

ACT 268

S.B. NO. 1265

A Bill for an Act Relating to Aquatic Recreation.

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

SECTION 1. Section 267-3, Hawaii Revised Statutes, is amended by adding a new definition of “parasailing” to be appropriately inserted and to read as follows:

“ “Parasailing” means the activity in which an individual is transported or carried aloft by a parachute, sail, or other material attached to a towline which is towed by a vessel.”

SECTION 2. Section 267-4, Hawaii Revised Statutes, is amended to read as follows:

“§267-4 Rules. The department of transportation shall from time to time make, alter, amend, and repeal rules 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 pursuant to this section, it shall adopt [and promulgate] rules 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;
- (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[.], and waters on or above which persons may engage in parasailing.

Rules 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. Section 267-16, Hawaii Revised Statutes, is amended to read as follows:

“[§267-16] Operation of thrill craft[.]; parasailing. (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[.] and parasailing may be engaged in.

(c) From [July] October 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.

(d) From October 1, 1988, no person shall:

- (1) Engage in parasailing; or
- (2) Operate a motorized vessel towing a person engaged in parasailing; on or above the waters of the State, except on or above areas designated by the department.

(e) From the effective date of this Act until September 30, 1988, the department shall not issue an original certificate of number under title 19, subtitle 3, chapter 72, Hawaii Administrative Rules, for any thrill craft for commercial use or vessel used for parasailing activity.

The prohibition of this subsection shall not apply to (1) the issuance of a certificate of number for a new thrill craft or vessel used as a direct replacement for thrill craft engaged in commercial use or a vessel engaged in parasailing, or (2) the renewal, by the owner, of a certificate of number issued for a thrill craft used for commercial purposes or a vessel engaged in parasailing activities prior to the effective date of this Act.

This subsection shall be repealed and shall have no force or effect after September 30, 1988.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 13, 1988.)