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## A BILL FOR AN ACT

RELATING TO COMMERCIAL OCEAN RECREATION.

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

1           SECTION 1. The legislature finds that many tourists who  
2 visit the State participate in watersports in the oceans  
3 surrounding the State, such as snorkeling, scuba diving,  
4 kayaking, and surfing lessons. There are companies that conduct  
5 commercial operations that take customers on excursions in state  
6 waters for the purpose of engaging in recreation activities.  
7 These commercial operations are required to obtain a permit from  
8 the department of land and natural resources division of boating  
9 and ocean recreation. However, the provisions for obtaining  
10 those permits do not include safety requirements, which can lead  
11 to potential consumer safety issues.

12           The legislature further finds that House Concurrent  
13 Resolution No. 86, H.D. 1, S.D. 1, adopted in 2015, requested  
14 the department of land and natural resources to engage  
15 stakeholders to consider adopting permitting provisions  
16 requiring employees of companies who take customers on  
17 watersport excursions to be trained in basic water safety



1 measures. However, the legislature finds that the department of  
2 land and natural resources has not taken action to carry out the  
3 provisions of H.C.R. No. 86, H.D. 1, S.D. 1 (2015) since the  
4 concurrent resolution was adopted.

5 The purpose of this Act is to provide increased customer  
6 safety measures by requiring the department of land and natural  
7 resources to adopt rules regulating commercial ocean operators  
8 that take customers into state waters to engage in activities  
9 such as snorkeling, scuba diving, kayaking, and surfing lessons.

10 SECTION 2. The department of land and natural resources  
11 shall adopt rules pursuant to chapter 91, Hawaii Revised  
12 Statutes, by July 1, 2020, regulating commercial ocean operators  
13 that take customers into state waters for the purpose of  
14 engaging in activities such as snorkeling, scuba diving,  
15 kayaking, and surfing lessons.

16 In adopting these rules, the department shall require:

- 17 (1) Each tour guide and instructor to have a rescue diver  
18 or lifeguard certified by a nationally recognized  
19 certification organization; and
- 20 (2) Vessels, used by commercial operators to transport  
21 customers for the purpose of engaging in an activity



1 in ocean waters, to include a backboard and emergency  
2 oxygen as part of its onboard safety equipment.

3 SECTION 3. The department of land and natural resources  
4 shall submit reports of the actions taken pursuant to this Act  
5 as follows:

6 (1) A preliminary report to the legislature no later than  
7 twenty days prior to the convening of the regular  
8 session of 2020; and

9 (2) A final report to the legislature no later than twenty  
10 days prior to the convening of the regular session of  
11 2021.

12 SECTION 4. This Act shall take effect upon its approval.

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JAN 23 2019



# H.B. NO. 1151

**Report Title:**

Commercial Ocean Recreation; Safety Measures; Watersports

**Description:**

Requires the Department of Land and Natural Resources to adopt rules pursuant to Chapter 91, HRS, to require certain safety measures for commercial ocean operators that take customers into state waters for activities such as snorkeling, scuba diving, kayaking, and surfing lessons.

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