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## A BILL FOR AN ACT

RELATING TO BOATING.

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

1           SECTION 1. Chapter 200, Hawaii Revised Statutes, is  
2 amended by adding three new sections to part II to be  
3 appropriately designated and to read as follows:

4           "§200-A Applicability. (a) This part shall apply to  
5 vessels and associated equipment used, to be used, or carried in  
6 vessels used in the waters of the State.

7           (b) Unless otherwise specified, this part shall not apply  
8 to:

9           (1) Foreign vessels temporarily using the waters of the  
10 State;

11           (2) Public vessels of the United States;

12           (3) Ships' life boats; and

13           (4) Other vessels exempted by the department, if federal  
14 laws and requirements permit the department to exempt  
15 the vessels.

16           §200-B Use of noncomplying vessels prohibited. (a) No  
17 person shall use or authorize any other person to use any vessel



1 unless the vessel is in compliance with this part and any rules  
2 adopted pursuant thereto.

3 (b) No person shall use a vessel, including vessels  
4 enumerated in section 200-A, in a negligent manner that  
5 endangers the life, limb, or property of any person.

6 §200-C Release of information. (a) Any person may  
7 request from the department the vessel numbering and  
8 registration information that is retrievable from the records of  
9 the State. The department shall furnish the information:

10 (1) If the department is satisfied that the request is  
11 reasonable and related to boating safety; and

12 (2) Upon receipt of payment from the person for the cost  
13 of retrieving and furnishing the information.

14 (b) Boating and accident reports required under section  
15 200-24 shall not be public records available for public  
16 inspection. However, the fact that a report has been made shall  
17 be admissible as evidence solely to demonstrate compliance with  
18 this section or any rules adopted pursuant to this part;  
19 provided that no report or any part thereof shall be admissible  
20 as evidence for any purpose in any civil or criminal trial.



1        (c) Boating accident reports and any information compiled  
2 therefrom may be released to law enforcement agencies and  
3 officials of the United States Coast Guard for analytical and  
4 statistical purposes."

5        SECTION 2. Section 200-23, Hawaii Revised Statutes, is  
6 amended by adding four new definitions to be appropriately  
7 inserted and to read as follows:

8        "Associated equipment" means:

- 9        (1) Any system, part, or component of a boat as originally  
10 manufactured or any similar part or component  
11 manufactured or sold for replacement, repair, or  
12 improvement of the system, part, or component;  
13        (2) Any accessory or equipment for, or appurtenance to, a  
14 boat; and  
15        (3) Any marine safety article, accessory, or equipment  
16 intended for use by a person on board a boat.

17 The term does not include radio equipment.

18        "Boat" means any vessel:

- 19        (1) Manufactured or used primarily for noncommercial use;  
20        (2) Leased, rented, or chartered to another for the  
21 noncommercial use; or



1        (3) Engaged in the carrying of six or fewer passengers.

2        "Passenger" means any person carried on board a vessel

3 other than:

4        (1) The owner or the owner's representative;

5        (2) The operator;

6        (3) Bona fide members of the crew engaged in the business

7        of the vessel who have contributed no consideration

8        for their carriage and who are paid for their

9        services; or

10       (4) Any guests on board a vessel that is being used

11       exclusively for pleasure purposes who have contributed

12       no consideration, directly or indirectly, for their

13       carriage.

14       "Use" means to operate, navigate, or employ."

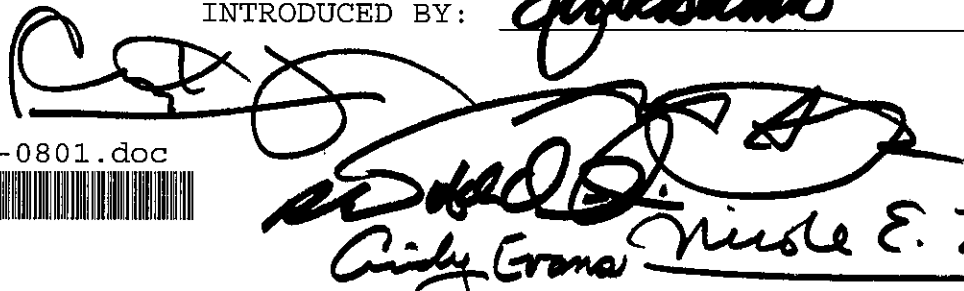
15       SECTION 3. This Act does not affect rights and duties that  
16 matured, penalties that were incurred, and proceedings that were  
17 begun before its effective date.

18       SECTION 4. New statutory material is underscored.

19       SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_



*Aidy Evans*

*Nicole E. Loman*

# H.B. NO. 711

**Report Title:**

Boating Laws; Federal Standards; Model State Boat Act

**Description:**

Conforms boating laws to federal standards by clarifying applicability, prohibiting the use of noncomplying vessels, and clarifying which information may be inspected as public records.

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

