

---

# 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 must 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 authorizes the department to create a commercial  
2 marine vessel license, which is intended to cover everyone on  
3 board a fishing vessel under one license and eliminate the need  
4 for individual licenses. A commercial marine vessel license  
5 will be more convenient and cost effective for Hawaii boat-based  
6 fishers and will clarify who is responsible for submitting  
7 commercial catch reports for the vessel. The department has the  
8 discretion through the public rule-making process contained in  
9 chapter 91, Hawaii Revised Statutes, to determine the  
10 specifications and qualifications of these licenses.

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

19           Finally, the legislature finds that conditioning  
20 eligibility for a commercial marine license on an individual's  
21 student loan repayment status serves no valid public purpose and



1 forecloses individuals from potential jobs and income for  
2 reasons entirely unrelated to their fitness to perform the  
3 licensed activity.

4 The purpose of this Act is to amend the commercial marine  
5 license statute to:

6 (1) Exempt commercial marine licenses from the licensing  
7 sanctions for student loan defaults;

8 (2) Authorize the department of land and natural resources  
9 to establish commercial marine vessel licenses; and

10 (3) Require any person providing fishing charter services  
11 to obtain a commercial marine license.

12 SECTION 2. Chapter 436C, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15 "§436C- Exemption. This chapter shall not apply to  
16 commercial marine licenses issued pursuant to section 189-2."

17 SECTION 3. Section 189-2, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "§189-2 Commercial marine license. (a) The department  
20 shall issue commercial marine licenses for the taking of marine  
21 life for commercial purposes. The department may establish



1 commercial marine vessel licenses and specify the requirements  
2 and qualifications for issuance of these licenses.

3 ~~[(a)]~~ (b) No person shall take marine life for commercial  
4 purposes whether the marine life is caught or taken within or  
5 outside of the State, without first obtaining a commercial  
6 marine license as provided in this section~~[-]~~; provided that a  
7 valid commercial marine vessel license may satisfy the licensure  
8 requirement for all persons taking marine life for commercial  
9 purposes aboard the validly-licensed vessel.

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

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

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

20 ~~[(e)]~~ (f) The department shall suspend, shall refuse to  
21 renew, reinstate, or restore, or shall deny any license issued



1 under this section if the department has received certification  
2 from the child support enforcement agency pursuant to section  
3 576D-13 that the licensee or applicant is not in compliance with  
4 an order of support or has failed to comply with a subpoena or  
5 warrant relating to a paternity or child support proceeding.

6 The department shall issue, renew, reinstate, or restore such a  
7 license only upon receipt of authorization from the child  
8 support enforcement agency, the office of child support  
9 hearings, or the family court.

10 ~~[(f) The department shall not renew or reinstate, or shall~~  
11 ~~deny or suspend any license or application, if the department~~  
12 ~~has received certification from an administering entity pursuant~~  
13 ~~to chapter 436C that the licensee or applicant is in default or~~  
14 ~~breach of any obligation under any student loan, student loan~~  
15 ~~repayment contract, or scholarship contract that financed the~~  
16 ~~licensee's or applicant's education, or has failed to comply~~  
17 ~~with a repayment plan.~~

18 ~~The department in receipt of a certification pursuant to~~  
19 ~~chapter 436C shall, as applicable, and without further review or~~  
20 ~~hearing:~~

21 ~~(1) Suspend the license;~~



1       ~~(2) Deny the application or request for renewal of the~~  
2           ~~license; or~~  
3       ~~(3) Deny the request for reinstatement of the license,~~  
4 ~~and unless otherwise provided by law, shall renew, reinstate, or~~  
5 ~~grant the license only upon receipt of an authorization from the~~  
6 ~~administering entity.] "~~

7           SECTION 4. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9           SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Commercial Marine Licenses; Vessel Licenses; Student Loans

**Description:**

Authorizes the DLNR to create commercial marine vessel licenses. Clarifies that commercial marine licenses are required of all charter services regardless of whether they are tied to a vessel. Exempts commercial marine licenses from the licensing sanctions for student loan default. (HB776 HD1)

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

