

ACT 123

H.B. NO. 2399

A Bill for an Act Relating to Inter-Island Ferry Service.

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

SECTION 1. Section 200-9, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Notwithstanding any limitations on commercial permits for ~~[Lahaina and Maalaea] Maui county~~ small boat ~~[harbors;]~~ facilities, vessels engaging in inter-island ferry service ~~[between the islands of Maui and Molokai] within Maui county~~ shall be afforded preferential consideration for ~~[both] ferry landings [and other commercial purposes]~~, including the issuance of a commercial operating permit and the waiver of any applicable fees, at ~~[Lahaina and Maalaea] Maui county~~ small boat ~~[harbors;]~~ facilities; provided that:

- (1) The vessel operator has been issued a certificate of public convenience and necessity for the purpose of engaging in inter-island ferry service that includes a route ~~[between the islands of Maui and Molokai;]~~ within Maui county;

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- (2) The design and performance characteristics of the vessel will permit safe navigation within the [~~Lahaina~~] harbor entrance channel and safe docking [~~along the north face of the Lahaina pier;~~] within Maui county small boat facilities;
- (3) The vessel operations will not result in unreasonable interference with the use of [~~Lahaina or Maalaea small boat harbors~~] Maui county small boat facilities by other vessels; and
- (4) All preferential consideration and waivers, including any commercial permits issued under this section, shall cease upon the vessel operator's termination of inter-island ferry service [~~route between the islands of Maui and Molokai.~~] within Maui county.”

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 3. This Act shall take effect on July 1, 2006.

(Approved May 23, 2006.)