
HOUSE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REPORT ON
THE FEASIBILITY OF A TWO-TIERED SYSTEM FOR ENFORCING
BOATING LAW VIOLATIONS THAT DO NOT POSE AN IMMINENT AND
SERIOUS THREAT TO PUBLIC HEALTH OR SAFETY.

1 WHEREAS, boating makes up a large part of the recreational
2 and commercial ocean activities in the State; and

3
4 WHEREAS, currently, persons cited by enforcement officers
5 for violating the State's boating laws are required to appear
6 before a District Court; and

7
8 WHEREAS, a significant number of the citations issued by
9 the Department of Land and Natural Resources for violations
10 involve moving or non-moving violations that do not pose a
11 serious and imminent threat to public health or safety; and

12
13 WHEREAS, requiring persons who commit moving or non-moving
14 violations that do not pose a serious threat to public health or
15 safety to appear before a court is a burden to the District
16 Court system that could be reduced by allowing these citations
17 to be dealt with administratively through the Department of Land
18 and Natural Resources; now, therefore,

19
20 BE IT RESOLVED by the House of Representatives of the
21 Twenty-fourth Legislature of the State of Hawaii, Regular
22 Session of 2008, the Senate concurring, that the Department of
23 Land and Natural Resources is urged to study the feasibility of
24 a two-tiered system for enforcing boating law violations that:

- 25
26 (1) Allows persons who commit a moving violation that does
27 not pose an imminent and serious threat to public
28 health or safety to receive a warning citation for the
29 first violation;
30



H.C.R. NO. 321

- 1 (2) Allows persons who commit a non-moving violation that
- 2 does not pose an imminent and serious threat to public
- 3 health or safety, such as a parking violation or an
- 4 expired ramp license violation, to receive a citation
- 5 for a fine of not less than \$25 and not more than \$50,
- 6 to be paid to the Department of Land and Natural
- 7 Resources;
- 8
- 9 (3) Requires violators with unpaid fines to appear before
- 10 a court; and
- 11
- 12 (4) Allows enforcement officers the discretion to enforce
- 13 all other boating law violations by either arrest or
- 14 issuance of a citation; and
- 15

16 BE IT FURTHER RESOLVED that the Department of Land and
 17 Natural Resources is requested to submit a report of its
 18 feasibility study, including findings, recommendations, and any
 19 proposed legislation, to the Legislature not later than twenty
 20 days prior to the convening of the Regular Session of 2009; and

21
 22 BE IT FURTHER RESOLVED that certified copies of this
 23 Concurrent Resolution be transmitted to the Chairperson of the
 24 Board of Land and Natural Resources, the Chief Justice of the
 25 Supreme Court, and the Administrative Director of the Courts.

26
 27
 28 OFFERED BY: Colleen Meyer

Rick P. Astrella
Cindy Evans
J. Wil. Karaman
Kirk Caldwell

John M. [Signature]
Barbara Manning
Alex M. [Signature]
[Signature]
Tom Brown

[Signature]
Tom Ward

MAR 12 2008