A BILL FOR AN ACT

RELATING TO COMMERCIAL OCEAN RECREATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAI'I:

SECTION 1. The legislature finds that many tourists who visit the State participate in watersports in the oceans surrounding the State, such as snorkeling, scuba diving, kayaking, and surfing lessons. There are companies that conduct commercial operations that take customers on excursions in state waters for the purpose of engaging in recreation activities. These commercial operations are required to obtain a permit from the department of land and natural resources division of boating and ocean recreation. However, the provisions for obtaining those permits do not include safety requirements, which can lead to potential consumer safety issues.

The legislature further finds that House Concurrent Resolution No. 86, H.D. 1, S.D. 1, adopted in 2015, requested the department of land and natural resources to engage stakeholders to consider adopting permitting provisions requiring employees of companies who take customers on watersport excursions to be trained in basic water safety
measures. However, the legislature finds that the department of 
land and natural resources has not taken action to carry out the 
provisions of H.C.R. No. 86, H.D. 1, S.D. 1 (2015) since the 
concurrent resolution was adopted.

The purpose of this Act is to provide increased customer 
safety measures by requiring the department of land and natural 
resources to adopt rules regulating commercial ocean operators 
that take customers into state waters to engage in activities 
such as snorkeling, scuba diving, kayaking, and surfing lessons.

SECTION 2. The department of land and natural resources 
shall adopt rules pursuant to chapter 91, Hawaii Revised 
Statutes, by July 1, 2020, regulating commercial ocean operators 
that take customers into state waters for the purpose of 
engaging in activities such as snorkeling, scuba diving, 
kayaking, and surfing lessons.

In adopting these rules, the department shall require:

(1) Each tour guide and instructor to have a rescue diver 
or lifeguard certified by a nationally recognized 
certification organization; and

(2) Vessels, used by commercial operators to transport 
customers for the purpose of engaging in an activity
in ocean waters, to include a backboard and emergency oxygen as part of its onboard safety equipment.

SECTION 3. The department of land and natural resources shall submit reports of the actions taken pursuant to this Act as follows:

(1) A preliminary report to the legislature no later than twenty days prior to the convening of the regular session of 2020; and

(2) A final report to the legislature no later than twenty days prior to the convening of the regular session of 2021.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

[Signatures]

JAN 23 2019
Report Title:
Commercial Ocean Recreation; Safety Measures; Watersports

Description:
Requires the Department of Land and Natural Resources to adopt rules pursuant to Chapter 91, HRS, to require certain safety measures for commercial ocean operators that take customers into state waters for activities such as snorkeling, scuba diving, kayaking, and surfing lessons.

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