

PART 3. DIVISION OF BOATING AND OCEAN RECREATION (DOBOR)

Item 3-1. Violations Pertaining to the Registration of Vessels (§200-31, §200-14.5, HRS)

- (a) §200-14.5, HRS, authorizes a maximum fine of up to \$5,000 for a first violation, up to \$10,000 for a second violation, and up to \$15,000 for a third violation.
- (b) The Department may issue a violation notice to the owner or operator of a vessel if the Department finds that the vessel has not been properly registered as required by law or that the vessel's registration has expired and not been properly renewed as required by law.
- (c) For a first offense of §200-31, 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 notice. An administrative fine of up to \$30 shall be assessed if the respondent fails to fully comply within the 21 day period. (Authority: §200-14.5, HRS)
- (d) For a second offense, 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 with the violation notice within the 21 day period. (Authority: §200-14.5, HRS; Implementation: §13-1-71, HAR)
- (e) For a third offense or thereafter, as determined pursuant to §13-1-71, HAR, a respondent shall be assessed an administrative fine of up to \$100, which shall be increased to up to \$200 if the respondent fails to fully comply with the violation notice within the 21 day period. (Authority: §200-14.5, HRS; Implementation: §13-1-71, HAR)
- (f) In addition to a monetary fine, a respondent shall be required to register the subject vessel within the 21 day period. If the respondent fails to do so, the respondent has committed a separate violation, and the Department may issue a separate violation notice.

Item 3-2. Unauthorized Mooring of a Vessel (§200-16, HRS; §13-234-5, HAR)

- (a) §13-234-5, HAR, authorizes daily fines for unauthorized mooring.
- (b) The Department may issue a violation notice to the owner or operator of a vessel if the Department finds that the vessel has been moored at a small boat harbor of the State or at an offshore mooring area without a valid use permit issued by the Department.

- (c) For an offense of §200-16, HRS, the assessment of fees and fines shall follow §13-234-5, HAR. An additional fine of up to \$50 shall be assessed if the respondent fails to fully comply with the violation notice within 21 days of the service of the notice. (Authority: §§200-14.5 and 16, HRS)
- (d) Impoundment: A proceeding on the impoundment of a vessel under §200-16, HRS, shall not be affected by the operation of the CRVS.

Item 3-3. Unauthorized Commercial Use of Boat Launching Ramps or Other Boating Facilities of the State (§13-234-31, HAR; §200-14.5, HRS)

- (a) §200-14.5, HRS, authorizes a maximum fine of up to \$5,000 for a first violation, up to \$10,000 for a second violation, and up to \$15,000 for a third violation.
- (b) The Department may issue a violation notice to the owner or operator of a commercial trailered vessel that uses a state launching ramp, wharf, or other state boating facility except state small boat harbors without a valid permit pursuant to §13-234-31, HAR.
- (c) For a first offense, an administrative fine of up to \$25 shall be assessed if the respondent fully complies with the violation notice within 21 days of the service of the notice. An administrative fine of up to \$50 shall be assessed if the respondent fails to fully comply within 21 days. (Authority: §200-14.5, HRS)
- (d) For a second offense, as determined pursuant to §13-1-71, HAR, a respondent shall be assessed an administrative fine of up to \$50, which shall be increased up to \$100 if the respondent fails to fully comply with the violation notice within 21 days. (Authority: §200-14.5, HRS; Implementation: §13-1-71, HAR)
- (e) For a third offense or thereafter, 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 with the violation notice within 21 days. (Authority: §200-14.5, HRS; Implementation: §13-1-71, HAR)
- (f) In addition to a monetary fine, a respondent shall be required to obtain a permit and pay all past due fees for the use of a state launching ramp, wharf, or other state boating facility within the 21 day period. If the respondent fails to do so and uses such facilities beyond that period, the respondent has committed a separate violation, and the Department may issue a separate violation notice.

Item 3-4. Unauthorized Recreational Use of Boat Launching Ramps or Other Boating Facilities of the State (§13-234-34, HAR; §200-14.5, HRS)

- (a) §200-14.5, HRS, authorizes a maximum fine of up to \$5,000 for a first violation, up to \$10,000 for a second violation, and up to \$15,000 for a third violation.
- (b) The Department may issue a violation notice to the owner or operator of a trailered vessel using a state launching ramp or other state boating facility for recreational and fishing purposes without a permit pursuant to §13-234-34, HAR.
- (c) For a first offense, 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 notice. An administrative fine of up to \$30 shall be assessed if the respondent fails to fully comply with the violation notice within 21 days. (Authority: §200-14.5, HRS)
- (d) For a second offense, as determined pursuant to §13-1-71, HAR, a respondent shall be assessed an administrative fine of up to \$25 if the respondent fully complies with the violation notice within 21 days of the service of the notice. An administrative fine of up to \$50 shall be assessed if the respondent fails to fully comply with the violation notice within 21 days. (Authority: §200-14.5, HRS; Implementation: §13-1-71, HAR)
- (e) For a third offense or thereafter, 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 with the violation notice within 21 days. (Authority: §200-14.5, HRS; Implementation: §13-1-71, HAR)
- (f) In addition to a monetary fine, a respondent shall be required to obtain a permit and pay all past due fees for the use of a state launching ramp or other state boating facility within the 21 day period. If the respondent fails to do so and uses such facilities beyond that period, the respondent has committed a separate violation, and the Department may issue a separate violation notice.

Item No.	Authority	Violation	No. of Offense	Fine (In 21 Days)	Fine (Late)	Other Sanctions*
3-1	HRS §200-31; HRS §200-14.5	Failing to register a vessel	First	Up to \$15	Up to \$30	Registration
			Second	Up to \$25	Up to \$50	
			Third	Up to \$100	Up to \$200	
3-2	HRS §200-16; HAR §13-234-5; HRS §200-14.5	Unauthorized mooring of a vessel	N/A	Penalty schedule under §13-234-5, HAR	Additional fine up to \$50	Cease and desist; subject to impoundment with additional charges for fees and costs
3-3	HAR §13-234-31; HRS §200-14.5	Unauthorized Commercial Use of Launching Ramps or Other Boating Facilities	First	Up to \$25	Up to \$50	Application for appropriate permit; payment of fees including past due amounts
			Second	Up to \$50	Up to \$100	
			Third	Up to \$100	Up to \$200	
3-4	HAR §13-234-34; HRS §200-14.5	Unauthorized Recreational Use of Launching Ramps or Other Boating Facilities	First	Up to \$15	Up to \$30	Application for appropriate permit; payment of fees including past due amounts
			Second	Up to \$25	Up to \$50	
			Third	Up to \$100	Up to \$200	

* 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.