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# A BILL FOR AN ACT

RELATING TO USE PERMITS FOR SMALL BOAT HARBOR FACILITIES.

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

1           SECTION 1. Section 200-10, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3           "(c) The permittee shall pay moorage fees to the  
4 department for the use permit that shall be based on but not  
5 limited to the use of the vessel, its effect on the harbor, use  
6 of facilities, and the cost of administering this mooring  
7 program; ~~and,~~ furthermore:

8           (1) Except for commercial maritime activities where there  
9 is a tariff established by the department of  
10 transportation, moorage fees shall be established by  
11 appraisal by a state-licensed appraiser approved by  
12 the department ~~[and shall be higher for nonresidents~~  
13 ~~than for residents. The moorage fees shall be set by~~  
14 ~~appraisal categories schedule A and schedule B, to be~~  
15 ~~determined by the department, and may be increased~~  
16 ~~annually by the department, to reflect a cost-of-~~  
17 ~~living index increase, provided that:~~



- 1       ~~(A) Schedule A shall include existing mooring~~  
2               ~~permittees; and~~
- 3       ~~(B) Schedule B shall apply to all new mooring~~  
4               ~~applicants and transient slips on or after July~~  
5               ~~1, 2011;~~
- 6       ~~provided further that schedule A rates shall be~~  
7       ~~increased by the same amount each year so that~~  
8       ~~schedule A rates equal schedule B rates by July 1,~~  
9       ~~2014];~~
- 10       (2) For commercial maritime activities where there is a  
11               tariff established by the harbors division of the  
12               department of transportation, the department may adopt  
13               the published tariff of the harbors division of the  
14               department of transportation or establish the fee by  
15               appraisal by a state-licensed appraiser approved by  
16               the department;
- 17       (3) An application fee shall be collected when applying  
18               for moorage in state small boat harbors and shall  
19               thereafter be collected annually when the application  
20               is renewed. The application fee shall be[+  
21       ~~(A) Set] set by the department; [and~~



1 ~~(B) Not less than \$100 for nonresidents;~~

2 (4) If a recreational vessel is used as a place of  
3 principal habitation, the permittee shall pay, in  
4 addition to the moorage fee, a liveaboard fee that  
5 shall be calculated at a rate of:

6 (A) \$5.20 a foot of vessel length a month if the  
7 permittee is a state resident; and

8 (B) \$7.80 a foot of vessel length a month if the  
9 permittee is a nonresident;

10 provided that the liveaboard fees established by this  
11 paragraph may be increased by the department at the  
12 rate of the annual cost-of-living index, but not more  
13 than [~~five~~] fifty per cent in any one year, beginning  
14 July 1 of each year;

15 (5) If a vessel is used for commercial purposes from its  
16 permitted mooring, the permittee shall pay, in lieu of  
17 the moorage and liveaboard fee, [~~a fee based on three~~]  
18 a fee that shall be the greater of:

19 (A) Three per cent of the gross revenues derived from  
20 the use of the vessel; or [~~two~~]



1           (B) Two times the moorage fee that would be assessed  
2           for a recreational vessel of the same size[~~7~~  
3           ~~whichever is greater; and~~]; provided that if a  
4           vessel is also used as a place of principal  
5           habitation, the vessel permittee shall also pay a  
6           liveaboard fee established by appraisal by a  
7           state-licensed appraiser approved by the  
8           department;

9           (6) The department is authorized to assess and collect  
10           utility fees, including electrical and water charges,  
11           and common-area maintenance fees in small boat  
12           harbors[~~7~~]; and

13           (7) All fees established by appraisal pursuant to this  
14           subsection shall be set at fair market value."

15           SECTION 2. This Act does not affect rights and duties that  
16           matured, penalties that were incurred, and proceedings that were  
17           begun before its effective date.

18           SECTION 3. Statutory material to be repealed is bracketed  
19           and stricken. New statutory material is underscored.

20           SECTION 4. This Act shall take effect on July 1, 2049.



**Report Title:**

DLNR; Mooring Fees; Liveaboard Fees; State Small Boat Harbors

**Description:**

Amends the various fees the Department of Land and Natural Resources may charge for the usage of state small boat harbors. Amends the manner in which those fees are applied. (SB1257 HD1)

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

