

JAN 21 2011

S.B. NO. 196

A BILL FOR AN ACT

RELATING TO COASTAL AREAS.

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

1 SECTION 1. The legislature finds that Hawaii's beaches and
2 coastal areas should be accessible to all members of the public
3 who wish to use them. The legislature further finds that even
4 temporary obstructions along public beach access paths prevent
5 access to the beaches and shorelines. In some areas of the
6 State, beach access is frequently blocked by persons who use
7 beach access paths to loiter, drink alcohol, smoke, erect tents,
8 sleep, sit in lawn chairs, cook, clean fish, play music, watch
9 television, or engage in commercial or recreational activities.
10 Although many of these activities may be appropriate on the
11 beach itself, they should be prohibited on beach access paths
12 and transit corridors where they may impede or restrict the
13 public's access to the beach or shoreline.

14 The purpose of this Act is to clarify and make permanent
15 the prohibition against activities that impede the public's
16 access to beaches or the shoreline.

17 SECTION 2. Section 115-9, Hawaii Revised Statutes, is
18 amended to read as follows:



1 "§115-9 Obstructing access to public property; penalty.

2 (a) A person commits the offense of obstructing access to
3 public property if the person, by action or by having installed
4 a temporary or permanent physical impediment, intentionally
5 prevents a member of the public from traversing:

- 6 (1) A public right-of-way;
- 7 (2) A transit area;
- 8 (3) A public transit corridor; or
- 9 (4) A beach transit corridor;

10 and thereby obstructs access to and along the sea, the
11 shoreline, or any inland public recreational area.

12 (b) Physical impediments that may prevent traversing
13 include but are not limited to the following:

- 14 (1) Gates;
- 15 (2) Fences;
- 16 (3) Walls;
- 17 (4) Tents, awnings, or similar structures;
- 18 (5) Tables, chairs, or other furniture;
- 19 ~~[-4-]~~ (6) Constructed barriers;
- 20 ~~[-5-]~~ (7) Rubbish;
- 21 ~~[-6-]~~ (8) Security guards;
- 22 ~~[-7-]~~ (9) Guard dogs or animals; [and



1 ~~(8)]~~ (10) A landowner's human-induced, enhanced, or
2 unmaintained vegetation that interferes or encroaches
3 within beach transit corridors ~~[-]~~_i;

4 (11) Commercial activities;

5 (12) Recreational activities; and

6 (13) Any other activity that prevents or restricts access
7 to the beach or shoreline by the public.

8 (c) Obstructing access to public property is a
9 misdemeanor.

10 (d) Minimum fines for violation under this section shall
11 be as follows:

12 (1) \$1,000 for a second conviction; and

13 (2) \$2,000 for any conviction after a second conviction.

14 (e) As used in this section:

15 "Landowner" means the record owner of the property or the
16 record owner's agent, including a lessee, tenant, property
17 manager, or trustee.

18 "Person" means a natural person or a legal entity.

19 "Public recreational area" means public lands or bodies of
20 water opened to the public for recreational use."

21 SECTION 3. Act 160, Session Laws of Hawaii 2010, is
22 amended by amending section 7 to read as follows:



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1 "SECTION 7. This Act shall take effect upon its approval[
2 ~~provided that on June 30, 2013, this Act shall be repealed and~~
3 ~~sections 115-5, 115-9, and 205A-2(c), Hawaii Revised Statutes,~~
4 ~~shall be reenacted in the form in which they read one day prior~~
5 ~~to the effective date of this Act]."~~

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.
9

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Report Title:

Coastal Areas; Shoreline Access

Description:

Prohibits commercial activities, recreational activities, or any other activity that may prevent or restrict the public's access to the beach or shoreline through public rights-of-way, transit areas, public transit corridors, or beach transit corridors. Makes permanent Act 160, Session Laws of Hawaii 2010.

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