

JAN 23 2009

A BILL FOR AN ACT

RELATING TO OCEAN RECREATION AND COASTAL AREAS PROGRAMS.

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



1 between the areas designated under paragraph (1) and
2 the shore.

3 (d) No person shall:

4 (1) Engage in parasailing; or

5 (2) Operate a motorized vessel towing a person engaged in
6 parasailing;

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

9 (e) No person shall:

10 (1) Engage in water sledding; or

11 (2) Operate a motorized vessel towing a person engaged in
12 water sledding;

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

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

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

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



1 (g) During all weekends and state and federal holidays, no
2 commercial operator shall operate a thrill craft, or engage in
3 parasailing, water sledding, or commercial high speed boating,
4 or operate a motor vessel towing a person engaged in water
5 sledding or parasailing in Maunalua Bay on Oahu as provided for
6 in section 200-38.

7 (h) On Sundays, all commercial ocean recreation
8 activities, including those listed in this section, shall be
9 prohibited on Oahu in Maunalua Bay as provided for in section
10 200-38.

11 (i) Between December 15 and May 15 of each year, no person
12 shall operate a thrill craft, or engage in parasailing, water
13 sledding, or commercial high speed boating, or operate a motor
14 vessel towing a person engaged in water sledding or parasailing
15 on the west and south shore of Maui as provided in section 200-
16 38.

17 (j) All commercial use and operator permits issued by the
18 department for commercial thrill craft, and parasailing
19 activities shall be fully transferable upon the payment of a
20 business transfer fee in an amount determined by the department,
21 which shall be no greater than six per cent of the transfer
22 price; provided that no more than one transfer every two years



1 shall be authorized with respect to any given permit, except
2 transfers between family members for the purpose of business
3 reorganization.

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

21 (1) Lift the suspension;



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

3 (3) Revoke the permit.

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

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

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

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

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



1 ~~[(n) Upon expiration of the twenty year period, the permit~~
2 ~~may be offered for public auction as provided in this chapter,~~
3 ~~provided that the previous permit holder shall be offered the~~
4 ~~right of first refusal in accordance with departmental rules,~~
5 ~~and provided further that the permit holder shall agree to match~~
6 ~~the highest bid offered at the public auction.]~~

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

- 11 (1) The permit holder's compliance with applicable rules
12 of the department;
- 13 (2) The permit holder's timely filing and payment of all
14 applicable state taxes during the year; and
- 15 (3) The permit holder's safety record regarding the
16 operation of a commercial thrill craft, or parasailing
17 activity.

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

21 SECTION 2. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.

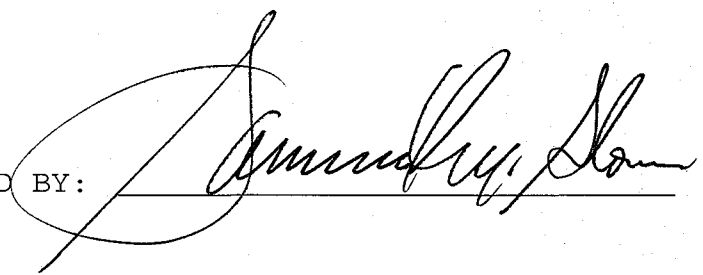


1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Samuel W. Stone", is written over a horizontal line. The signature is cursive and extends to the right of the line.

Report Title:

Commercial Thrill Craft Permit Renewal

Description:

Deletes the public auction process for thrill craft and parasailing permit renewal. Removes the twenty year maximum for permit renewal.

