

Rules Amending Title 13
Hawaii Administrative Rules

DATE

1. Chapter 13-253, Hawaii Administrative Rules, entitled "Registration and Permit Fees," is amended and compiled to read as follows:

"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

Historical note

- §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- §13-253-5 Repealed

EXHIBIT 3

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]

§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 ~~[catamarans,]~~ canoes, ~~[and]~~ surfboards, and water sports equipment that are used in a commercial operation ~~[, subject to registration hereunder.]~~:

	<u>Original</u>	<u>Renewals</u>
[Catamarans, each vessel	\$5.00	\$3.50]
Canoes, each vessel	\$5.00	\$3.50
Surfboards, each board	[-.10] \$1.00	[-.10] \$1.00
<u>Water sports equipment</u>	<u>\$1.00</u>	<u>\$1.00</u>

The minimum fee for surfboards shall be \$1. [Eff 2/24/94; am and comp] (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] (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% of gross receipts per month under the harbor commercial use permit, shall not be required to pay an additional 3% 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 each month under the commercial use permit or registration certificate, but shall be exempt from paying

3% 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 _____] (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 _____] (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 [~~\$2 permit~~] \$10.00 fee shall be paid to the department for the issuance or [~~renewal~~] re-issuance of [~~a~~] any commercial use permit [issued and renewed] or catamaran registration certificate pursuant to these rules. [Eff 2/24/94; am and comp _____] (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 [~~\$1~~] \$10.00 fee shall be paid to the department for a duplicate permit or registration certificate [~~or permit~~] if such is lost or destroyed, provided that the duplicating fee for evidence of registration of surfboards will be [~~ten cents~~] \$1 for each board with a

minimum of \$1 and \$1 for evidence of registration of canoes. [Eff 2/24/94; am and comp _____] (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 _____] (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 Catamaran registration application fee. Prior to filing or renewing an application for the issuance of a catamaran registration as provided in section 13-251-36, the applicant shall pay to the department a nonrefundable application fee of \$5.]~~
[R _____]

2. Material, except source notes, to be repealed is bracketed and stricken. New material is underscored.

3. Additions to update source notes to reflect these amendments are not underscored.

4. The amendments and compilation of chapter 13-253, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____ by the Board of Land and Natural Resources, and filed with the Office of the Lieutenant Governor.

WILLIAM J. AILA, JR.,
Chairperson
Board of Land and Natural Resources

APPROVED FOR PUBLIC HEARING:

Deputy Attorney General