
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 ~~(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 per cent in any one year, beginning July 1
14 of each year;] established by appraisal by a state-
15 licensed appraiser approved by the department;~~

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

20 (A) Three per cent of the gross revenues derived from
21 the use of the vessel; or



1 (B) If the vessel is also used as a place of
2 principal habitation, the liveaboard fee plus two
3 times the moorage fee that would be assessed for
4 a recreational vessel of the same size,
5 [whichever is greater;] and, if the vessel is not
6 also used as a place of principal habitation, two
7 times the moorage fee that would be assessed for
8 a recreational vessel of the same size;

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 [-]; 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 December 31,
21 2050.



Report Title:

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

Description:

Establishes that liveaboard fees for state small boat harbors shall be established by appraisal by a state-licensed appraiser approved by the Department of Land and Natural Resources and shall be set at fair market value. Clarifies fees charged for vessels used for commercial purposes. Takes effect 12/31/2050. (SD1)

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