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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 all weekends and state and federal holidays,~~  
21 ~~no commercial operator shall operate a thrill craft, or engage~~  
22 ~~in parasailing, water sledding, or commercial high speed~~



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

14 ~~[(j)]~~ (h) All commercial use and operator permits issued  
15 by the 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)]~~ (i) The department may immediately revoke a  
2 commercial use permit without a hearing for any activity that  
3 endangers or may endanger the health or safety of passengers or  
4 the public, and may suspend or revoke a commercial use permit  
5 for violation of any rules of the department if, after seventy-  
6 two hours notice by the department of the violation, the permit  
7 holder fails to cure the violation; provided that the permit  
8 holder shall have ten days from receipt of the notice of  
9 suspension or revocation to request in writing an administrative  
10 hearing. The administrative hearing is solely for the purpose  
11 of allowing the permit holder to contest the basis for the  
12 suspension or revocation of the permit. The hearing shall be  
13 held within five working days of the department's receipt of the  
14 written request. The chairperson shall adopt rules pursuant to  
15 chapter 91 to implement the procedures governing the  
16 administrative hearing process. Within ten days after the  
17 conclusion of the hearing, 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)~~ (j) 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)~~ (k) Upon expiration of the twenty-year period, the  
20 permit may be offered for public auction as provided in this  
21 chapter; provided that the previous permit holder shall be  
22 offered the right of first refusal in accordance with



1 departmental rules; and provided further that the permit holder  
2 shall agree to match the highest bid offered at the public  
3 auction.

4 ~~[(e)]~~ (1) All commercial use and operator permits issued  
5 by the department for commercial thrill craft, and parasailing  
6 activities shall be subject to an annual review by the  
7 department ~~[which]~~ that shall include but not be limited to:

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

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

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

15 ~~[(p)]~~ (m) The department shall adopt rules to encourage  
16 water safety education and programs with respect to thrill  
17 craft, or parasailing activities."

18 SECTION 2. Section 200-38, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "**§200-38 Ocean recreation management areas.** ~~[(a)]~~

21 ~~Notwithstanding any other law to the contrary, no commercial~~  
22 ~~operator shall operate a thrill craft, engage in parasailing,~~



1 ~~water sledding, or commercial high speed boating, operate a~~  
2 ~~motorized vessel towing a person engaged in parasailing, or~~  
3 ~~operate a motor vessel towing a person engaged in water sledding~~  
4 ~~during all weekends and state and federal holidays on Oahu in~~  
5 ~~Maunalua Bay from Kawaihoa (Portlock) Point to Wailupe Peninsula~~  
6 ~~and commercial zones a, b, and c.~~

7 ~~(b) Notwithstanding any other law to the contrary, all~~  
8 ~~commercial ocean recreation activities shall be prohibited on~~  
9 ~~all Sundays on Oahu in Maunalua Bay.~~

10 ~~(e)]~~ (a) Notwithstanding any other law to the contrary, no  
11 person shall operate a thrill craft, engage in parasailing,  
12 operate a motorized vessel towing a person engaged in  
13 parasailing, engage in commercial water sledding or commercial  
14 high speed boating, or operate a commercial motor vessel towing  
15 a person engaged in water sledding between December 15 and  
16 May 15 of each year in the waters of west and south Maui from  
17 Pu'u Ola'i to Hawea Point.

18 ~~[(d)]~~ (b) The department may adopt rules pursuant to  
19 chapter 91 to further implement this section."

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



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

2

INTRODUCED BY:

*Jim Wood*

*[Signature]*

*[Signature]*

*Sandra Marano*

*[Signature]*

JAN 26 2009





**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 weekends and holidays; (ii) requirement that permits be issued at public auction; and (iii) maximum term of permit issue of 20 years.

