

JAN 19 2024

A BILL FOR AN ACT

RELATING TO OCEAN RECREATION.

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

1 SECTION 1. The legislature finds that small boat harbors
2 and boating facilities are some of the most heavily trafficked
3 facilities in the State, used by residents and tourists alike.
4 The division of conservation and resources enforcement of the
5 department of land and natural resources is responsible for
6 enforcing all statutes and administrative rules of the
7 department, but spends a large part of its time responding to
8 violations in small boat harbors and boating facilities.

9 Much of the enforcement efforts at small boat harbors and
10 boating facilities are necessary to ensure public health and
11 safety, such as responding to vandalism, theft, trespassing, and
12 squatting. In order to deter violators and repeat offenders,
13 stricter penalties are needed.

14 The language of section 200-14, Hawaii Revised Statutes, is
15 not clear regarding whether criminal penalties are authorized
16 for violations of the section, which has hindered enforcement
17 efforts. Therefore, the purpose of this Act is to clarify that



1 criminal penalties are authorized under section 200-14, Hawaii
2 Revised Statutes.

3 SECTION 2. Section 200-14, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§200-14 Violation of rules; penalty.** (a) Except as
6 provided in subsection (b), any person who violates this part,
7 or any rule adopted by the department [~~under~~] pursuant to this
8 part [~~or who violates this part~~], shall be guilty of a petty
9 misdemeanor and fined not more than \$1,000 [~~or less than \$50~~],
10 or sentenced to a term of imprisonment of not more than thirty
11 days, or both, for each violation[~~, and any~~]. Each day or
12 instance of violation shall be deemed a separate offense.
13 Additionally, any vessel, the agents, owner, or crew of which
14 violate [~~the~~] this part, or any rules [~~of the department or~~]
15 adopted by the department pursuant to this part, shall be fined
16 not more than \$1,000 [~~or less than \$50~~] for each violation[~~r~~
17 ~~provided that in~~]. In addition to or as a condition to the
18 suspension of [~~the fines and~~] any penalties[~~r~~] imposed pursuant
19 to this section, the environmental court may deprive the
20 offender of the privilege of operating or mooring any vessel in



1 state waters for a period of not more than thirty days~~[,]~~ for
2 each violation.

3 (b) Any person who violates any rule adopted by the
4 department under this part regulating vehicular parking or
5 traffic movement shall have committed a traffic infraction as
6 set forth in chapter 291D, the adjudication of which shall be
7 subject to the provisions contained therein. A person found to
8 have committed such a traffic infraction shall be fined not more
9 than:

10 (1) \$100 for a first violation;

11 (2) \$200 for a second violation; and

12 (3) \$500 for a third or subsequent violation.

13 (c) Notwithstanding [~~the provisions of~~] subsection (a)
14 [~~establishing a fine of not more than \$1,000 or less than \$50~~
15 ~~for each violation~~], any person who violates any rule adopted by
16 the department relating to unauthorized discharge, dumping, or
17 abandoning, in any state boating facility or state waters, of
18 any petroleum product, hazardous material, or sewage in
19 violation of the state water quality standards established by
20 the department of health, shall be fined not more than \$10,000
21 for each day or instance of violation~~[, and]~~, or sentenced to a



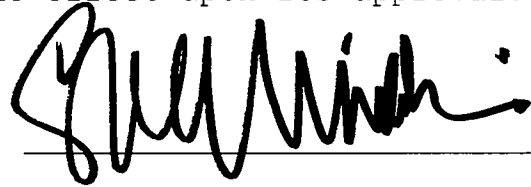
1 term of imprisonment of not more than thirty days, or both.
2 Each day or instance of each violation shall be deemed a
3 separate offense. Additionally, any vessel, the agents, owner,
4 or crew of which violate the rules of the department shall be
5 fined not more than \$10,000 for each day of violation."

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.

9

INTRODUCED BY:



A handwritten signature in black ink, appearing to read "Bill Minick", is written over a horizontal line.



S.B. NO. 2721

Report Title:

Boating and Ocean Recreation; Criminal Penalties

Description:

Clarifies that violation of part I of chapter 200, HRS, relating to ocean recreation and coastal areas, or any rules adopted thereunder shall be subject to criminal penalties.

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

