

DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendments to section 13-234-26
Hawaii Administrative Rules

DRAFT RULES AS OF 7/30/19

[Date of adoption by agency]

1. Section 13-234-26, Hawaii Administrative Rules, is amended to read as follows:

§13-234-26 Passenger fees. (a) Any passenger or cruise vessel [~~which is~~] used for private gain [~~and~~] that does not have a valid mooring permit or commercial permit and [~~which~~] uses state small boat harbors, property, or facilities [~~shall pay the following fees in addition to any other fees required by this chapter:~~

- ~~(1) Per passenger (includes in transit) --
embarking to or from shore to
ship.....\$2~~
- ~~(2) Passengers in transit on a vessel on a
continuous trip whose point of origin and
termination is a state small boat harbor, a
total of disembarking and embarking at each
port per passenger.....\$1.50~~
- ~~(3) Passengers] for embarking and disembarking
passengers [~~on occasional and infrequent
use~~] on a special charter [~~when~~] approved in
[~~advance of voyage as provided in~~]
accordance with section 13-231-
57(c) (3) [.....\$1.50]
shall pay \$2.00 per passenger.~~

(b) [~~Any passenger vessel using a dock, pier or wharf in a state small boat harbor for disembarking and embarking passengers by means of any boat or lighter while moored offshore, shall pay a fee per passenger for disembarking and embarking at each small boat harbor as follows:~~

- ~~(1) Passenger vessels engaging only in
interisland commerce:.....\$.30~~

~~(2) Passenger vessels engaging in international or inter-state commerce:.....\$1.00~~

~~Vessels operated by a federal or state agency are exempt from the provisions of this subsection.] Any passenger or cruise vessel which uses a dock, pier, or wharf in a state small boat harbor for private gain by means of any boat or tender while moored offshore shall pay a fee per passenger as follows:~~

~~(1) For Lahaina small boat harbor..\$3.00 per day~~

~~(2) For all other small boat harbors or facilities.....\$2.00 per day~~

~~(c) Passenger counts shall be determined by a vessel's passenger list. A passenger or cruise vessel required by this section to pay passenger fees shall file [A] a report [shall be filed] with the department on a form acceptable to the department within thirty [days after the date of embarking or disembarking of passengers over state facilities] calendar days after the vessel departs a state small boat harbor or state boating facility, and [the] any charges due shall be remitted along with the report.~~

~~(d) Fees required by this section shall be in addition to any other fees required by this chapter.~~

~~(e) Vessels operated by a federal, state, or county agency in an official capacity shall be exempt from the provisions of this section. [Eff 2/24/94; am~~

~~] (Auth: HRS §§200-4, 200-6, 200-10, 200-22, 200-24) (Imp: HRS §§200-4, 200-6, 200-10, 200-22, 200-24)~~

2. Material, except source notes, to be repealed is bracketed and stricken. New material is underscored.

3. The amendments to section 13-234-26, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____ by the Board of Land and Natural Resources, and filed with the Office of the Lieutenant Governor.

SUZANNE D. CASE
Chairperson
Board of Land and Natural Resources

APPROVED FOR PUBLIC HEARING:

Deputy Attorney General