

ACT 54

S.B. NO. 42

A Bill for an Act Relating to Watercraft.

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

SECTION 1. The legislature finds that the requirements for minimum safety equipment for vessels traversing Hawaii's waters need to be updated to take into account the natural hazards of Hawaii's unique geographical isolation, the dominant trade winds that average fifteen to twenty knots, and four- to eight-foot seas that exist during most of the year. These unique natural hazards are compounded by:

- (1) The tremendous technological advances in boat building;
- (2) The availability of more reliable and efficient diesel as well as gasoline engines; and
- (3) The affordability of high-tech navigation, fishing, and safety equipment.

These technological advances now allow recreational as well as commercial vessels to operate at greater distances from shore, thereby increasing the risk for at-sea rescues.

Modern technology can also mitigate risks by providing a quick means for boaters in distress to contact other boaters or persons on shore and to alert the United States Coast Guard search and rescue forces.

The purpose of this Act is to require state-registered vessels and manual or sail propelled vessels to carry on-board, a properly functioning:

- (1) VHF-FM radio capable of communicating with the United States Coast Guard communication station, rescue aircraft, and vessels; or
- (2) Emergency position indicating radio beacon.

The beneficiaries of this Act include boaters, the general public in terms of less costly ocean search and rescue operations, as well as rescue personnel by making their jobs easier and safer.

SECTION 2. Chapter 200, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

“**§200- Emergency communication devices.** (a) It shall be unlawful to operate in the waters of the State beyond one mile of shore, any:

- (1) Vessel required to be registered by the State or documented by the United States Coast Guard; or
- (2) Manual or sail-propelled vessel not required to be registered by the State or documented by the United States Coast Guard,

unless the vessel is equipped with a properly functioning fixed mount or handheld marine VHF-FM radio (156-162 MHz band) or emergency position indicating radio beacon.

Canoes, thrill craft, surfboards, and paddleboards shall be exempt from this section. Kayaks and training sailboats shall be exempt from this section when accompanied by at least one vessel that complies with this section.

(b) Notwithstanding the provisions of section 200-25, any person who violates this section shall be fined not more than \$100 for each separate offense. Each day of each violation constitutes a separate offense. Any action taken to impose or collect the fine provided by this section shall be considered a civil action.

(c) As used in this section, an “emergency position indicating radio beacon” is an electronic device that, when activated, transmits a distress call on a designated emergency frequency to a radio or satellite receiver and is used by rescue personnel to locate the position of the signal. Emergency position indicating radio beacons shall be approved by the Federal Communications Commission and COSPAS-SARSAT, an international search and rescue organization. The 406 MHz class of emergency position indicating radio beacons shall be registered with the National Oceanic and Atmospheric Administration. The applicable United States Coast Guard regulations relating to emergency position indicating radio beacons shall prevail for commercial vessels.”

SECTION 3. New statutory material is underscored.<sup>1</sup>

SECTION 4. This Act shall take effect on January 1, 2004.

(Approved May 13, 2003.)

**Note**

1. Edited pursuant to HRS §23G-16.5.