

A Bill for an Act Relating to Ocean Waters and Navigable Streams.

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

SECTION 1. Section 266-16, Hawaii Revised Statutes, is amended to read as follows:

“§266-16 Limitation of private use of ocean waters and navigable streams.

(a) No person shall erect or place any structure or similar object, or sink any type of watercraft or other sizeable object, or abandon any type of watercraft or other sizeable object, either sunk or unsunk, on or within the ocean waters or navigable streams of the State without a written permit from the department of transportation. The department may require any person violating this section to remove any structure, similar object, watercraft, or other sizeable object, within the meaning of this section, on or within the ocean waters or navigable streams of the State. If any person fails to remove same within a time limit set by the department, it may effect such removal and charge the person with the cost thereof. The department may enforce compliance with this section by the use of any appropriate remedy.

(b) No person shall anchor, moor, or otherwise place any vessel, houseboat, or other contrivance on or within the ocean waters or navigable streams of the State outside any state harbor without a permit from the department. This section shall not apply to vessels owned by the United States, vessels engaged in interstate or foreign commerce, or pleasure craft or fishing vessels temporarily anchored for a period of less than seventy-two hours. The department may require any person violating this section to remove any vessel, houseboat, or other contrivance from the ocean waters or navigable streams of the State outside a state harbor. If any person fails to remove a vessel, houseboat or other contrivance within the time limit set by the department, the department may effect such removal and charge the person with the cost thereof. The department may enforce compliance with this section by the use of any appropriate remedy, including injunction or other equitable or legal process in the courts of the State. For the purpose of this section:

“Houseboat” means any vessel which is fitted for use as a permanent or temporary place of habitation, and is either stationary or to be moved by oars, sweeps, or towing.

“Vessel” means every description of watercraft used or capable of being used as a means of transportation on water, including but not limited to power boats, ships, tugs, sailing vessels, barges, scows, lighters, ferry boats, pleasure craft, floating equipment, floating gear, dry docks and any and all other watercraft.

“Contrivance” means any man-made object or artificial arrangement not used or intended to be used for transportation which may be floated upon or suspended within the water.

(c) The director may, in order to promote the health, safety, and welfare of the public on or within the ocean waters and navigable streams of the State outside any state harbor, adopt rules regulating the anchoring and mooring of vessels, houseboats, and other contrivances including:

- (1) the designation of offshore mooring areas;
- (2) the licensing and registration of vessels, houseboats, and other contrivances; and the issuance of permits for offshore anchoring and mooring of vessels, houseboats, and other contrivances;
- (3) the living aboard on such vessels, houseboats, or other contrivances while they are anchored or moored within ocean waters or navigable streams of the State; and

- (4) any other matter relating to the health, safety, and welfare of the general public.

The rules shall provide for consideration of environmental impacts on the State's aquatic resources in the issuance of any permits for offshore mooring.

(d) The permittee shall pay fees to the department for the offshore mooring permit issued by the department. The fees shall be based on, but not limited to, the use of the vessel, its effect on the waters and aquatic resources of the State, and the administrative expenses incurred by the department and other state agencies in administering offshore mooring. All revenues collected under this section shall be deposited in the boating special fund."

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect on January 1, 1989.

(Approved June 15, 1988.)