



GOV. MSG. NO. **595**

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 24, 2010

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 24, 2010, the following bill was signed into law:

SB2019 SD1 HD2 CD1

A BILL FOR AN ACT
RELATING TO THE MAXIMUM TERM OF
COMMERCIAL USE AND OPERATOR PERMITS FOR
THRILL CRAFT AND PARASAILING.
ACT 137 (10)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

Approved by the Governor

on MAY 24 2010

THE SENATE
TWENTY-FIFTH LEGISLATURE, 2010
STATE OF HAWAII

ACT 137

S.B. NO. 2019
S.D. 1
H.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO THE MAXIMUM TERM OF COMMERCIAL USE AND OPERATOR
PERMITS FOR THRILL CRAFT AND PARASAILING.

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;

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 (3) Authorized government personnel conducting operations
4 approved by the department; or

5 (4) Authorized film production permit holders conducting
6 operations approved by the department.

7 (d) No person shall:

8 (1) Engage in parasailing; or

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

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

13 (e) No person shall:

14 (1) Engage in water sledding; or

15 (2) Operate a motorized vessel towing a person engaged in
16 water sledding;

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

19 (f) No person shall engage in commercial high speed

20 boating or operate an open power boat capable of exceeding forty
21 miles per hour for commercial high speed boating purposes in the

22 waters of the State, except:



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

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

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

10 (h) On Sundays, all commercial ocean recreation
11 activities, including those listed in this section, shall be
12 prohibited on Oahu in Maunalua Bay as provided for in section
13 200-38.

14 (i) Between December 15 and May 15 of each year, no person
15 shall operate a thrill craft, or engage in parasailing, water
16 sledding, or commercial high speed boating, or operate a motor
17 vessel towing a person engaged in water sledding or parasailing
18 on the west and south shore of Maui as provided in section
19 200-38.

20 (j) All commercial use and operator permits issued by the
21 department for commercial thrill craft, and parasailing
22 activities shall be fully transferable upon the payment of a



1 business transfer fee in an amount determined by the department,
2 which shall be no greater than six per cent of the transfer
3 price; provided that no more than one transfer every two years
4 shall be authorized with respect to any given permit, except
5 transfers between family members for the purpose of business
6 reorganization.

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



1 process. Within ten days after the conclusion of the hearing,
2 the department shall either:

3 (1) Lift the suspension;

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

6 (3) Revoke the permit.

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

11 (m) Each commercial use and operator permit issued by the
12 department for commercial thrill craft[7] and parasailing
13 activities shall be valid for [~~five years~~] one year from the
14 date of issuance and shall be renewed by the department for
15 additional [~~five year~~] one-year periods[, ~~not to exceed a~~
16 ~~maximum of twenty years~~]; provided that the permit holder [~~shall~~
17 ~~have met~~] meets the following conditions:

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

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



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

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

10 ~~(e)]~~ (n) All commercial use and operator permits issued by
11 the department for commercial thrill craft, and parasailing
12 activities shall be subject to an annual review by the
13 department which shall include but not be limited to:

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

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

18 (3) The permit holder's safety record regarding the
19 operation of a commercial thrill craft, or parasailing
20 activity.



1 [~~p~~] (o) The department shall adopt rules to encourage
2 water safety education and programs with respect to thrill
3 craft, or parasailing activities."

4 SECTION 2. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 3. This Act shall take effect on July 1, 2010.

7

APPROVED this 24 day of MAY, 2010



GOVERNOR OF THE STATE OF HAWAII