
A BILL FOR AN ACT

RELATING TO COMMERCIAL OCEAN RECREATION.

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

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

12 The legislature further finds that House Concurrent
13 Resolution No. 86, H.D. 1, S.D. 1, adopted in 2015, requested
14 the department of land and natural resources to engage
15 stakeholders to consider adopting permitting provisions
16 requiring employees of companies who take customers on
17 watersport excursions to be trained in basic water safety



1 measures. However, the legislature finds that the department of
2 land and natural resources has not taken action to carry out the
3 provisions of H.C.R. No. 86, H.D. 1, S.D. 1 (2015) since the
4 concurrent resolution was adopted.

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

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

16 In adopting these rules, the department shall require:

17 (1) Each tour group or excursion to include one individual
18 who is a rescue diver or lifeguard certified by a
19 nationally recognized certification organization;
20 provided that this requirement shall not apply to
21 vessels that are inspected by the United States Coast



1 Guard and that have at least one individual crew
2 member aboard the vessel who is lifeguard certified in
3 cardio pulmonary resuscitation, use of an automated
4 external defibrillator, and basic first aid; and

5 (2) Each vessel used by commercial operators to transport
6 customers for the purpose of engaging in an activity
7 in state waters to have a backboard, emergency oxygen,
8 and an automated external defibrillator included in
9 its onboard safety equipment.

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

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

16 (2) A final report to the legislature no later than twenty
17 days prior to the convening of the regular session of
18 2021.

19 SECTION 4. This Act shall take effect on July 1, 2050.



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. (HB1151 HD1)

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

