

## **UNCERTIFIED COPY**

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DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendment to Chapter 13-256  
Hawaii Administrative Rules

August 22, 2014

### SUMMARY

1. Section 13-256-16 is amended.

§13-256-16. Thrill craft operations; general provisions. (a) No person under fifteen years of age shall operate a thrill craft. No person shall permit, or mislead another person into permitting, a person under fifteen years of age to operate a thrill craft.

(b) No person shall operate thrill craft within a marine life conservation district or marine natural area reserve.

(c) Thrill craft operations shall be curtailed in certain designated areas as described in subchapters two through eleven as necessary, to: 1) avoid possible adverse impacts on humpback whales or other protected marine life; 2) provide for increased public access; 3) reduce user conflicts; and 4) promote overall public safety.

(d) Effective January 2005, all recreational thrill craft operators shall be required to possess, and make available upon demand of enforcement personnel, a certificate of completion from an accredited institution of higher education on the safe use and operation of a thrill craft. The State may recognize reciprocity with other states, i.e., the National Association of State Boating Law Administrators (NASBLA) approved portion of the personal water craft course; however, all operators shall be required to complete the portions of a certificate course for Hawaii that includes, but is not limited to:

- (1) Local ocean safety principles and practices;
- (2) The historical, cultural, and customary practices of Hawaii's ocean users; and
- (3) Any rules or laws pertaining to protected species and thrill craft operation in the State.

(e) All thrill craft operators and passengers shall be required to wear a personal flotation device in accordance with section 13-243-1.

(f) All persons holding or receiving a certificate of completion under this rule are exempt from section 13-244-15.5 for purposes of operating thrill craft. [Eff 2/24/94; am 7/5/2003; am ] (Auth: HRS §§ 200-22, 200-24) (Imp: HRS §§ 200-22, 200-24)

Amendments to Chapter 13-256, Hawai'i Administrative Rules, on the Summary Page dated August 22, 2014 were adopted on August 22, 2014, following public hearings held on Oahu July 10, 2014, on Maui July 9, 2014, in Kailua-Kona on Hawaii island on July 10, 2014, in Hilo on Hawaii island on July 9, 2014 and on Kaua'i on July 11, 2014, after public notices were given in the Honolulu Star-Advertiser, the Maui News, the Hawaii Tribune Herald, the West Hawaii Today and the Garden Island on June 8, 2014.

These amendments 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

APPROVED AS TO FORM:

/s/ Pamela Matsukawa

Deputy Attorney General

/s/ Neil Abercrombie

NEIL ABERCROMBIE  
Governor  
State of Hawai'i

Date:

10.31.14

Filed