



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

S.B. NO. 2818, S.D. 1, RELATING TO BOATING.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, March 3, 2026

TIME: 10:15 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Elyse C.N. Oyama,
Deputy Attorney General, at (808) 586-1160)

Chair Rhoads and Members of the Committee:

The Department of the Attorney General supports this bill and offers the following comments.

The purpose of this bill is to clarify the penalties applicable to violations of chapter 200, Hawaii Revised Statutes (HRS), and rules adopted by the Department of Land and Natural Resources relating to boating and ocean recreation, including reckless operation of a vessel, diver's flag display requirements, and operating a vessel under the influence of an intoxicant.

Currently, section 200-14, HRS, applies the petty misdemeanor penalty to violations relating to certain listed subject matters. This structure requires case-by-case determinations as to whether a particular violation falls within one of the listed subject matters, which can complicate enforcement. The bill more clearly and specifically enumerates the violations covered by the penalty provision and expressly states the applicable penalties. By providing clearer guidance regarding the offenses subject to enforcement, the amendments strengthen the effectiveness of enforcement efforts, promote compliance, and support public health and safety within the State's small boat harbors and ocean waters.

We respectfully ask the Committee to pass this bill. Thank you for the opportunity to testify in support of this bill.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA
P.O. BOX 621
HONOLULU, HAWAII 96809

Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson

Before the Senate Committee on
JUDICIARY

Tuesday, March 3, 2026
10:15 AM
State Capitol, Conference Room 016

In consideration of
SENATE BILL 2818, SENATE DRAFT 1
RELATING TO BOATING

Senate Bill 2818, Senate Draft 1 proposes to clarify the penalties for violations of boating and ocean recreation laws pursuant to Chapter 200, Hawai'i Revised Statutes (HRS). **The Department of Land and Natural Resources (Department) strongly supports this measure.**

Following enactment of Act 215, SLH 2024, the Department discovered that some violations of Chapter 200, HRS, pertaining to the Department's Division of Boating and Ocean Recreation, were inadvertently decriminalized. This has hindered the efforts of the Department's Division of Conservation and Resources Enforcement to effectively enforce severe and egregious natural resource and safety violations, such as illegal commercial activity, reckless vessel operation, unauthorized mooring, and consumption of alcohol within State boating facilities.

The Department has worked with the Department of the Attorney General to clarify the types of violations in Chapter 200, HRS, that would be subject to criminal penalties. The remaining violations would be subject to non-criminal administrative penalties.

Mahalo for the opportunity to provide testimony on this measure.

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

SB-2818-SD-1

Submitted on: 2/26/2026 11:24:31 AM

Testimony for JDC on 3/3/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Alika Ferreira	Testifying for Hawaii Efoil Alliance	Oppose	Written Testimony Only

Comments:

Hawaii Efoil Alliance (HEA) opposes SB2818.

HEA represents over 200 individuals who enjoy the ocean waters of Hawaii with privately owned and commercially operated electric hydrofoil boards. We find that SB2818 is broad in its language, making small boating incidents and minor administrative errors punishable offenses. If this bill becomes law, our operators involved in unintended incidents could face petty misdemeanor charges. The language of this bill needs to be much more precise to punish negligence and reckless behavior rather than misfortune and simple mistakes.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**HEARING BEFORE THE SENATE COMMITTEE ON JUDICIARY
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 016
TUESDAY, MARCH 3, 2026 AT 10:15 A.M.**

To The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
Members of the Committee on Judiciary

OPPOSE SB2818 SD1 RELATING TO BOATING

The Maui Chamber of Commerce represents a diverse membership of businesses across Maui County, including ocean recreation operators, small businesses, visitor industry stakeholders, and local entrepreneurs whose livelihoods are directly connected to our coastal waters.

We support reasonable, modern boating safety standards and appropriate enforcement. Safe and responsible ocean use is essential to protecting both our community and our economy. However, we must respectfully oppose S.B. 2818 as currently drafted.

While it seems the intent of SB2818 is to clarify penalties, this measure significantly expands criminal penalties under HRS Chapter 200 in a manner that is overly broad and vague. S.B. 2818 also substantially increases the scope of criminal liability by elevating a wide range of infractions to petty misdemeanors, many of which are technical, situational, or administrative in nature. This approach risks criminalizing ordinary ocean users and small business operators for violations that may be minor or ambiguous.

From a business climate perspective, expanding criminal penalties in this manner creates uncertainty, increases liability exposure, and may discourage responsible operators from continuing or expanding their services. For small business owners and employees, even a petty misdemeanor charge can have significant long-term economic consequences, including impacts to licensing, insurance, and employment.

Hawai'i's ocean recreation sector is an important contributor to Maui County's economy and provides jobs for local families. Policies that create unnecessary criminal exposure threaten an already fragile business environment, particularly as Maui continues economic recovery.

For these reasons, we oppose this bill and ask that you defer SB2818.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.