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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           ~~(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          a fee that shall be the greater of:

20          (A) Three per cent of the gross revenues derived from

21          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[~~-~~  
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[~~-~~]; 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:**

DLNR; 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. Effective 12/31/2050.

(SD2)

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