
A BILL FOR AN ACT

RELATING TO COMMERCIAL MARINE LICENSES.

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

1 SECTION 1. The legislature finds that fishing is an
2 important pastime for many Hawaii residents, providing not only
3 recreational and subsistence benefits, but also a source of
4 additional income for many small-scale commercial fishers who
5 often sell a portion of their catch to cover costs of fuel or
6 fishing gear.

7 The legislature further finds that the current commercial
8 marine license laws are unnecessarily burdensome on boat-based
9 fishers due to the requirement that each individual on a fishing
10 vessel have a commercial marine license to participate in a
11 commercial fishing trip where the resulting catch may be sold.
12 This places logistical and financial burdens on vessel captains
13 when part-time crew members are needed for a commercial fishing
14 trip, or when unscheduled or infrequent visitors are invited
15 aboard. It also leads to confusion regarding who is responsible
16 for submitting commercial catch reports for fishing activities
17 on board the vessel.



1 This Act requires the department of land and natural
2 resources to issue commercial marine licenses. This Act also
3 clarifies that a valid commercial marine vessel license
4 satisfies the licensure requirement for commercial purposes
5 aboard a licensed vessel. A commercial marine vessel license
6 will be more convenient and cost effective for Hawaii boat-based
7 fishers and will clarify who is responsible for submitting
8 commercial catch reports for the vessel. The department has the
9 discretion through the public rulemaking process contained in
10 chapter 91, Hawaii Revised Statutes, to determine the
11 specifications and qualifications for these licenses.

12 The legislature also finds that although existing statutory
13 language requires vessel-based fishing charters to obtain a
14 commercial marine license, it is unclear whether shore-based
15 charters are also required to obtain a commercial marine
16 license. This Act clarifies that the commercial marine license
17 requirement applies to any person providing fishing charter
18 services. The amendment will allow the department to better
19 understand and manage marine charter fishing activities in the
20 State.



1 The purpose of this Act is to amend the commercial marine
2 license statute to:

- 3 (1) Authorize the department of land and natural resources
4 to issue commercial marine licenses;
- 5 (2) Specify that a commercial marine vessel license
6 satisfies an individual's licensure requirement if
7 aboard a licensed vessel; and
- 8 (3) Require any person providing fishing charter services
9 to obtain a commercial marine license.

10 SECTION 2. Section 189-2, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§189-2 Commercial marine license.** (a) The department
13 shall issue commercial marine licenses for the taking of marine
14 life for commercial purposes.

15 ~~[(a)]~~ (b) No person shall take marine life for commercial
16 purposes whether the marine life is caught or taken within or
17 outside of the State, without first obtaining a commercial
18 marine license as provided in this section[-]; provided that a
19 valid commercial marine vessel license shall satisfy the
20 licensure requirement for all persons taking marine life for
21 commercial purposes aboard the validly-licensed vessel.



1 ~~[(b) Additionally, any]~~ (c) Any person providing ~~[vessel]~~
2 charter services in the State for the taking of marine life in
3 or outside of the State shall obtain a commercial marine
4 license.

5 ~~[(e)]~~ (d) The department may adopt rules pursuant to
6 chapter 91 necessary for the purpose of this section and to set
7 fees for commercial marine licensing.

8 ~~[(d)]~~ (e) The fees for commercial marine licenses and
9 duplicate commercial marine licenses shall be established by the
10 department by rules adopted in accordance with chapter 91.

11 ~~[(e)]~~ (f) The department shall suspend, shall refuse to
12 renew, reinstate, or restore, or shall deny any license issued
13 under this section if the department has received certification
14 from the child support enforcement agency pursuant to section
15 576D-13 that the licensee or applicant is not in compliance with
16 an order of support or has failed to comply with a subpoena or
17 warrant relating to a paternity or child support proceeding.
18 The department shall issue, renew, reinstate, or restore an
19 affected license only upon receipt of authorization from the
20 child support enforcement agency, the office of child support
21 hearings, or the family court."



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1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

INTRODUCED BY:

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JAN 21 2020



H.B. NO. 2211

Report Title:

Commercial Marine Licenses; Commercial Marine Vessel Licenses;
Charter Services

Description:

Requires the DLNR to issue commercial marine licenses. Provides that a commercial marine vessel license satisfies an individual's licensure requirement if aboard a licensed vessel. Requires any person who provides fishing charter services to obtain a commercial marine license.

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