

ACT 227

S.B. NO. 67

A Bill for an Act Relating to Commercial Activities on Beaches.

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- Prohibited commercial activities on certain beaches; administrative fine. (a) No commercial vendor shall preset commercial beach equipment on any beach under the jurisdiction of the department unless the customer is physically present for the immediate use of the commercial beach equipment. The commercial vendor shall expeditiously remove the commercial beach equipment after the customer has finished using it.

(b) The department may authorize exemptions to subsection (a) through rules adopted pursuant to chapter 91.

(c) Any commercial vendor who violates subsection (a) shall be subject to an administrative fine of:

- (1) \$5,000 for a first offense;
- (2) \$10,000 for a second offense; and
- (3) \$15,000 for a third or subsequent offense.
- (d) This section shall apply to beaches:
 - (1) Under the jurisdiction of the department, including private beaches in which the State has an easement or other property interest; and
 - (2) Within a county with a population of more than:
 - (A) Nine hundred thousand; or
 - (B) One hundred thousand but fewer than one hundred eighty thousand.

This section shall not apply to private beaches in which the State has no property interest.

(e) As used in this section:

“Commercial beach equipment” means recreational equipment for rent, including chairs, umbrellas, surfboards, paddleboards, kayaks, and other non-motorized watercraft equipment.

“Preset” means to set up or have physically ready for use commercial beach equipment by a commercial vendor.”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. New statutory material is underscored.¹

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

(Approved July 6, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.