspension of any  
15 criminal penalties, the environmental court may provide that the  
16 defendant refrain from operating any vessel, including but not  
17 limited to any thrill craft or vessel engaged in parasailing or  
18 water sledding, in specified geographical areas of the waters of  
19 the State[-], for a period not to exceed twelve months."



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

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

6 SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Boating and Ocean Recreation; Penalties

**Description:**

Clarifies the penalties for violations of boating and ocean recreation laws pursuant to chapter 200, HRS. Effective 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.*

