

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawai'i 96813

November 14, 2025

Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Statewide

Permit the Department of Land and Natural Resources, Division of State Parks, to Establish an Annual Fee for the Registration and Numbering of Rental Vessels at State Parks by Special Use Permit Statewide.

LEGAL REFERENCE:

Act 128, House Bill 1316 (2025), Hawaii Revised Statutes (HRS) § 184-3, 3.2, and Hawaii Administrative Rules (HAR) §§ 13-146-5(1), -54.

BACKGROUND:

The legislature passed Act 128, House Bill 1316, on May 5, 2025. (**Exhibit A.**) The Act prevents any person, beginning January 1, 2026, from renting or leasing, or offering to rent or lease, a vessel to transit navigable waters of state parks unless it "is registered and numbered" with the Department of Land and Natural Resources, Division of State Parks (DSP). *Id.* DSP has under its jurisdiction the following parks where individuals can launch a vessel to transit navigable waters: Ahupua'a 'O Kahana State Park, Kealakekua Bay State Historical Park, and Wailua River State Park.

DISCUSSION:

Adhering to Act 128 requires DSP to establish a method for the registration and numbering of rental vessels by January 1, 2026. DSP is also therefore required to develop a decal whereby the registration number may be affixed to the rental vessel. A "vessel," as defined in Act 128,

includes but is not limited to barges, boats, canoes, catamarans, charter boats, cruisers, ferryboats, fishing boats, flatboats, floating cabanas, houseboats, jet skis, kayaks, motor vessels, motorboats, party boats, powerboats, rafts, rowboats, sailboats, scows, ships, stand-up paddleboards, towboats, tugs, windsurfers, or any similar buoyant devices permitting or capable of free flotation.

The Act imposes two options for DSP to pursue in establishing the process for registration and numbering: (1) adopting a rule or (2) issuing special use permits (SUPs) under HAR 13-146-54. DSP is electing the latter option for expediency.

Under HRS § 184-3(6), DSP may “charge and collect reasonable fees” for the use of state-park resources, and under HRS § 184-3.2(a), the Board of Land and Natural Resources (Board) may adopt administrative fee schedules for “special use activities.” Accordingly, as provided under DSP rules, the Board establishes the fee for the use and payment of SUPs. See HAR §§ 13-146-5, 13-146-54. This is a less complex and time-consuming process than adopting new rules to accommodate Act 128, which would not be adopted before January 1, 2026. DSP will then develop an Act 128 decal and administer special use permits by January 1, 2026.

Our sister division, the Division of Boating and Ocean Recreation, charges \$75.00 for annual boat ramp decals under HAR § 13-234-34(a). DSP finds this pricing to be reasonable and applicable for the registration and numbering of vessels under Act 128. Therefore, DSP proposes that the Board establishes an annual fee of \$75.00 for the registration and numbering of any vessel rented or leased by a permittee, the fees to be deposited into the state parks special fund.

In addition to any other conditions imposed by the Board, DSP intends to include in the SUP the following conditions of use for rental vessels transiting navigable waters of a state park:

The Permittee shall:

1. Comply with all federal and state laws and the rules of the Department of Land and Natural Resources ("DLNR").
2. Fully assume all risk incidents in renting a vessel to the public.
3. Report all accidents, injuries and incidents to the DLNR, Division of Conservation and Resources Enforcement (DOCARE) at (808) 643-3567 immediately and the State Park's office at (808) 587-0300 as soon as possible.
4. Complete and submit monthly to DLNR, with the fee payment, the attached Statement of Gross Receipts. The completed statement shall include the number of patrons and gross revenues per day for park data collection purposes.
5. Limit the days for public use of rental vessels to Monday through Friday, from sunrise to sunset, and, if applicable, adhere to time slots assigned by DSP.

6. Require patrons to disclose which state park they will operate the rental vessel in. The permittee shall inform the patron of the rules of that state park before renting the vessel.
7. Inform patrons to keep a safe distance between other vessels and to heed all warning and safety signs and refrain from using the rented vessel in dangerous weather conditions (e.g., heavy rain, flash flooding, and lightning).
8. Not rent vessels if a flood advisory, flash flood watch or flash flood warning issued by the National Weather Service is in effect for the park where the vessel will be used.

The Permittee acknowledges that:

9. The Permit shall not be transferable, so that whenever a Permittee parts with possession or transfers the title to or any interest in this business named on this permit to another person by any arrangement, this Special Use Permit shall expire. The new possessor, transferee, or owner(s) shall have no right to use this permit.
10. The Permit may be terminated at any time without advance notice if Permittee violates or has previously violated permit conditions or provisions within a year of this Permit.
11. Permittee shall at all times use due care for public safety and defend, hold harmless and indemnify the State, its officers, agents and employees from and against all claims or demands for damages, including claims for property damage, personal injury, or death arising out of an incident to the operations permitted under this Permit.
12. DLNR reserves the right to alter or adjust the operation procedures within the permit expiration date for reasons deemed necessary, including temporary closures of parks for health and safety or search and rescue reasons.
13. Permittee understands that non-compliance with any of the terms and conditions of this Permit shall be cause for termination of this Permit. Upon notification by the DLNR, the Permittee shall be required to immediately cease and desist all rental operations.
14. This Permit or any rights hereunder shall not be sold, assigned, conveyed, leased, mortgaged or otherwise transferred or disposed of.

RECOMMENDATION

The Division of State Parks is requesting that the Board of Land and Natural Resources:

1. Establish the fee for the registration and numbering of a rental vessel by special use permit at seventy-five dollars per annum (\$75.00.)
2. Authorize the Chairperson to prescribe other terms and conditions as may best serve the interests of the State.

Respectfully Submitted,



ALAN CARPENTER
Assistant Administrator
Division of State Parks

APPROVED FOR SUBMITTAL:



DAWN N.S. CHANG,
Chairperson
Board of Land and Natural
Resources

EXHIBIT A – Act 128, House Bill 1316.

A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the people of Hawaii
2 have significant concerns about the effects of over-tourism,
3 including impacts to the environment, and particularly the
4 proliferation of rental kayaks and stand-up paddleboards
5 statewide. The legislature further finds that it is beneficial
6 for the residents and natural resources of the State to regulate
7 commercial rentals where a state park is the location of the
8 watercraft activity. The legislature additionally finds that
9 Wailua river state park on Kauai, Kealakekua bay state
10 historical park on Hawaii island, and Ahupuaa O Kahana state
11 park on Oahu are the only navigable waters within a state park.

12 Therefore, the purpose of this Act is to require:

- 13 (1) The registration and numbering of rental vessels
14 before they are rented or leased, or offered for rent
15 or lease, to the public for transiting the navigable
16 waters of a state park; and



(2) The registration fees to be deposited into the state parks special fund.

SECTION 2. Chapter 184, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§184- Registration required for rental vessels; registration number; fees. (a) Beginning January 1, 2026, no person shall rent or lease, or offer for rent or lease, a vessel to the public for transiting the navigable waters of a state park, unless the rental vessel is registered and numbered with the division of state parks of the department in accordance with rules adopted by the department pursuant to chapter 91 or authorized by a special use permit.

(b) Beginning January 1, 2026, every rental vessel rented or leased, or offered for rent or lease, to the public for transiting the navigable waters of a state park shall have a registration number affixed to the rental vessel.

(c) The department may adopt rules pursuant to chapter 91 to establish conditions of use for rental vessels transiting the navigable waters of a state park and reasonable fees for the initial registration, annual renewal registration, and ancillary



1 decals of those rental vessels, to be deposited to the credit of
2 the state parks special fund.

3 (d) For the purposes of this section, "vessel" has the
4 same meaning as in section 200-6 and includes but is not limited
5 to barges, boats, canoes, catamarans, charter boats, cruisers,
6 ferryboats, fishing boats, flatboats, floating cabanas,
7 houseboats, jet skis, kayaks, motor vessels, motorboats, party
8 boats, powerboats, rafts, rowboats, sailboats, scows, ships,
9 stand-up paddleboards, towboats, tugs, windsurfers, or any
10 similar buoyant devices permitting or capable of free
11 flotation."

12 SECTION 3. Section 184-3.4, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) There is established within the state treasury a fund
15 to be known as the state parks special fund, into which shall be
16 deposited all proceeds collected by the state parks programs
17 involving park user fees, any leases or concession agreements,
18 any fees collected pursuant to section 184- , the sale of any
19 article purchased from the department to benefit the state parks
20 programs, or any gifts or contributions; provided that proceeds



1 derived from the operation of Iolani Palace shall be used to
2 supplement its educational and interpretive programs."

3 SECTION 4. New statutory material is underscored.

4 SECTION 5. This Act shall take effect on July 1, 2040.



Report Title:

Rental Vessels; Registration; Numbering; Navigable Waters;
Wailua River State Park; Kealahou Bay State Historical Park;
Ahupuaa O Kahana State Park; State Parks Special Fund

Description:

Beginning 1/1/2026, requires rental vessels to be registered and numbered with the Department of Land and Natural Resources before being rented or leased, or offered for rent or lease, by the public for transiting the navigable waters of a state park. Requires registration fees to be deposited into the State Parks Special Fund. Effective 7/1/2040. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

