

JAN 17 2020

A BILL FOR AN ACT

RELATING TO TOURISM.

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

1 SECTION 1. The legislature finds that Hawaii's tourism
2 rates have increased consecutively over the past six years,
3 reaching a record high in 2019 of approximately 10,500,000
4 visitors. A recent paper published by the University of Hawaii
5 states that the State has hit a so-called "tipping point" of
6 overtourism, as tourists are on the verge of overwhelming the
7 State's resources, damaging the quality of life for residents,
8 and negatively impacting general economic vitality. Visitors no
9 longer exclusively stay in resorts, but instead, due largely in
10 part to the internet, are staying in residential and more remote
11 areas, and engaging in recreational activities in those areas,
12 which were formerly places of refuge for local residents.

13 Certain areas across the State have already attempted to
14 limit the effects of overtourism. For example, the Honolulu
15 City Council has passed bills to ban nearly all commercial
16 activity at certain beach parks; Kauai county is regulating and
17 reducing tourism in specific locations; Maui county has



1 regulated commercial activity in its parks; and the department
2 of land and natural resources has prohibited commercial activity
3 in certain areas. Furthermore, residents in many communities
4 across the State have repeatedly sought restrictions on
5 helicopter tours that generate excessive noise.

6 Tourism in Hawaii relies on the aloha spirit of our
7 residents. However, it is becoming increasingly difficult for
8 residents to be supportive when they are constantly experiencing
9 the effects of overtourism.

10 The legislature therefore finds that limiting tour vehicle
11 operators and tour aircraft operations from conducting
12 commercial activity on Sunday is a reasonable restriction
13 necessary to offer Hawaii residents a respite from the negative
14 impacts of overtourism.

15 SECTION 2. Chapter 271, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:

18 "§271- Tour vehicle operators; commercial activity;
19 Sunday restriction. (a) It shall be unlawful for any tour
20 vehicle operator to conduct commercial activity on Sunday in any
21 county of the State.



1 (b) Any tour vehicle operator who violates this section
2 shall be subject to the following penalties:

3 (1) For a first offense, a fine not to exceed \$2,500;

4 (2) For a second offense, a fine not to exceed \$10,000;

5 and

6 (3) For a third or subsequent offense, a revocation for
7 one year of any certificate, license, or permit issued
8 to the tour vehicle operator by the appropriate county
9 or state agency.

10 (c) This section shall not restrict a county from adopting
11 a rule or ordinance that establishes additional limitations on
12 the commercial activity of tour vehicle operators at certain
13 times, days, or locations.

14 (d) For the purposes of this section:

15 "Commercial activity" means to engage in any action or to
16 attempt to engage in any action for compensation in any form,
17 including but not limited to providing, or attempting to
18 provide, guide services, charters, tours, and transportation to
19 and from the location or locations for which such services are
20 provided.



1 "Tour vehicle" means any motor carrier regulated under
2 chapter 271. The term does not include any motor vehicle used
3 solely for the purposes of transporting individuals to and from
4 a place of work or a public or private school or of transporting
5 persons with disabilities.

6 "Tour vehicle operator" means a person who owns, manages,
7 or dispatches tour vehicles."

8 SECTION 3. Chapter 342F, Hawaii Revised Statutes, is
9 amended by adding a new section to part II to be appropriately
10 designated and to read as follows:

11 "§342F- Tour aircraft operations; commercial activity;
12 Sunday restriction. (a) It shall be unlawful for any tour
13 aircraft operation to conduct commercial activity on Sunday in
14 any county of the State.

15 (b) Any tour aircraft operation that violates this section
16 shall be subject to the following penalties:

17 (1) For a first offense, a fine not to exceed \$2,500;

18 (2) For a second offense, a fine not to exceed \$10,000;

19 and

20 (3) For a third or subsequent offense, a revocation for

21 one year of any certificate, license, or permit issued



1 to the tour aircraft operation by the appropriate
2 county or state agency.

3 (c) This section shall not restrict a county from adopting
4 a rule or ordinance that establishes additional limitations on
5 the commercial activity of tour aircraft operations at certain
6 times, days, or locations.

7 (d) For the purposes of this section:

8 "Commercial activity" means to engage in any action or to
9 attempt to engage in any action for compensation in any form,
10 including but not limited to providing, or attempting to
11 provide, guide services, charters, tours, and transportation to
12 and from the location or locations for which such services are
13 provided.

14 "Tour aircraft operation" means any business operation that
15 offers aircraft, including helicopters, for hire by passengers
16 for the purpose of aerial observation of landmarks and other
17 manmade or natural sites within an island of the State, and for
18 the purpose of transporting passengers for tourist-related
19 activities."

20 SECTION 4. New statutory material is underscored.

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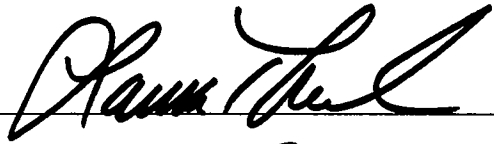

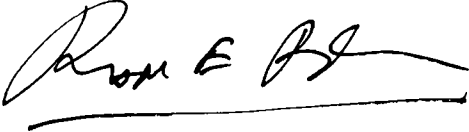


S.B. NO. 2319

1 SECTION 5. This Act shall take effect upon its approval.

2

INTRODUCED BY:



S.B. NO. 2319

Report Title:

Tourism; Tour Vehicle Operators; Tour Aircraft Operations; Noise Control; Sunday Restriction; Penalties

Description:

Prohibits tour vehicle operators and tour aircraft operations from conducting commercial activity on Sunday in any county of the State. Establishes penalties for violations.

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

