

ACT 132

H.B. NO. 2328-80

A Bill for an Act Relating to Harbors.

Be It Enacted by the Legislature of the State of Hawaii.

SECTION 1. Section 266-21.1, Hawaii Revised Statutes, is amended to read:

“Sec. 266-21.1 Permits and fees for state small boat harbors. (a) No person shall moor a vessel in a state small boat harbor without:

- (1) First obtaining a use permit from the department of transportation; and
- (2) Being the owner of the vessel.

(b) In order to obtain a permit or a permit renewal, the owner of a vessel shall provide, at his own expense:

- (1) A marine surveyor’s inspection no more than two years old, certifying that the surveyor has inspected the vessel and considers it to fulfill the requirements set by the department of transportation; and
- (2) Documentation that he or she is the owner of the vessel. The documentation shall meet requirements established by the department of transportation.

(c) The permittee shall pay moorage fees to the department for the use permit which shall be based on, but not limited to, the use of the vessel, its effect on the harbor, and use of facilities; and, furthermore:

- (1) Moorage fees shall be established by the department and shall be higher for non-residents.
- (2) An application fee shall be collected when applying for moorage in state small boat harbors and shall thereafter be collected annually when the application is renewed. It shall be:
 - (i) Set by the department; and
 - (ii) Not less than \$100 for non-residents.
- (3) If a recreational vessel is used as a place of principal habitation, the permittee shall pay, in addition to the moorage fee, a liveaboard fee which will be:
 - (i) Not less than two times the moorage fee if the permittee is a state resident; and

ACT 132

(ii) Not less than three times the moorage fee if the permittee is a non-resident.

(4) If a vessel is used for commercial purposes from its permitted mooring, the permittee shall pay in lieu of the moorage and liveaboard fees, a fee based on a percentage of the gross revenues derived from the vessel.

(d) After June 30, 1980, the department of transportation shall not renew or issue a permit to a person who is not the owner or lessee of the vessel which is moored or which the person desires to moor in a state small boat harbor.

For the purposes of this section, "owner" includes a legal owner of a vessel where there is no security interest held by anyone on the vessel, a buyer under a purchase money security interest, a debtor under any security interest, or a lessee of a vessel. A "legal owner" includes a person who holds unencumbered title to a vessel or is a secured party under a security interest in the vessel.

(e) The department may provide moorage space within state small boat harbors to accommodate visitors on cruising vessels.

(f) All revenues from the foregoing operations shall be deposited in the boating special fund.

(g) The department shall adopt rules pursuant to chapter 91 to further implement this section and other sections pertaining to state small boat harbors."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 27, 1980.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.