
A BILL FOR AN ACT

RELATING TO CHAPTER 200, HAWAII REVISED STATUTES.

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

1 SECTION 1. The legislature finds that some boating and
2 ocean recreation laws impose criminal penalties and that these
3 penalties are not proportional to the severity of the acts
4 committed. Alleged violators of these less-severe offenses are
5 required to spend their time attending court hearings to
6 challenge their citations, and their cases clog court dockets.
7 On the other hand, far more harmful acts are not sufficiently
8 penalized.

9 The purpose of this Act is to amend certain boating and
10 ocean recreation laws by:

- 11 (1) Converting certain lower-severity criminal offenses
12 into civil offenses;
- 13 (2) Enhancing penalties or creating penalties for certain
14 prohibited acts; and
- 15 (3) Clarifying penalties for certain prohibited acts.

16 SECTION 2. Section 200-14, Hawaii Revised Statutes, is
17 amended to read as follows:



1 **"§200-14 Violation of rules; penalty.** (a) Except as
2 provided in subsection (b), any person who violates this part or
3 any rule adopted [~~by the department under~~] pursuant to this part
4 [~~or who violates this part~~], shall be [~~fined~~] subject to an
5 administrative fine of not [~~more than \$1,000 or~~] less than \$50
6 and not more than \$1,000 for each instance of violation, and any
7 vessel, the agents, owner, or crew of which violate the rules of
8 the department or this part, shall be [~~fined~~] subject to an
9 administrative fine of not [~~more than \$1,000 or~~] less than \$50
10 and not more than \$1,000 for each instance of violation[~~+~~
11 ~~provided that in addition to or as a condition to the suspension~~
12 ~~of the fines and penalties, the environmental court may deprive~~
13 ~~the offender of the privilege of operating or mooring any vessel~~
14 ~~in state waters for a period of not more than thirty days].~~

15 (b) Any person who violates any rule adopted by the
16 department under this part regulating vehicular parking or
17 traffic movement shall have committed a traffic infraction as
18 set forth in chapter 291D, the adjudication of which shall be
19 subject to the provisions contained therein. A person found to
20 have committed such a traffic infraction shall be fined not more
21 than:



1 (1) \$100 for a first violation;

2 (2) \$200 for a second violation; and

3 (3) \$500 for a third or subsequent violation.

4 (c) ~~[Notwithstanding the provisions of subsection (a)~~
5 ~~establishing a fine of not more than \$1,000 or less than \$50 for~~
6 ~~each violation,]~~ In addition to any civil or criminal penalties
7 otherwise provided by law, any person who violates any rule
8 adopted by the department relating to unauthorized discharge,
9 dumping, or abandoning, in any state boating facility or state
10 waters, of any petroleum product, hazardous material, or sewage
11 in violation of the state water quality standards established by
12 the department of health, shall be ~~[fined not more than \$10,000~~
13 ~~for each day of violation, and any vessel, the agents,]~~ guilty
14 of a misdemeanor and subject to an administrative fine under
15 section 200-14.5(b). If any agent, owner, or crew member of
16 ~~[which violate the rules of the department shall be fined not~~
17 ~~more than \$10,000 for each day of violation.]~~ a vessel that was
18 involved in a violation of a rule as described in this
19 subsection participated in the violation or had the power to
20 prevent the violation but failed to take actions to prevent the
21 violation, the agent, owner, or crew member shall also be



1 subject to the penalties under this subsection. In addition to
2 or as a condition to the suspension of any fines and penalties
3 under this subsection, the environmental court may prohibit the
4 offender from operating or mooring any vessel in state waters
5 for a period of not more than thirty days.

6 (d) Any criminal penalty for any violation of subtitle 8
7 of title 12 or any rule adopted thereunder shall not preclude
8 the State from recovering additional administrative fines, fees,
9 and costs, including attorney's fees and costs."

10 SECTION 3. Section 200-25, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§200-25 Fines and penalties.** (a) Any person [~~violating~~
13 ~~this part, or~~ who violates any rule adopted by the department
14 pursuant to this part, shall be [~~fined~~] guilty of a misdemeanor
15 and subject to an administrative fine of not less than \$50 and
16 not more than \$1,000 [~~or sentenced to a term of imprisonment of~~
17 ~~not more than thirty days, or both,~~] for each instance of
18 violation; provided that [~~in~~] any person who violates any rule
19 adopted by the department relating to reckless or unauthorized
20 operation of a vessel, unauthorized vessel mooring, animal
21 abandonment, or creation of animal colonies within state small



1 boat harbors, or the regulation of commercial boating and ocean
2 recreation activities, shall be guilty of a misdemeanor;
3 provided further that any person who violates any rules adopted
4 by the department relating to operating a vessel under the
5 influence of an intoxicant shall be subject to penalties in
6 accordance with chapter 291.

7 (b) In addition to, or as a condition to the suspension
8 of, [the] fines and other penalties, the environmental court may
9 deprive the offender of the privilege of operating any vessel,
10 including any thrill craft or vessel engaged in parasailing or
11 water sledding, in the waters of the State for a period of not
12 more than thirty days.

13 (c) Any criminal penalty for any violation of subtitle 8
14 of title 12 or any rule adopted thereunder shall not preclude
15 the State from recovering additional administrative fines, fees,
16 and costs, including attorney's fees and costs."

17 SECTION 4. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 5. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect on July 1, 2019.

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H.B. NO. 552

Report Title:

Department of Land and Natural Resources; Boating; Ocean Recreation; Penalties

Description:

Decreases, increases, or clarifies certain penalties for violations of boating and ocean recreation rules adopted pursuant to chapter 200, HRS.

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

