

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 11

OCEAN RECREATION AND COASTAL AREAS

PART II

BOATING

CHAPTER 243 VESSEL EQUIPMENT REQUIREMENTS

Historical note

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Historical note. This chapter is based on vessel equipment requirements of the state boating rules, effective November 5, 1981, and as amended thereafter, under the jurisdiction of the Department of Transportation. The administrative jurisdiction for recreational boating and related vessel activities was transferred from the Department of Transportation, Harbors Division, to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, effective July 1, 1992, in accordance with Act 272, SLH 1991. [Eff 2/24/94]

§13-243-1 Equipment required by vessels on state waters. (a) This chapter applies to all vessels that

are propelled or controlled by machinery, sails, oars, paddles, poles, or another vessel, except Hawaiian design racing canoes, racing shells, rowing sculls, and racing kayaks. Navigational lights, sound producing devices, personal flotation devices, ventilation, backfire flame control, and distress signals shall conform to the standards set forth in U. S. Coast Guard Navigation Rules, COMDTINST M16672.2B, of August 17, 1990 and as revised thereafter; U. S. Coast Guard Boating Standards Manual COMDTINST M16761.2B, dated March 26, 1991 and as revised thereafter; 33 CFR Parts 175, 177, 181, and 183; and 46 CFR Part 25 as they existed on October 1, 1992 and as revised thereafter. The standards above are incorporated in this chapter by reference. Copies may be obtained from the 14th Coast Guard District. They are also available for inspection at the division of boating and ocean recreation, department of land and natural resources, 333 Queen St., Suite 300, Honolulu, Hawaii.

(b) Notwithstanding the exemptions outlined in subsection (a), no person shall operate or anchor offshore a recreational vessel unless all children under the age of thirteen wear a properly fitted personal flotation device whenever the vessel is underway on the ocean waters or navigable streams of the state or when moored or anchored offshore in a non-designated offshore mooring area, unless the children are below decks or in an enclosed cabin.

(c) All thrill craft operators and passengers shall be required to wear a personal flotation device when riding a thrill craft.

(d) For purposes of this section, the term "vessel," excludes surfboards.

(e) Fines and penalties shall be as provided in sections 200-14, 200-14.5, and 200-25, HRS. Prosecution of offenders shall be as provided by law. [Eff 2/24/94; am 7/5/03] (Auth: HRS §§200-4, 200-14, 200-14.5, 200-24, §200-25) (Imp: HRS §§200-4, 200-14, 200-14.5, 200-24, §200-25)

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§13-243-2 Marine sanitation devices. All vessels on state waters and having a marine sanitation device shall comply with 33 CFR Part 159. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §200-24)

§13-243-3 Liquified petroleum gas. A vessel carrying passengers for hire on the waters of the State may not use for heating, cooking or lighting, any liquified petroleum gas or any of those inflammable liquids which are prohibited by federal regulations or requirements. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §200-24)

§13-243-4 Mufflers. A vessel propelled by an internal combustion engine shall, when in operation, be equipped with an efficient muffler, underwater exhaust or other modern device in good working order and in constant operation capable of adequately muffling the sound of the exhaust of the engine. The use of cutouts, or open exhaust stacks is prohibited, except: (1) for motorboats competing in a race or regatta approved by the department or a federal agency; (2) while competing in official trials for speed records; or (3) for such vessels while on trial runs as is incidental to the tuning up of the boats and engines. The phrase "adequate muffling" means that the motor's exhaust at all times be so muffled or suppressed as to not create excessive or unusual noise. The discharge of cooling water through the exhaust of an inboard engine shall be considered an adequate muffling device. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-243-5 Recognition of marine examination decals. In order to free enforcement personnel for other inspections and duties and in recognition of the exacting requirements of the Courtesy Marine Examination, enforcement personnel shall not stop and board any vessel properly displaying a valid United

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States Coast Guard Auxiliary Courtesy Marine Examination decal for the purpose of determining compliance with this chapter except upon reasonable belief that the vessel is being operated in violation of these rules or other regulations or laws. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)