

ACT 126

S.B. NO. 1891

A Bill for an Act Relating to Boating.

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

SECTION 1. Section 200-10, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

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

- (1) Moorage fees shall be established by the department and shall be higher for nonresidents;
- (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. The application fee shall be:
 - (A) Set by the department; and
 - (B) Not less than \$100 for nonresidents;

- (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] that shall be[:]~~ calculated at a rate of:
- (A) \$5.20 a foot of vessel length a month if the permittee is a state resident; and
 - (B) \$7.80 a foot of vessel length a month if the permittee is a nonresident;
- provided that the liveaboard fees established by this ~~[subsection]~~ paragraph may be increased by the department at the rate of the annual cost-of-living index, but not more than five per cent in any one year, beginning January 1 of each year; and
- (4) If a vessel is used for commercial purposes from its permitted mooring, the permittee shall pay, in lieu of the moorage and liveaboard fee, a fee based on ~~[a percentage]~~ three per cent of the gross revenues derived from the use of the vessel [which shall be not less than] or two times the moorage fee assessed for a recreational vessel of the same size[-], whichever is greater.

SECTION 2. Section 200-34, Hawaii Revised Statutes, is amended to read as follows:

“[E]§200-34[] Disposition of revenues. All fees and penalties collected pursuant to [section] sections 200-10, 200-14, 200-14.5, 200-25, and 200-32, and all fees and penalties established by rules adopted pursuant to sections 200-4 and 200-24, shall be deposited in the boating special fund.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2005.

(Approved June 16, 2005.)