

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii

February 28, 2014

Board of Land and Natural Resources
State of Hawaii
Honolulu, HI

REQUEST TO BOARD FOR APPROVAL TO GO OUT TO PUBLIC HEARING ON A PROPOSED AMENDMENT TO SECTION 13-256-16, HAWAII ADMINISTRATIVE RULES (EXHIBIT A), WHICH WOULD CLARIFY THAT, FOR PURPOSES OF OPERATING THRILL CRAFT, ALL PERSONS HOLDING OR RECEIVING A CERTIFICATE OF COMPLETION FOR THE EDUCATION REQUIREMENT OF SECTION 13-256-16 ON THE OPERATION OF THRILL CRAFT ARE EXEMPT FROM THE EDUCATION REQUIREMENT OF SECTION 13-244-15.5, HAWAII ADMINISTRATIVE RULES, ON THE OPERATION OF POWER DRIVEN VESSELS

Background:

On November 10, 2012, Hawaii Administrative Rule (HAR), Section 13-244-15.5, became law and requires any person operating a motorized vessel of ten horse power or more on the waters of the state shall be required to possess a certificate of completion from a National Association of State Boating Law Administrators (NASBLA) approved course on the safe use and operation of a power driven vessel.

HAR, Section 13-256-16, states in part, "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."

At the time HAR, Section 13-244-15.5, was drafted, it was never contemplated that the requirement for motorized vessels be applied to thrill craft operators. This proposed rule revision clarifies that as long a thrill craft operator has met the education requirements in HAR, Section 13-256-16, they do not need to meet the education requirements of HAR, Section 13-244-15.5 unless they operate a motorized vessel.

Request to Board for Approval to go out to Public Hearing on a Proposed Amendment to Section 13-256-16, Hawaii Administrative Rules (Exhibit A), Which Would Clarify that, for Purposes of Operating Thrill Craft, All Persons Holding or Receiving a Certificate of Completion for the Education Requirement of Section 13-256-16 on the Operation of Thrill Craft are Exempt from the Education Requirement of Section 13-244-15.5, Hawaii Administrative Rules, on the Operation of Power Driven Vessels

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Item J-1

RECOMMENDATIONS:

Request approval to initiate rule-making proceedings to amend Hawaii Administrative Rule, Chapter 13, Section 13-256-16, Thrill Craft Operations, General Provisions.

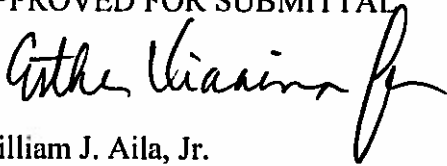
Respectfully submitted,



for Edward R. Underwood
Administrator

Attachment: Exhibit A

APPROVED FOR SUBMITTAL



William J. Aila, Jr.
Chairperson and Member