



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 9, 2018

GOV. MSG. NO. 1265

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 9, 2018, the following bill was signed into law:

HB2259 HD1 SD3 CD1

RELATING TO MARINE EVENTS
ACT 156 (18)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

Approved by the Governor
on JUL 09 2018

ORIGINAL

ACT 156

HOUSE OF REPRESENTATIVES
TWENTY-NINTH LEGISLATURE, 2018
STATE OF HAWAII

H.B. NO. 2259
H.D. 1
S.D. 3
C.D. 1

A BILL FOR AN ACT

RELATING TO MARINE EVENTS.

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

1 SECTION 1. The legislature recognizes that marine events
2 often require more than one year of advance planning in light of
3 the many responsibilities involved. For example, if ocean
4 access during an event will be from private property, the permit
5 applicant must provide proof of permission from the landowner
6 before a permit may be issued. Event organizers experience
7 hardships when the department of land and natural resources is
8 unable to approve or deny permit applications well in advance of
9 proposed events. The legislature finds that many individuals
10 have expressed interest in applying to the department of land
11 and natural resources for marine event permits up to one year in
12 advance of an event.

13 The legislature is also aware of the immense popularity of
14 regattas, marine parades, surfing contests, and other marine
15 events in the State. During these events, ocean conditions can
16 be extremely hazardous to both participants and spectators.
17 Furthermore, spectators may use vessels, thrill craft, drones,
18 and other means to observe and capture photos and videos of

HB2259 CD1 HMS 2018-3812



1 these events, which may interfere with the event, infringe upon
2 an event organizer's exclusive use of areas designated for use
3 during the event, and put event participants at risk of serious
4 injury or death. These issues arose during recent surf
5 contests, such as the Peahi Challenge and the Quiksilver in
6 Memory of Eddie Aikau.

7 Accordingly, the purpose of this Act is to:

8 (1) Prohibit the holding of a marine event without a
9 permit from the department of land and natural
10 resources or prior authorization from the United
11 States Coast Guard;

12 (2) Allow individuals to apply for marine event permits up
13 to one year in advance of the date of a proposed
14 marine event; and

15 (3) Authorize the department of land and natural resources
16 to adopt rules to mitigate the hazards posed by
17 vessels, thrill craft, drones, and other means used by
18 spectators to observe or record regattas, marine
19 parades, surfing contests, and other marine events in
20 the waters of the State.



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

4 "§200- Marine events; permits; exclusive use;
5 cancellation fee. (a) No person shall hold a marine event,
6 including but not limited to a regatta, marine parade, or
7 surfing contest, without written authorization from the
8 department; provided that the department's written authorization
9 is not required if prior authorization has been secured from the
10 Coast Guard.

11 (b) Authorization shall be in the form of a permit. All
12 permits and permit applications shall be subject to the
13 following:

14 (1) Permit applications shall be on a form prescribed by
15 the department;

16 (2) Permit applications may be submitted to the department
17 up to one year in advance of the date of a proposed
18 event;

19 (3) The applicant shall submit the completed application,
20 proof of valid insurance, and proof of approval from
21 the land owner;



1 (4) The department shall use its best efforts to grant or
2 deny a permit within thirty days of receiving a permit
3 application;

4 (5) The department shall charge a fee for issuance of
5 marine use permits under this section and collect an
6 additional \$250 nonrefundable deposit, which shall be
7 retained by the department if the permit is canceled
8 within sixty days of the scheduled date of the marine
9 event;

10 (6) The department may issue an exclusive marine use
11 permit to an applicant to confer upon the applicant
12 the use of state waters and other areas under the
13 jurisdiction of the State that have been specifically
14 designated for use during the marine event, to the
15 exclusion of all others who are not the applicant or
16 event participants; provided that the department shall
17 charge an exclusive marine use permit fee for the
18 permit, which shall be higher than the permit fee
19 charged pursuant to paragraph (5); and

20 (7) Any applicant who has been granted a permit under this
21 section and wants to cancel the permit shall request a



1 cancellation from the department in writing. If an
2 applicant who has been granted a permit under this
3 section submits a cancellation request to the
4 department less than ninety calendar days before the
5 scheduled date of the marine event, the department may
6 assess a cancellation fee.

7 The marine use permit fee, exclusive marine use permit fee,
8 and cancellation fee amounts to be charged by the department
9 pursuant to this subsection shall be determined by the
10 department.

11 (c) The department may adopt rules, pursuant to chapter
12 91, necessary to effectuate this section.

13 (d) As used in this section, "marine event" means an
14 organized water event of limited duration that is conducted
15 according to a prearranged schedule, and by its nature,
16 circumstances, or location, will introduce extra or unusual
17 hazards to the safety of persons or property in the waters of
18 the State.

19 **\$200- Event spectators; hazards; mitigation. The**
20 department may adopt rules, pursuant to chapter 91, to mitigate
21 the hazards posed by vessels, thrill craft, drones, and other



1 means used by spectators to observe or record regattas, marine
2 parades, surfing contests, and other marine events held in the
3 waters of the State; provided that the department shall consult
4 the department of transportation and the Federal Aviation
5 Administration before adopting rules regulating the use of
6 drones."

7 SECTION 3. The department of land and natural resources
8 shall submit a report of its progress in implementing the
9 permitting process and adopting rules pursuant to section 2 of
10 this Act, including any proposed legislation, to the legislature
11 no later than twenty days prior to the convening of the regular
12 session of 2019.

13 SECTION 4. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on July 1, 2018.

APPROVED this 09 day of JUL , 2018



GOVERNOR OF THE STATE OF HAWAII



HB No. 2259, HD 1, SD 3, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2018
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018.



Scott K. Saiki
Speaker
House of Representatives

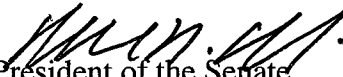


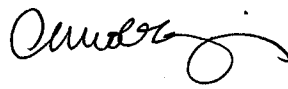
Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI‘I

Date: May 1, 2018
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the
Senate of the Twenty-ninth Legislature of the State of Hawai‘i, Regular Session of 2018.


President of the Senate


Clerk of the Senate