

---

---

# A BILL FOR AN ACT

RELATING TO MARINE EVENTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature recognizes that marine events  
2 often require more than one year of advance planning in light of  
3 the many responsibilities involved. For example, if ocean  
4 access during an event will be from private property, the permit  
5 applicant must provide proof of permission from the landowner  
6 before a permit may be issued. Event organizers experience  
7 hardships when the department of land and natural resources is  
8 unable to approve or deny permit applications well in advance of  
9 proposed events. The legislature finds that many individuals  
10 have expressed interest in applying to the department of land  
11 and natural resources for marine event permits up to one year in  
12 advance of an event.

13           The legislature is also aware of the immense popularity of  
14 regattas, marine parades, surfing contests, and other marine  
15 events in the State. During these events, ocean conditions can  
16 be extremely hazardous to both participants and spectators.  
17 Furthermore, spectators may use vessels, thrill craft, drones,



1 and other means to observe and capture photos and videos of  
2 these events, which may interfere with the event, infringe upon  
3 an event organizer's exclusive use of areas designated for use  
4 during the event, and put event participants at risk of serious  
5 injury or death. These issues arose during recent surf  
6 contests, such as the Peahi Challenge and the Quiksilver in  
7 Memory of Eddie Aikau.

8 Accordingly, the purpose of this Act is to:

- 9 (1) Prohibit the holding of a marine event without a  
10 permit from the department of land and natural  
11 resources or prior authorization from the United  
12 States Coast Guard;
- 13 (2) Allow individuals to apply for marine event permits up  
14 to one year in advance of the date of a proposed  
15 marine event; and
- 16 (3) Authorize the department of land and natural resources  
17 to adopt rules to mitigate the hazards posed by  
18 vessels, thrill craft, drones, and other means used by  
19 spectators to observe or record regattas, marine  
20 parades, surfing contests, and other marine events in  
21 the waters of the State.



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

4 "§200- Marine events; permits; exclusive use;  
5 cancellation fee. (a) No person shall hold a marine event,  
6 including but not limited to a regatta, marine parade, or  
7 surfing contest, without written authorization from the  
8 department; provided that the department's written authorization  
9 is not required if prior authorization has been secured from the  
10 Coast Guard.

11 (b) Authorization shall be in the form of a permit. All  
12 permits and permit applications shall be subject to the  
13 following:

14 (1) Permit applications shall be on a form prescribed by  
15 the department;

16 (2) Permit applications may be submitted to the department  
17 up to one year in advance of the date of a proposed  
18 event;

19 (3) The applicant shall submit the completed application,  
20 proof of valid insurance, and proof of approval from  
21 the land owner;



- 1       (4) The department shall use its best efforts to grant or  
2       deny a permit within thirty days of receiving a permit  
3       application;
- 4       (5) The department shall charge a fee for issuance of  
5       marine use permits under this section and collect an  
6       additional \$250 nonrefundable deposit, which shall be  
7       retained by the department if the permit is canceled  
8       within sixty days of the scheduled date of the marine  
9       event;
- 10       (6) The department may issue an exclusive marine use  
11       permit to an applicant to confer upon the applicant  
12       the use of state waters and other areas under the  
13       jurisdiction of the State that have been specifically  
14       designated for use during the marine event, to the  
15       exclusion of all others who are not the applicant or  
16       event participants; provided that the department shall  
17       charge an exclusive marine use permit fee for the  
18       permit, which shall be higher than the permit fee  
19       charged pursuant to paragraph (5); and
- 20       (7) Any applicant who has been granted a permit under this  
21       section and wants to cancel the permit shall request a



1 cancellation from the department in writing. If an  
2 applicant who has been granted a permit under this  
3 section submits a cancellation request to the  
4 department less than ninety calendar days before the  
5 scheduled date of the marine event, the department may  
6 assess a cancellation fee.

7 The marine use permit fee, exclusive marine use permit fee,  
8 and cancellation fee amounts to be charged by the department  
9 pursuant to this subsection shall be determined by the  
10 department.

11 (c) The department may adopt rules, pursuant to chapter  
12 91, necessary to effectuate this section.

13 (d) As used in this section, "marine event" means an  
14 organized water event of limited duration that is conducted  
15 according to a prearranged schedule, and by its nature,  
16 circumstances, or location, will introduce extra or unusual  
17 hazards to the safety of persons or property in the waters of  
18 the State.

19 §200- **Event spectators; hazards; mitigation.** The  
20 department may adopt rules, pursuant to chapter 91, to mitigate  
21 the hazards posed by vessels, thrill craft, drones, and other



1 means used by spectators to observe or record regattas, marine  
2 parades, surfing contests, and other marine events held in the  
3 waters of the State."

4 SECTION 3. The department of land and natural resources  
5 shall submit a report of its progress in implementing the  
6 permitting process and adopting rules pursuant to section 2 of  
7 this Act, including any proposed legislation, to the legislature  
8 no later than twenty days prior to the convening of the regular  
9 session of 2019.

10 SECTION 4. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on July 1, 2100.



**Report Title:**

DLNR; Ocean Safety; Marine Events; Permits; Event Spectators;  
Rules

**Description:**

Requires the Department of Land and Natural Resources to allow applications for marine event permits up to 1 year in advance and authorizes the Department to adopt rules to mitigate hazards posed by vessels, thrill craft, drones, and other means used by spectators to observe or record marine events. Requires a report to the 2019 Legislature. Takes effect on 07/01/2100.  
(SD3)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

