
A BILL FOR AN ACT

RELATING TO CHAPTER 200, HAWAII REVISED STATUTES.

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

1 SECTION 1. The legislature finds that some boating and
2 ocean recreation laws impose criminal penalties and that these
3 penalties are not proportional to the severity of the acts
4 committed. Alleged violators of these less-severe offenses are
5 required to spend their time attending court hearings to
6 challenge their citations, and their cases clog court dockets.
7 On the other hand, far more harmful acts are not sufficiently
8 penalized.

9 The purpose of this Act is to align penalties for violation
10 of certain boating and ocean recreation laws with the severity
11 of the prohibited conduct by:

12 (1) Converting certain lower-severity criminal offenses
13 into civil offenses subject to administrative fines
14 only;

15 (2) Establishing offenses related to violation of the
16 state water quality standards as misdemeanor offenses



- 1 subject to suspension of operating and mooring
- 2 privileges;
- 3 (3) Establishing offenses related to reckless or
- 4 unauthorized operation of a vessel, unauthorized
- 5 mooring, abandonment of animals or creating an animal
- 6 colony, violation of commercial boating rules, and
- 7 operating a vessel while under the influence of an
- 8 intoxicant as misdemeanor offenses; and
- 9 (4) Clarifying that the department may impose
- 10 administrative fines in addition to civil or criminal
- 11 penalties.

12 SECTION 2. Section 200-14, Hawaii Revised Statutes, is
 13 amended to read as follows:

14 **"§200-14 Violation of rules; penalty.** (a) Except as
 15 provided in subsection (b), any person who violates this part or
 16 any rule adopted [by the department under] pursuant to this part
 17 ~~[or who violates this part, shall be fined not more than \$1,000~~
 18 ~~or less than \$50 for each violation, and any vessel, the agents,~~
 19 ~~owner, or crew of which violate the rules of the department or~~
 20 ~~this part, shall be fined not more than \$1,000 or less than \$50~~
 21 ~~for each violation; provided that in addition to or as a~~



1 ~~condition to the suspension of the fines and penalties, the~~
 2 ~~environmental court may deprive the offender of the privilege of~~
 3 ~~operating or mooring any vessel in state waters for a period of~~
 4 ~~not more than thirty days.], and any vessel, the agents, owner,~~
 5 or crew of which violate the rules of the department or this
 6 part, shall be subject to an administrative fine of:

- 7 (1) \$ _____ for a first violation;
- 8 (2) \$ _____ for a second violation; and
- 9 (3) \$ _____ for a third and any subsequent violation.

10 (b) Any person who violates any rule adopted by the
 11 department under this part regulating vehicular parking or
 12 traffic movement shall have committed a traffic infraction as
 13 set forth in chapter 291D, the adjudication of which shall be
 14 subject to the provisions contained therein. A person found to
 15 have committed such a traffic infraction shall be fined not more
 16 than:

- 17 (1) \$100 for a first violation;
- 18 (2) \$200 for a second violation; and
- 19 (3) \$500 for a third or subsequent violation.

20 (c) [~~Notwithstanding the provisions of subsection (a)~~
 21 ~~establishing a fine of not more than \$1,000 or less than \$50 for~~



1 ~~each violation,~~] In addition to any civil or criminal penalties
2 otherwise provided by law, any person who violates any rule
3 adopted by the department relating to unauthorized discharge,
4 dumping, or abandoning, in any state boating facility or state
5 waters, of any petroleum product, hazardous material, or sewage
6 in violation of the state water quality standards established by
7 the department of health, shall be [~~fined not more than \$10,000~~
8 ~~for each day of violation, and any vessel, the agents,~~] guilty
9 of a misdemeanor and subject to an administrative fine under
10 section 200-14.5(b). If any agent, owner, or crew member of
11 ~~[which violate the rules of the department shall be fined not~~
12 ~~more than \$10,000 for each day of violation.]~~ a vessel that was
13 involved in a violation of a rule as described in this
14 subsection participated in the violation or had the power to
15 prevent the violation but failed to take actions to prevent the
16 violation, the agent, owner, or crew member shall also be
17 subject to the penalties under this subsection. In addition to
18 or as a condition to the suspension of any fines and penalties
19 under this subsection, the environmental court may prohibit the
20 offender from operating or mooring any vessel in state waters
21 for a period of not more than thirty days."



1 SECTION 3. Section 200-25, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§200-25 Fines and penalties.** (a) Any person [~~violating~~
4 ~~this part, or~~] who violates any rule adopted by the department
5 pursuant to this part, shall be [~~fined not less than \$50 and not~~
6 ~~more than \$1,000 or sentenced to a term of imprisonment of not~~
7 ~~more than thirty days, or both, for each violation;~~] subject to
8 an administrative fine of:

9 (1) \$ _____ for a first violation;

10 (2) \$ _____ for a second violation; and

11 (3) \$ _____ for a third and any subsequent violation;

12 provided that [~~in~~] any person who violates any rule adopted by
13 the department relating to reckless or unauthorized operation of
14 a vessel, unauthorized vessel mooring, animal abandonment, or
15 creation of animal colonies within state small boat harbors, or
16 the regulation of commercial boating and ocean recreation
17 activities, shall be guilty of a misdemeanor; provided further
18 that any person who violates any rules adopted by the department
19 relating to operating a vessel under the influence of an
20 intoxicant shall be subject to penalties.



1 (b) In addition to, or as a condition to the suspension
2 of, [~~the~~] fines and other penalties, the environmental court may
3 deprive the offender of the privilege of operating any vessel,
4 including [~~but not limited to~~] any thrill craft or vessel
5 engaged in parasailing or water sledding, in the waters of the
6 State for a period of not more than thirty days."

7 SECTION 4. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 5. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

DLNR; Boating; Ocean Recreation; Penalties; Administrative Fines

Description:

Amends penalties for violations of laws and administrative rules governing boating and ocean recreation by aligning penalties with the severity of the prohibited conduct. Clarifies that imposition of civil or criminal penalties does not preclude the imposition of administrative fines. (HB552 HD1)

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

