

ACT 247

S.B. NO. 456

A Bill for an Act Relating to Thrill Craft.

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

SECTION 1. Chapter 267, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§267- Operation of thrill craft. (a) No person shall operate a thrill craft unless the person is fifteen years of age or older.

(b) The department shall adopt rules to designate areas where thrill craft may be operated.

(c) From July 1, 1988, no person shall operate a thrill craft in the waters of the State, except:

- (1) In areas designated by the department; and
- (2) Through areas designated by the department to serve as avenues for the ingress and egress of thrill crafts between the areas designated under paragraph (1) and the shore.”

SECTION 2. Section 267-3, Hawaii Revised Statutes, is amended to read as follows:

“§267-3 Definitions. In this chapter, if not inconsistent with the context:

[(1)] “Boat dealer” means a person engaged wholly or partly in the business of selling or offering for sale, buying or taking in vessels for the purpose of resale, or exchanging vessels, for gain or compensation.

[(2)] “Boat livery” means the business of holding out vessels for rent, lease, or charter.

[(3)] “Boat manufacturer” means a person engaged in:

[(A)] (1) The manufacture, construction, or assembly of boats or associated equipment; or

[(B)] (2) The manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly; or

[(C)] (3) The importation into the United States for sale of boats, associated equipment, or components thereof.

[(4)] “Boating accident” means any occurrence involving a vessel or its equipment that results in:

[(A)] (1) The death of a person;

- [(B)] (2) The loss of consciousness by any person, the receipt of medical treatment by any person, or the incapacity of any person for more than twenty-four hours;
- [(C)] (3) Damage to the vessel and other property totalling more than \$100; \$200; or
- [(D)] (4) The disappearance of a person from the vessel under circumstances that indicate death or injury.
- [(5)] "Certificate" means certificate of number.
- [(6)] "Coast guard" means the Coast Guard of the United States, or its successor agency.
- [(7)] "Department" means the department of transportation.
- [(8)] "Director" means the director of transportation.
- [(9)] "Federal laws and requirements" means all statutes, rules, and regulations, and other laws of the United States, which may be applicable to any and all subject matters of this chapter, and of the rules and regulations adopted and promulgated pursuant to this chapter.
- [(10)] "Length" means the measurement of a vessel from end to end over the deck.
- [(11)] "Operate" means to navigate or otherwise use a vessel on or in the waters of the State.
- [(12)] "Operator" means a person who operates or who has charge of the navigation or use of a vessel.
- [(13)] "Person" means an individual, partnership, firm, corporation, association, or other legal entity.
- [(14)] "State" means the State of Hawaii.
- "Thrill craft" means any motorized vessel which is generally less than thirteen feet in length as manufactured, is capable of exceeding a speed of twenty miles per hour, and has the capacity to carry not more than the operator and one other person while in operation. The term includes but is not limited to a jet ski, wet bike, surf jet, miniature speed boat, and hovercraft.
- [(15)] "Undocumented vessel" means any vessel which does not have and is not required to have a valid marine document as a vessel of the United States.
- [(16)] "Vessel" means all description of watercraft, used or capable of being used as a means of transportation on or in the water, except a seaplane.
- [(17)] "Waters of the State" means any waters within the jurisdiction of the State, the marginal seas adjacent to the State, and the high seas when navigated as a part of a journey or ride to or from the shores of the State."

SECTION 3. Section 267-4, Hawaii Revised Statutes, is amended to read as follows:

"§267-4 Rules [and regulations]. The department of transportation shall from time to time make, alter, amend, and repeal rules [and regulations] not inconsistent with the law as may be reasonably necessary to implement the policy and purpose of this chapter, and in such adoption and promulgation the department may classify vessels into appropriate categories and classes.

Without limiting the generality of the department's power to adopt and promulgate other rules [and regulations] pursuant to this section, it shall adopt and promulgate rules [and regulations] with respect to the following:

- (1) The registration and numbering of vessels;
- (2) The operation, use, and equipment of vessels on or in the waters of the State; [and]

- (3) The conduct of persons involved in boating accidents and in the reporting of the accidents and other casualties and losses to the department[.]; and
- (4) The designation of areas of the waters of the State on which thrill crafts may be operated.

Rules [and regulations] made pursuant to the powers granted under this section shall be adopted and promulgated pursuant to chapter 91 and shall, upon being duly adopted and promulgated, have the force and effect of law.”

SECTION 3.¹ Statutory material to be repealed is bracketed. New statutory material is underscored.²

SECTION 4.¹ This Act shall take effect upon its approval.

(Approved June 24, 1987.)

Notes

- 1. So in original.
- 2. Edited pursuant to HRS §23G-16.5.