
A BILL FOR AN ACT

RELATING TO COMMERCIAL ACTIVITIES ON OCEAN WATERS.

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

1 SECTION 1. The purpose of this Act is to authorize the
2 department of land and natural resources to regulate those
3 commercial enterprises that operate out of private marinas.

4 It is not the intent of this Act to provide for additional
5 regulation of existing regulated commercial enterprises but to
6 address only currently unregulated activities.

7 SECTION 2. Section 200-3, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "~~+~~§200-3~~+~~ **Ocean recreation and coastal areas programs.**

10 The board shall assume the following functions of the department
11 of transportation:

12 (1) Managing and administering the ocean-based recreation
13 and coastal areas programs of the State;

14 (2) Planning, developing, operating, administering, and
15 maintaining small boat harbors, launching ramps, and
16 other boating facilities and associated aids to
17 navigation throughout the ~~[State,]~~ state;



- 1 (3) Developing and administering an ocean recreation
2 management plan;
- 3 (4) Administering and operating a vessel registration
4 system for the State;
- 5 (5) Regulating the [~~commercial~~] commercially permitted use
6 of both governmental and private boating facilities;
7 provided that no new permit shall be required for, or
8 new regulation shall apply to, activities permitted or
9 regulated under any other chapter;
- 10 (6) Regulating boat regattas and other ocean water events;
- 11 (7) Administering a marine casualty and investigation
12 program;
- 13 (8) Assisting in abating air, water, and noise pollution;
- 14 (9) Conducting public education in boating safety;
- 15 (10) Administering the boating special fund;
- 16 (11) Assisting in controlling shoreline erosion;
- 17 (12) Repairing seawalls and other existing coastal
18 protective structures under the jurisdiction of the
19 State; and
- 20 (13) Removing nonnatural obstructions and public safety
21 hazards from the shoreline, navigable streams,



1 harbors, channels, and coastal areas of the [~~State~~]
2 state."

3 SECTION 3. Section 200-4, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) The chairperson may adopt rules necessary:

6 (1) To regulate the manner in which all vessels may enter
7 the ocean waters and navigable streams of the [~~State~~]
8 state and moor, anchor, or dock at small boat harbors,
9 launching ramps, and other boating facilities owned or
10 controlled by the State;

11 (2) To regulate the embarking and disembarking of
12 passengers at small boat harbors, launching ramps,
13 other boating facilities, and public beaches;

14 (3) For the safety of small boat harbors, launching ramps,
15 and other boating facilities, the vessels anchored or
16 moored therein;

17 (4) For the conduct of the public using small boat
18 harbors, launching ramps, and other boating facilities
19 owned or controlled by the State;

20 (5) To regulate and control recreational and commercial
21 use of small boat harbors, launching ramps, and other
22 boating facilities owned or controlled by the State



1 and the ocean waters and navigable streams of the
2 [~~State;~~] state;

3 (6) To prevent the discharge or throwing into small boat
4 harbors, launching ramps, other boating facilities,
5 ocean waters, and navigable streams, of rubbish,
6 refuse, garbage, or other substances likely to affect
7 the quality of the water or that contribute to making
8 the small boat harbors, launching ramps, other boating
9 facilities, ocean waters, and streams unsightly,
10 unhealthful, or unclean, or that are liable to fill
11 up, shoal, or shallow the waters in, near, or
12 affecting small boat harbors, launching ramps, and
13 other boating facilities and the ocean waters and
14 navigable streams of the [~~State;~~] state, and likewise
15 to prevent the escape of fuel or other oils or
16 substances into the waters in, near, or affecting
17 small boat harbors, launching ramps, or other boating
18 facilities and the ocean waters and navigable streams
19 of the [~~State~~] state from any source point,
20 including[~~7~~] but not limited to[~~7~~] any vessel or from
21 pipes or storage tanks upon land. The rules may
22 include:



- 1 (A) Requirements for permits and fees for:
 - 2 (i) The mooring, docking, or anchoring of
 - 3 recreational and commercial vessels or the
 - 4 launching of recreational or commercial
 - 5 vessels at small boat harbors, launching
 - 6 ramps, and other boating facilities; or
 - 7 (ii) Other uses of these facilities;
- 8 (B) Requirements for permits and fees for use of a
- 9 vessel as a principal place of habitation while
- 10 moored at a state small boat harbor;
- 11 (C) Requirements governing:
 - 12 (i) The transfer of any state commercial,
 - 13 mooring, launching, or any other type of use
 - 14 or other permit, directly or indirectly,
 - 15 including[~~7~~] but not limited to[~~7~~] the
 - 16 imposition or assessment of a business
 - 17 transfer fee upon transfer of ownership of
 - 18 vessels operating commercially from, within
 - 19 or in any way related to the state small
 - 20 boat harbors; and
 - 21 (ii) The use of state small boat harbors,
 - 22 launching ramps, or other boating facilities



1 belonging to or controlled by the State,
 2 including[~~7~~] but not limited to[~~7~~] the
 3 establishment of minimum amounts of annual
 4 gross receipts required to renew a
 5 commercial use permit, and conditions under
 6 which a state commercial, mooring,
 7 launching, or any other type of use or other
 8 permit may be terminated, canceled, or
 9 forfeited; [~~and~~]

10 and

11 (D) Any other rule necessary to implement this
 12 chapter pertaining to small boat harbors,
 13 launching ramps, and other boating facilities
 14 belonging to or controlled by the State;

15 (7) To continue the ocean recreational and coastal areas
 16 programs and govern the ocean waters and navigable
 17 streams of the [~~State,7~~] state, and beaches encumbered
 18 with easements in favor of the public to protect and
 19 foster public peace and tranquility and to promote
 20 public safety, health, and welfare in or on the ocean
 21 waters and navigable streams of the [~~State,7~~] state,

1 and on beaches encumbered with easements in favor of
2 the public. The rules may include:

3 (A) Regulating the anchoring and mooring of vessels,
4 houseboats, and other contrivances outside of any
5 harbor or boating facility, including:

6 (i) The designation of offshore mooring areas;

7 (ii) The licensing and registration of vessels,
8 houseboats, and other contrivances; and the
9 issuance of permits for offshore anchoring
10 and mooring of vessels, houseboats, and
11 other contrivances; and

12 (iii) The living aboard on such vessels,
13 houseboats, or other contrivances while they
14 are anchored or moored within ocean waters
15 or navigable streams of the [~~State.~~] state.

16 The rules shall provide for consideration of
17 environmental impacts on the [~~State's~~] state's
18 aquatic resources in the issuance of any permits
19 for offshore mooring;

20 (B) Safety measures, requirements, and practices in
21 or on the ocean waters and navigable streams of
22 the [~~State,~~] state;



1 (C) The licensing and registration of persons or
2 organizations engaged in commercial activities in
3 or on the ocean waters and navigable streams of
4 the [~~State;~~] state;

5 (D) The licensing and registration of equipment
6 [~~utilized~~] used for commercial activities in or
7 on the ocean waters and navigable streams of the
8 [~~State;~~] state;

9 (E) For beaches encumbered with easements in favor of
10 the public, the prohibition or denial of the
11 following uses and activities:

- 12 (i) Commercial activities;
- 13 (ii) The storage, parking, and display of any
14 personal property;
- 15 (iii) The placement of structures or obstructions;
- 16 (iv) The beaching, landing, mooring, or anchoring
17 of any vessels; and
- 18 (v) Other uses or activities that may interfere
19 with the public use and enjoyment of these
20 beaches; [~~and~~]

21 and

- 1 (F) Any other matter relating to the safety, health,
2 and welfare of the general public; [~~and~~]
- 3 (8) To regulate the examination, guidance, and control of
4 harbor agents and their assistants[~~-~~]; and
- 5 (9) To regulate commercial activities in private marinas;
6 provided that no new permit shall be required for
7 those commercial activities in private marinas
8 regulated by any other chapter. For the purpose of
9 this paragraph, "commercial activity" shall have the
10 same meaning as in section 188-40.6."

11 SECTION 4. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect on July 1, 2030.



S.B. NO. 2196
S.D. 2
H.D. 2

Report Title:

Ocean Resources; Commercial Activities; DLNR

Description:

Adds regulatory function over commercially permitted use of government and private boating facilities and commercial activities in private marinas. (SB2196 HD2)

SB2196 HD2 HMS 2008-3542

