THE SENATE
THIRTY-THIRD LEGISLATURE, 2026
STATE OF HAWAII

S.B. NO. 3032

JAN 23 2026

A BILL FOR AN ACT

RELATING TO BEACHES.

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

SECTION 1. The legislature finds that existing laws under sections 171-58.5 and 205A-44, Hawaii Revised Statutes, prohibit the removal or disturbance of beach sand. However, landowners frequently hire licensed or unlicensed contractors to illegally remove sand from public beaches to fortify their private land.

The legislature further finds that the department of land and natural resources requires clearer authority to hold those persons liable.

Accordingly, the purpose of this Act is to clarify that any person in violation of laws and subject to administrative, civil, or criminal penalties prohibiting the removal of sand from public beaches includes licensed and unlicensed contractors.

SECTION 2. Section 171-6.4, Hawaii Revised Statutes, is amended to read as follows:

"**§171-6.4 General administrative penalties.** (a) Except as otherwise provided by law, the board or its authorized

representative by proper delegation may set, charge, and collect administrative fines or bring legal action to recover administrative fees and costs as documented by receipts or affidavit, including attorneys' fees and costs; or bring legal action to recover administrative fines, fees, and costs, including attorneys' fees and costs, or payment for damages resulting from a violation of this chapter or any rule adopted pursuant to this chapter. The administrative fines shall be as follows:

(1) For a first violation, a fine of not more than $2,500;

(2) For a second violation within five years of a previous violation, a fine of not more than $5,000; and

(3) For a third or subsequent violation within five years of the last violation, a fine of not more than $10,000.

(b) Any criminal action against a person for any violation of this chapter or any rule adopted pursuant to this chapter shall not be deemed to preclude the State from pursuing civil legal action against that person. Any civil legal action against a person to recover administrative fines and costs for any violation of this chapter or any rule adopted pursuant to

this chapter shall not be deemed to preclude the State from pursuing any criminal action against that person. Each day of each violation shall constitute a separate offense.

(c) Noncompliance with administrative enforcement action against a landowner for a land use, as defined in section 183C-2, that violates the law or for a currently unauthorized structure encroaching on public lands, including but not limited to submerged lands or lands within the shoreline, that falls, slides, or comes onto public land, or arises from or benefits an adjoining or abutting private land shall affect title pursuant to section 501-151 and result in a lien attaching to the adjoining or abutting private land.

(d) For the purposes of this section, "person" includes any licensed or unlicensed contractor, as defined in section 444-1."

SECTION 3. Section 171-31.6, Hawaii Revised Statutes, is amended to read as follows:

"**[~~†~~]§171-31.6[~~†~~] Criminal penalties.** (a) Any person found guilty of a violation of this chapter or any rules adopted thereunder shall be guilty of a petty misdemeanor and shall be punished as follows:

(1) For a first offense, by a mandatory fine of not less than $500, or imprisonment of not more than thirty days, or both;

(2) For a second offense within five years of a previous conviction under this section, by a mandatory fine of not less than $1,000, or imprisonment of not more than thirty days, or both; and

(3) For a third or subsequent offense within five years of two prior convictions under this section, by a mandatory fine of not less than $2,000, or imprisonment of not more than thirty days, or both.

(b) Any criminal action against a person for any violation under this section shall not be deemed to preclude the State from pursuing civil legal action to recover administrative fines and costs against the person. Any civil legal action against a person to recover administrative fines and costs for any violation of this chapter or any rules adopted thereunder shall not be deemed to preclude the State from pursuing any criminal action against that person pursuant to this section.

(c) For the purposes of this section, "person" includes any licensed or unlicensed contractor, as defined in section 444-1."

SECTION 4. Section 205A-32, Hawaii Revised Statutes, is amended to read as follows:

"§205A-32 **Penalties.** (a) Any person who violates any provision of part II or part III shall be liable as follows:

(1) For a civil fine not to exceed $100,000; or

(2) For the cost of returning the affected environment or ecology within the coastal management area to the condition existing before the violation.

(b) In addition to any other penalties, any person who is violating any provision of part II or part III shall be liable for a civil fine not to exceed $10,000 a day for each day in which such violation persists.

(c) Any civil fine or other penalty provided under this section may be imposed by the circuit court or may be imposed by the department after an opportunity for a hearing under chapter 91. Imposition of a civil fine shall not be a prerequisite to any civil fine or other injunctive relief ordered by the circuit court.

(d) For the purposes of this section, "person" includes any licensed or unlicensed contractor, as defined in section 444-1."

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

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

INTRODUCED BY: _____

S.B. NO. 3032

Report Title:
Department of Land and Natural Resources; Public Beaches; Sand Removal; Contractors; Penalties

Description:
Clarifies that any person in violation of laws and subject to administrative, civil, or criminal penalties prohibiting the removal of sand from public beaches includes licensed and unlicensed contractors.

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