



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

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**ON THE FOLLOWING MEASURE:**  
S.B. NO. 2818, S.D. 2, RELATING TO BOATING.

**BEFORE THE:**  
HOUSE COMMITTEE ON WATER & LAND

**DATE:** Tuesday, March 24, 2026                      **TIME:** 9:00 a.m.

**LOCATION:** State Capitol, Room 411

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Elyse C.N. Oyama, Deputy Attorney General

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Chair Hashem 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 House Committee on  
WATER AND LAND

Tuesday, March 24, 2026  
9:00 AM  
State Capitol, Conference Room 411

In consideration of  
SENATE BILL 2818, SENATE DRAFT 2  
RELATING TO BOATING

Senate Bill 2818, Senate Draft 2 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



# MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

HEARING BEFORE THE HOUSE COMMITTEE ON WATER & LAND  
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 411  
TUESDAY, MARCH 24, 2026 AT 9:00 A.M.

To The Honorable Representative Mark J. Hashem, Chair  
The Honorable Representative Dee Morikawa, Vice Chair  
Members of the Committee on Water & Land

### 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 SB2818 SD2 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. SB2818 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 SD2.

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.



Rep. Mark J. Hashem, Chair  
Rep. Dee Morikawa, Vice Chair

**Date: Tuesday, March 24<sup>th</sup> @8:30 am**  
**Testimony in Opposition of S.B.2818, S.D. 2**

Aloha Chair, Vice Chair and committee members,

My name is Antoinette Davis, and I have had the honor of serving as Executive Director of the Activities and Attractions Association of Hawai'i (A3H), a nonprofit 501(c)(6) trade organization, since 1997.

The Activities & Attractions Association of Hawaii, Inc. respectfully opposes **S.B. 2818, S.D. 2**, as currently drafted.

The Activities & Attractions Association of Hawaii, Inc. represents businesses across Hawai'i's activities, attractions, tours, and visitor experience sector, including operators whose livelihoods are directly connected to safe, lawful, and well-regulated use of our coastal waters and boating facilities. We support reasonable, modern boating safety standards and appropriate enforcement. Safe and responsible ocean recreation is essential to protecting our employees, guests, communities, and economy.

However, while S.B. 2818 is presented as a clarification of penalties, it significantly expands criminal liability under chapter 200, HRS, in an overly broad and potentially punitive manner for responsible operators. The measure elevates a wide range of violations to petty misdemeanors, including matters that may be technical, administrative, situational, or subject to differing interpretations in the field.

This is especially concerning for Hawai'i's activities and attractions sector. Many operators work in dynamic harbor and ocean environments where conditions can change quickly and where compliance questions may arise from administrative issues rather than intentional misconduct. Criminalizing such issues creates unnecessary exposure for businesses and employees who are trying in good faith to comply with the law.

From a business climate perspective, expanding petty misdemeanor liability in this way increases uncertainty, raises liability and insurance concerns, and may discourage responsible businesses from continuing or expanding operations. For small business owners and employees, even a petty misdemeanor charge can have lasting consequences for licensing, insurance, employment, and contracting opportunities.

We are also concerned that the bill's treatment of "unauthorized" conduct remains broad, even with additional language describing when conduct is considered unauthorized. In practice, this framework could still sweep in conduct tied to technical permit issues,



disputed conditions, or administrative misunderstandings that are better addressed through civil or administrative enforcement rather than criminal penalties.

In addition, the bill authorizes courts to prohibit vessel operations in specified waters for up to twelve months as a condition of probation or suspension of criminal penalties. For lawful operators whose businesses depend on access to designated operating areas, that consequence could be severe and disproportionate, affecting not only business owners but also local employees and families who rely on this sector for their livelihoods.

Hawai'i's activities and attractions industry is an important contributor to the state's economy and visitor experience. We support strong enforcement against clearly dangerous, reckless, and intentional misconduct. But S.B. 2818 goes too far by broadly expanding criminal penalties, potentially capturing minor, technical, or ambiguous violations.

For these reasons, the Activities & Attractions Association of Hawaii, Inc. respectfully opposes **S.B. 2818**, **S.D. 2**, and asks that this measure be deferred.

The concerns in this draft are based on the bill's listed petty-misdemeanor categories, penalty language, unauthorized-conduct provisions, and operating restrictions.

Mahalo for your time, consideration, and the opportunity to testify.

Toni

Toni Marie Davis  
Executive Director  
Activities & Attractions Association of Hawaii, Inc.  
*Statewide 501 (c) (6) not-for-profit Trade Association*  
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