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# A BILL FOR AN ACT

RELATING TO OCEAN RECREATION.

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

1           SECTION 1. Section 200-37, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§200-37 Operation of thrill craft; parasailing; water**  
4 **sledding; commercial high speed boating.** (a) No person shall  
5 operate a thrill craft unless the person is fifteen years of age  
6 or older.

7           (b) The department shall adopt rules to designate areas  
8 where, and time periods during which, thrill craft may be  
9 operated and parasailing, water sledding, and commercial high  
10 speed boating may be engaged in.

11           (c) No person shall operate a thrill craft in the waters  
12 of the State, except:

13           (1) In areas and during time periods designated by the  
14 department; and

15           (2) Through areas designated by the department to serve as  
16 avenues for the ingress and egress of thrill craft  
17 between the areas designated under paragraph (1) and  
18 the shore.



1 (d) No person shall:

2 (1) Engage in parasailing; or

3 (2) Operate a motorized vessel towing a person engaged in  
4 parasailing;

5 on or above the waters of the State, except on or above areas  
6 and during time periods designated by the department.

7 (e) No person shall:

8 (1) Engage in water sledding; or

9 (2) Operate a motorized vessel towing a person engaged in  
10 water sledding;

11 in the waters of the State, except in areas and during time  
12 periods designated by the department.

13 (f) No person shall engage in commercial high speed  
14 boating or operate an open power boat capable of exceeding forty  
15 miles per hour for commercial high speed boating purposes in the  
16 waters of the State, except:

17 (1) In areas, along routes, and during time periods  
18 designated by the department; and

19 (2) In accordance with a permit issued by the department.

20 (g) [~~During~~] On all [~~weekends~~] Sundays and state and  
21 federal holidays, no commercial operator shall operate a thrill  
22 craft, or engage in parasailing, water sledding, or commercial



1 high speed boating, or operate a motor vessel towing a person  
2 engaged in water sledding or parasailing in Maunalua Bay on Oahu  
3 as provided for in section 200-38.

4 (h) On Sundays, all commercial ocean recreation  
5 activities, including those listed in this section, shall be  
6 prohibited on Oahu in Maunalua Bay as provided for in section  
7 200-38.

8 (i) Between December 15 and May 15 of each year, no person  
9 shall operate a thrill craft, or engage in parasailing, water  
10 sledding, or commercial high speed boating, or operate a motor  
11 vessel towing a person engaged in water sledding or parasailing  
12 on the west and south shore of Maui as provided in section 200-  
13 38.

14 (j) All commercial use and operator permits issued by the  
15 department for commercial thrill craft, and parasailing  
16 activities shall be fully transferable upon the payment of a  
17 business transfer fee in an amount determined by the department,  
18 which shall be no greater than six per cent of the transfer  
19 price; provided that no more than one transfer every two years  
20 shall be authorized with respect to any given permit, except  
21 transfers between family members for the purpose of business  
22 reorganization.



1           (k) The department may immediately revoke a commercial use  
2 permit without a hearing for any activity that endangers or may  
3 endanger the health or safety of passengers or the public, and  
4 may suspend or revoke a commercial use permit for violation of  
5 any rules of the department if, after seventy-two hours notice  
6 by the department of the violation, the permit holder fails to  
7 cure the violation; provided that the permit holder shall have  
8 ten days from receipt of the notice of suspension or revocation  
9 to request in writing an administrative hearing. The  
10 administrative hearing is solely for the purpose of allowing the  
11 permit holder to contest the basis for the suspension or  
12 revocation of the permit. The hearing shall be held within five  
13 working days of the department's receipt of the written request.  
14 The chairperson shall adopt rules pursuant to chapter 91 to  
15 implement the procedures governing the administrative hearing  
16 process. Within ten days after the conclusion of the hearing,  
17 the department shall either:

18           (1) Lift the suspension;

19           (2) Suspend the permit for a period of not longer than one  
20           year; or

21           (3) Revoke the permit.



1       ~~[(1) All new commercial use and operator permits issued by~~  
2 ~~the department for commercial thrill craft, and parasailing~~  
3 ~~activities after June 18, 1996 shall be issued at public~~  
4 ~~auction.~~

5       ~~(m)]~~ (1) Each commercial use and operator permit issued by  
6 the department for commercial thrill craft, and parasailing  
7 activities shall be valid for five years from the date of  
8 issuance and shall be renewed by the department for additional  
9 five-year periods~~[, not to exceed a maximum of twenty years];~~  
10 provided that the permit holder shall have met the following  
11 conditions:

12       (1) The permit holder shall be in compliance with all  
13 applicable rules of the department;

14       (2) The permit holder shall have timely filed and paid all  
15 applicable state taxes during the year; and

16       (3) The permit holder shall have a good safety record  
17 regarding the operation of a commercial thrill craft,  
18 or parasailing activity.

19       ~~[(n)]~~ (m) Upon ~~[expiration of the twenty-year period,~~  
20 failure of the permit holder to renew the permit, the permit may  
21 be offered for public auction as provided in this chapter;  
22 provided that the previous permit holder shall be offered the



1 right of first refusal in accordance with departmental rules;  
2 [~~and~~] provided further that the permit holder shall agree to  
3 match the highest bid offered at the public auction~~[+]~~; and  
4 provided further that the previous permit holder has met the  
5 conditions in subsection (1).

6 [~~+~~] (n) All commercial use and operator permits issued  
7 by the department for commercial thrill craft, and parasailing  
8 activities shall be subject to an annual review by the  
9 department [~~which~~] that shall include but not be limited to:

10 (1) The permit holder's compliance with applicable rules  
11 of the department;

12 (2) The permit holder's timely filing and payment of all  
13 applicable state taxes during the year; and

14 (3) The permit holder's safety record regarding the  
15 operation of a commercial thrill craft, or parasailing  
16 activity.

17 [~~+~~] (o) The department shall adopt rules to encourage  
18 water safety education and programs with respect to thrill  
19 craft, or parasailing activities."

20 SECTION 2. Section 200-38, Hawaii Revised Statutes, is  
21 amended by amending subsection (a) to read as follows:



1           "(a) Notwithstanding any other law to the contrary, no  
2 commercial operator shall operate a thrill craft, engage in  
3 parasailing, water sledding, or commercial high speed boating,  
4 operate a motorized vessel towing a person engaged in  
5 parasailing, or operate a motor vessel towing a person engaged  
6 in water sledding [~~during~~] on all [~~weekends~~] Sundays and state  
7 and federal holidays on Oahu in Maunalua Bay from Kawaihoa  
8 (Portlock) Point to Wailupe Peninsula and commercial zones a, b,  
9 and c."

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

12           SECTION 4. This Act shall take effect on July 1, 2020.



**Report Title:**

Thrill Craft; Maunalua Bay

**Description:**

Deletes: (i) prohibition of commercial operation of thrill craft, water sledding, parasailing, or high speed boating in Maunalua Bay, Oahu, on Saturdays; (ii) requirement that permits be issued at public auction; and (iii) maximum term of permit issue of 20 years. (HB1310 HD1)

