

ACT 188

H.B. NO. 3533

A Bill for an Act Relating to Boating.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 200, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§200- Responsibility of vessel owner; evidence of unauthorized mooring. (a) In any proceeding for violation of any statute or rule relating to the mooring of vessels, evidence of ownership including:

- (1) The state registration number;
- (2) The documented name or number of a vessel; or
- (3) Any other identifying name or number;

affixed to a vessel involved in the violation shall create a presumption that the owner of the vessel was the person who unlawfully moored or placed the vessel at the point where, and during the time when, the violation occurred.

(b) A vessel owner may present competent evidence that the vessel was sold, transferred, or stolen, or was moored or placed in accordance with prior written permission of the State or due to an emergency berthing condition to rebut the presumption established in subsection (a).”

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

“§200- Sailing school vessels; rules. The department shall adopt rules for the regulation and operation of sailing school vessels. Until the rules are adopted, sailing school vessels shall be classified as recreational vessels and subject to rules adopted under sections 200-4 and 200-9 that pertain to recreational vessels; provided that sailing school vessels shall be exempt from:

- (1) All requirements for permits and fees; and
- (2) All rules pertaining to:
 - (A) Mooring or anchoring of recreational vessels at any offshore mooring area; and
 - (B) Living aboard a vessel while the vessel is moored within ocean waters of the State.”

SECTION 3. Section 200-1, Hawaii Revised Statutes, is amended by adding the definition of “sailing school vessel” to be appropriately inserted and to read as follows:

““Sailing school vessel” means a vessel:

- (1) Less than five hundred gross tons, carrying six or more individuals who are sailing school students or sailing school instructors principally equipped for propulsion by sail even if the vessel has an auxiliary means of propulsion; and
- (2) Owned or leased by a corporation, association, organization, or other duly chartered entity determined under the Internal Revenue Code to be exempt from the federal income tax and operated for the purpose of providing sailing instruction and therapeutic, educational, recreational, vocational, or family counseling services to emotionally disturbed youth or to youth sentenced by the family court to a rehabilitative sailing program and their families.”

SECTION 4. Section 200-7, Hawaii Revised Statutes, is amended to read as follows:

“**[[§200-7]] Waiver of mooring charges.** The department shall waive the mooring charge for [any]:

- (1) Any and all sea scout craft using moorings belonging to or controlled by the State, when moorings are available as determined by the department; provided that¹ the craft are owned and used exclusively for the purpose of regular organized sea scout groups[.]; and
- (2) Any and all sailing school vessels.”

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.²

SECTION 6. This Act shall take effect upon its approval.

(Approved June 17, 1996.)

Notes

1. Should be underscored.
2. Edited pursuant to HRS §23G-16.5.