A BILL FOR AN ACT

RELATING TO USE PERMITS FOR SMALL BOAT HARBOR FACILITIES.

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

SECTION 1. Section 200-10, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The permittee shall pay moorage fees to the department for the use permit that shall be based on but not limited to the use of the vessel, its effect on the harbor, use of facilities, and the cost of administering this mooring program; [and,] furthermore:

(1) Except for commercial maritime activities where there is a tariff established by the department of transportation, moorage fees shall be established by appraisal by a state-licensed appraiser approved by the department [and shall be higher for nonresidents than for residents. The moorage fees shall be set by appraisal categories schedule A and schedule B, to be determined by the department, and may be increased annually by the department, to reflect a cost-of-

living index increase; provided that:
(A) Schedule A shall include existing mooring permittees; and

(B) Schedule B shall apply to all new mooring applicants and transient slips on or after July 1, 2011;

provided further that schedule A rates shall be increased by the same amount each year so that schedule A rates equal schedule B rates by July 1, 2014;

(2) For commercial maritime activities where there is a tariff established by the harbors division of the department of transportation, the department may adopt the published tariff of the harbors division of the department of transportation or establish the fee by appraisal by a state-licensed appraiser approved by the department;

(3) An application fee shall be collected when applying for moorage in state small boat harbors and shall thereafter be collected annually when the application is renewed. The application fee shall be[+}

(A) Set] set by the department; [and
(B) Net less than $100 for nonresidents;]

(4) If a recreational vessel is used as a place of
principal habitation, the permittee shall pay, in
addition to the moorage fee, a liveaboard fee that
shall be [calculated at a rate of:
(A) $5.20 a foot of vessel length a month if the
permittee is a state resident; and
(B) $7.80 a foot of vessel length a month if the
permittee is a nonresident;
provided that the liveaboard fees established by this
paragraph may be increased by the department at the
rate of the annual cost-of-living index, but not more
than five per cent in any one year, beginning July 1
of each year] established by appraisal by a state-
licensed appraiser approved by the department;

(5) If a vessel is used for commercial purposes from its
permitted mooring, the permittee shall pay, in lieu of
the moorage and liveaboard fee, [a fee based on three]
the greater of a fee based on:
(A) Three per cent of the gross revenues derived from
the use of the vessel; or
(B) If the vessel is also used as a place of principal habitation, the liveaboard fee plus two times the moorage fee that would be assessed for a recreational vessel of the same size, [whichever is greater;] and, if the vessel is not also used as a place of principal habitation, two times the moorage fee that would be assessed for a recreational vessel of the same size;

(6) The department is authorized to assess and collect utility fees, including electrical and water charges, and common-area maintenance fees in small boat harbors[;] and

(7) All fees established by appraisal pursuant to this subsection shall be set at fair market value."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on December 31, 2050.
Report Title:
Mooring Fees; Liveaboard Fees; Appraisal; State Small Boat Harbors

Description:
Establishes that liveaboard fees for state small boat harbors shall be established by appraisal by a state-licensed appraiser approved by the Department of Land and Natural Resources and shall be set at fair market value. Clarifies fees charged for vessels used for commercial purposes. Takes effect 12/31/2050. (SD1)

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