

JAN 25 2023

A BILL FOR AN ACT

RELATING TO COMMERCIAL OCEAN RECREATION.

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

1 SECTION 1. The legislature finds that many tourists who
2 visit the State participate in watersports, such as snorkeling,
3 scuba diving, kayaking, and surfing. There are companies that
4 conduct commercial operations that take customers on excursions
5 in state waters for the purpose of engaging in recreation
6 activities. These commercial operations are required to obtain
7 a permit from the department of land and natural resources
8 division of boating and ocean recreation. However, the
9 provisions for obtaining those permits do not include safety
10 requirements, which leads to potential consumer safety issues.

11 The legislature further finds that the number of visitors
12 coming to Hawaii continues to grow and locations for commercial
13 ocean recreation are more heavily used with each passing year.
14 This has led to an increase in safety-related incidents over
15 time, including a fatal boating accident off the coast of
16 Kailua-Kona in April of 2022. More stringent crew training
17 requirements would both increase safety and ensure that



1 companies engaging in commercial tours have to meet some minimum
2 requirements before charging customers.

3 The legislature also finds that House Concurrent Resolution
4 No. 86, H.D. 1, S.D. 1, adopted in 2015, requested the
5 department of land and natural resources to engage stakeholders
6 to consider adopting permitting provisions requiring employees
7 of companies who take customers on watersport excursions to be
8 trained in basic water safety measures. However, the
9 legislature finds that the department of land and natural
10 resources has not taken action in response to the provisions of
11 the concurrent resolution.

12 The purpose of this Act is to increase customer safety by
13 requiring:

- 14 (1) Commercial ocean operators who take customers into
15 state waters to engage in recreational activities such
16 as snorkeling, scuba diving, kayaking, and surfing
17 lessons, to have at least one individual aboard the
18 vessel who is certified as a rescue diver or lifeguard
19 by a nationally recognized certification organization;
20 and



1 (2) Each vessel that transports customers for the purpose
2 of engaging in an activity in state waters have a
3 backboard, emergency oxygen, and an automated external
4 defibrillator included in its onboard safety
5 equipment.

6 SECTION 2. Chapter 200, Hawaii Revised Statutes, is
7 amended by adding a new section to part II to be appropriately
8 designated and to read as follows:

9 "§200- Commercial ocean operator; crew and safety
10 requirements. (a) Each commercial ocean operator who
11 transports customers aboard a vessel into state waters to engage
12 in recreational activities, including snorkeling, scuba diving,
13 kayaking, and surfing, shall have aboard the vessel used to
14 transport the customers at least one individual who is certified
15 as a rescue diver or lifeguard by a nationally recognized
16 certification organization; provided that this subsection shall
17 not apply to vessels having a valid vessel safety check issued
18 by the United States Coast Guard Auxiliary and that have at
19 least one individual aboard the vessel who is lifeguard
20 certified in cardio pulmonary resuscitation, use of an automated
21 external defibrillator, and basic first aid.



1 (b) Each vessel used by a commercial ocean operator to
2 transport customers for the purpose of engaging in any activity
3 in state waters shall have a backboard, emergency oxygen, and an
4 automated external defibrillator included in its onboard safety
5 equipment."

6 SECTION 3. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 4. New statutory material is underscored.

10 SECTION 5. This Act shall take effect on January 1, 2024.

11

INTRODUCED BY:





S.B. NO. 1263

Report Title:

Boating Law; Commercial Ocean Operators; Vessels; Safety

Description:

Requires commercial ocean operators who take customers into state waters to engage in recreational activities to have at least one individual aboard the vessel who is rescue diver or lifeguard certified by a nationally recognized certification organization. Requires vessels that transport customers for the purpose of engaging in an activity in state waters to have a backboard, emergency oxygen, and an automated external defibrillator included in its onboard safety equipment.

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