
A BILL FOR AN ACT

RELATING TO TRANSFERABILITY OF MOORING PERMITS.

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 (d) to read as follows:

3 "(d) The department shall not renew or issue a permit to a
4 person who is not the owner of the vessel [~~which~~] that is moored
5 or [~~which~~] that the person desires to moor in a state small boat
6 harbor. No use permit may be transferred unless specifically
7 provided by law.

8 Any person possessing a mooring permit may transfer the
9 mooring permit to a new vessel owner upon the sale of the
10 mooring permittee's vessel to which the mooring permit applies,
11 and the transferee may retain the mooring permit; provided that
12 all of the following conditions are met:

13 (1) The sale price of the vessel shall not take into
14 account the value of the attendant mooring permit or
15 any fees required by this subsection; provided further
16 that if the department has reason to believe that the
17 vessel is being sold for a price substantially greater



1 or less than fair market value, the department may
2 require an appraisal of the vessel by a state-licensed
3 appraiser at the expense of the vessel owner;

4 (2) The seller shall pay to the department a mooring
5 permit transfer fee of \$150; and

6 (3) The seller shall comply with this chapter and chapter
7 200A, and any administrative rules adopted thereunder.

8 Nothing in this subsection shall be construed as allowing a
9 person possessing a mooring permit to transfer the mooring
10 permit without a corresponding sale of the vessel to which the
11 mooring permit applies. Failure of any person to comply with
12 this subsection when selling the person's vessel or transferring
13 a mooring permit shall result in the automatic termination of
14 the applicable mooring permit.

15 Unless otherwise required by law or a court of competent
16 jurisdiction, if a vessel is sold in accordance with this
17 subsection, the principal habitation permit applied to the
18 vessel, if any, shall not transfer to the new vessel owner and
19 shall automatically terminate.

20 Any individual who is an owner of a vessel used for
21 commercial purposes, including commercial fishing as a principal



1 means of livelihood, and possesses a valid mooring permit or
2 commercial permit, or both, in accordance with the rules adopted
3 by the chairperson pursuant to chapter 91, may transfer
4 ownership of the vessel from personal ownership to corporate or
5 other business ownership without terminating the right to moor
6 or operate the vessel under the permit or permits. The existing
7 permit or permits shall be reissued in the name of the
8 transferee corporation or other business entity."

9 SECTION 2. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Mooring Permits; Transfer; Department of Land and Natural Resources

Description:

Allows a holder of a mooring permit within a state small boat harbor to transfer the mooring permit under certain conditions. (SD2)

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