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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;

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

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

5 (d) No person shall:

6 (1) Engage in parasailing; or

7 (2) Operate a motorized vessel towing a person engaged in  
8 parasailing;

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

11 (e) No person shall:

12 (1) Engage in water sledding; or

13 (2) Operate a motorized vessel towing a person engaged in  
14 water sledding;

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

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

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



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

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

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

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

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



1 price; provided that no more than one transfer every two years  
2 shall be authorized with respect to any given permit, except  
3 transfers between family members for the purpose of business  
4 reorganization.

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

22 (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) Each commercial use and operator permit issued by the  
9 department for commercial thrill craft and parasailing  
10 activities shall be valid for one year from the date of issuance  
11 and shall be renewed by the department for additional one-year  
12 periods; provided that the permit holder meets the following  
13 conditions:

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

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

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

21           (n) All commercial use and operator permits issued by the  
22 department for commercial thrill craft, and parasailing



1 activities shall be subject to an annual review by the  
2 department which shall include but not be limited to:

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

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

7 (3) The permit holder's safety record regarding the  
8 operation of a commercial thrill craft, or parasailing  
9 activity.

10 (o) The department shall adopt rules to encourage water  
11 safety education and programs with respect to thrill craft, or  
12 parasailing activities.

13 (p) No person shall operate a jet ski at any speed above  
14 thirty miles per hour except:

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

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

18 SECTION 2. New statutory material is underscored.

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

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*John M. Mays*  
*Beth Lubinski*  
*[Signature]*

INTRODUCED BY: *Tom Brown*

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HB HMS 2013-1393



*Randy M. Bull*

# H.B. NO. 1382

**Report Title:**

Thrill Craft; Jet Skis; Speed Limit

**Description:**

Prohibits the operation of jet skis at any speed above thirty miles per hour, except under certain conditions.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

