

PART 2. DIVISION OF AQUATIC RESOURCES (DAR)

Item 2-1. Violations Pertaining to the Filing of Commercial Marine License (CML) Fishing Catch Reports (§189-3, §187A-12.5, HRS)

- (a) §187A-12.5, HRS, authorizes a maximum fine of \$1,000 for a first violation, \$2,000 for a second violation, and \$3,000 for a third violation.
- (b) Each monthly catch report that is past due shall constitute a separate violation.
- (c) For a first offense of §189-3, HRS, an administrative fine of up to \$15 shall be assessed if the respondent fully complies with the violation notice within 21 days of the service of the violation notice. The administrative fine shall increase up to \$30 if the respondent fails to fully comply within 21 days. In addition to a monetary fine, the respondent shall be required to submit an acceptable monthly catch report to the Department for the missing month. (Authority: §187A-12.5, HRS)
- (d) For a second offense within three months of a first offense within the same year of the CML, as determined pursuant to §13-1-71, HAR, a respondent shall be assessed an administrative fine of up to \$25, which shall be increased up to \$50 if the respondent fails to fully comply within 21 days. The respondent shall also be required to turn in an acceptable monthly catch report for the missing month and all relevant sale receipts. (Authority: §187A-12.5, HRS; Implementation: §13-1-71, HAR)
- (e) For a third offense or thereafter within three months of a second offense within the same year of the CML, as determined pursuant to §13-1-71, HAR, a respondent shall be assessed an administrative fine of up to \$100, which shall be increased up to \$200 if the respondent fails to fully comply within 21 days. The respondent shall also be required to turn in an acceptable monthly catch report for the missing month and all relevant sale receipts. (Authority: §187A-12.5, HRS; Implementation: §13-1-71, HAR)
- (f) The Division Administrator shall review a respondent's report submitted to the Division for completeness, truthfulness and accuracy. Any report that fails the review shall constitute non-compliance.

Item No.	Authority	Violation	No. of Offense	Fine (In 21 Days)	Fine (Late)	Other Sanctions*
2-1	HRS §189-3; HRS §187A-12.5	Failing to file a CML fishing catch report	First	Up to \$15	Up to \$30	Back report required
			Second	Up to \$25	Up to \$50	Back report required; sale receipts required
			Third	Up to \$100	Up to \$200	Back report required; sale receipts required

* In addition to any administrative sanctions that may be listed in this column, a regulatory permit or license issued to or held by the respondent may be subject to suspension under Item 1-5 of this Schedule and to revocation under Item 1-6.