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# 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. The language of section 200-14,  
14 Hawaii Revised Statutes, is not clear regarding whether criminal  
15 penalties are authorized for violations of the section, which  
16 has hindered enforcement efforts.



1           Therefore, the purpose of this Act is to clarify that  
2 criminal penalties are authorized under section 200-14, Hawaii  
3 Revised Statutes.

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

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



1 privilege of operating or mooring any vessel in state waters for  
2 a period of not more than thirty days~~[-]~~ for each violation.

3 (b) Any person who knowingly or intentionally violates any  
4 rule adopted by the department under this part regulating  
5 vehicular parking or traffic movement shall have committed a  
6 traffic infraction as set forth in chapter 291D, the  
7 adjudication of which shall be subject to the provisions  
8 contained therein. A person found to have committed such a  
9 traffic infraction shall be fined not more 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 knowingly or intentionally  
16 violates any rule adopted by the department relating to  
17 unauthorized discharge, dumping, or abandoning, in any state  
18 boating facility or state waters, of any petroleum product,  
19 hazardous material, or sewage in violation of the state water  
20 quality standards established by the department of health, shall  
21 be fined not more than \$10,000 for each day or instance of



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

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

10 SECTION 4. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect on July 1, 2050.



**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. Takes effect 7/1/2050. (SD2)

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

