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DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendment and Compilation of Chapter 13-253
Hawaii Administrative Rules
April 25, 2014

SUMMARY

1. Chapter title amended.
2. §13-253-1 is amended.
3. §§13-253-1.1 to 13-253-1.3 are added.
4. §§13-253-2 to 13-253-4 are amended.
5. §13-253-5 is repealed.
6. Chapter 13-253 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 11

OCEAN RECREATION AND COASTAL AREAS

PART III

OCEAN WATERS, NAVIGABLE STREAMS AND BEACHES

CHAPTER 253

CATAMARAN REGISTRATION CERTIFICATE, OTHER
REGISTRATION, AND COMMERCIAL USE PERMIT FEES

\$13-253-1	Registration fees for canoes, surfboards, and water sports equipment
\$13-253-1.1	Commercial use permit and catamaran registration certificate fees
\$13-253-1.2	No additional fees
\$13-253-1.3	Gross receipts
\$13-253-2	Permit and registration certificate Fees
\$13-253-3	Duplicate permit or certificate fee
\$13-253-4	When fees returnable
\$13-253-5	Repealed

Historical note. This chapter is based on registration and permit fees of the Hawaii Shore Waters Rules, dated November 6, 1981, and as amended thereafter, under the jurisdiction of the Department of Transportation, Harbors Division. 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;
comp 9/25/14]

§13-253-1 Registration fees for canoes, surfboards, and water sports equipment. The following registration fees shall be paid to the department for the registration of canoes, surfboards, and water sports equipment that are used in a commercial operation:

	<u>Original</u>	<u>Renewals</u>
Canoes, each vessel	\$5.00	\$3.50
Surfboards, each board	\$1.00	\$1.00
Water sports equipment	\$1.00	\$1.00

The minimum fee for surfboards shall be \$1. [Eff 2/24/94; am and comp 9/25/14] (Auth: HRS §§200-2, 200-4, 200-9, 200-10, 200-22, 200-24) (Imp: HRS §§200-2, 200-4, 200-9, 200-10, 200-22, 200-24)

§13-253-1.1 Commercial use permit and catamaran registration certificate fees. A monthly fee for a commercial use permit or a catamaran registration certificate shall be the greater of \$200.00 or 3% of the gross receipts per month. The monthly fee shall be payable to the department each month in advance. This fee shall be applicable to all commercial use permits and all catamaran registration certificates for state ocean waters or navigable streams. [Eff and comp 9/25/14] (Auth: HRS §§200-2, 200-3, 200-4, 200-22, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-22, 200-24)

§13-253-1.2 No additional fees. (a) Fees required to be paid to the department for commercial activities in state ocean waters, including but not limited to ocean recreation management areas, shall be reported and paid in the following manner:

- (1) The report of gross receipts shall be submitted to and received by the department not later than the end of the month following the month covered by the report and shall be submitted on a form acceptable to the department.
- (2) A permittee possessing a harbor commercial use permit and a commercial use permit for state ocean waters or a navigable stream or a catamaran registration certificate, who is paying 3 per cent of gross receipts per month under the harbor commercial use permit, shall not be required to pay an additional 3 per cent of gross receipts per month under the commercial use permit for state ocean waters or a navigable stream or a catamaran registration certificate, provided that the payment made to the department is based on the total of gross receipts acquired under the harbor commercial use permit and the commercial use permit for state ocean waters or a navigable stream or a catamaran registration certificate.
- (3) A permittee possessing a commercial use permit for state ocean waters or a navigable stream or a catamaran registration certificate who is operating from a private or County facility or land and said operation does not involve the use of state fast land or land within a shoreline area, shall be required to pay \$200 per month by the first day of each month under the commercial use permit or registration certificate, but shall be exempt from paying 3 per cent of gross receipts per month under the commercial use permit or registration certificate.
 - (b) Delinquency in the payment of any fees owed to the department may result in revocation of the commercial use permit or catamaran registration certificate. [Eff and comp 9/25/14] (Auth: HRS §§200-

2, 200-3, 200-4, 200-22, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-22, 200-24)

§13-253-1.3 Gross receipts. (a) "Gross receipts" as used in this chapter means all moneys paid or payable to the account of the commercial use permittee or catamaran registration certificate holder, for services rendered, or resulting from trade, business, commerce, or sales by the vessel or water sports equipment owner when the services, trade, business, commerce, or sales has a direct relationship to the vessel.

(b) Each commercial permittee or catamaran registration certificate holder shall be responsible for submitting to the department a monthly statement of its gross receipts. [Eff and comp 9/25/14] (Auth: HRS §§200-2, 200-3, 200-4, 200-22, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-22, 200-24)

§13-253-2 Permit and registration certificate fees. A \$10.00 fee shall be paid to the department for the issuance or re-issuance of any commercial use permit or catamaran registration certificate pursuant to these rules. [Eff 2/24/94; am and comp 9/25/14] (Auth: HRS §§200-2, 200-4, 200-9, 200-10, 200-22, 200-24) (Imp: HRS §§200-2, 200-4, 200-9, 200-10, 200-22, 200-24)

§13-253-3 Duplicate permit or certificate fee. A \$10.00 fee shall be paid to the department for a duplicate permit or registration certificate if such is lost or destroyed, provided that the duplicating fee for evidence of registration of surfboards will be \$1 for each board with a minimum of \$1 and \$1 for evidence of registration of canoes. [Eff 2/24/94; am and comp 9/25/14] (Auth: HRS §§200-2, 200-4, 200-9, 200-10, 200-22, 200-24) (Imp: HRS §§200-2, 200-4, 200-9, 200-10, 200-22, 200-24)

§13-253-4 When fees returnable. Whenever the department, through error, collects any fee not required to be paid by these rules, the fee shall be refunded to the person paying the fee upon application made within a month after the date of the payment.
[Eff 2/24/94; am and comp 9/25/14] (Auth: HRS §§200-2, 200-4, 200-9, 200-10, 200-22, 200-24) (Imp: HRS §§200-2, 200-4, 200-9, 200-10, 200-22, 200-24)

§13-253-5 REPEALED [R]

DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendments to and compilation of chapter 253, title 13, Hawaii Administrative Rules, on the Summary Page dated April 25, 2014 were adopted on April 25, 2014, following public hearings held on April 2 and 3, 2014, after public notice was given in the Honolulu Star-Advertiser, The Garden Island News, The Maui News, The Hawaii Tribune-Herald, and West Hawaii Today on March 2, 2014.

The amendments and compilation shall take effect ten days after filing with the Office of the Lieutenant Governor.

/s/ William J. Aila, Jr.

WILLIAM J. AILA, JR.

Chairperson

Board of Land and Natural
Resources

/s/ Neil Abercrombie

NEIL ABERCROMBIE

Governor

State of Hawaii

Date: 9/9/2014

9/15/2014

Filed

APPROVED AS TO FORM:

/s/ Pamela K. Matsukawa

Deputy Attorney General