

STATE OF HAWAII
State-Specific Boating Safety Requirements

SL 1. Law Enforcement Authority

The Chairperson of the Hawaii Board of Land and Natural Resources, officers and employees of the department designated by the chairperson, and every state and county officer charged with the enforcement of state laws, called enforcement personnel, enforce and assist in the enforcement of Hawaii statutes and rules. The U.S. Coast Guard (USCG) also has enforcement authority on all federally controlled waters.

SL 2. Age Restrictions

There is no minimum age requirement to operate a powered boat in the State of Hawaii. PWC (also known as "thrill craft") operators must be at least 15 years of age.

SL 3. Boater Safety Education Requirements

The State of Hawaii does not require, but highly recommends that all vessel operators take a boating safety course. Completion of a state and National Association of State Boating Law Administrators (NASBLA) approved boating safety course can gain a person discounted insurance premiums. The Hawaii Department of Land and Natural Resources is authorized to adopt rules to encourage water safety education and programs with respect to thrill craft and parasailing activities.

SL 4. Vessel Registration

Every undocumented vessel on the waters of Hawaii, except those expressly exempted, must be numbered. It is unlawful to place, operate or give permission for the placement or operation of any undocumented vessel on the waters of the State unless the vessel is numbered.

The following are exempt:

- A vessel with a valid marine document issued by the United States Coast Guard or any federal agency successor thereto.
- A vessel already covered by a number in full force and effect issued to it pursuant to federal law or a federally approved numbering system of another jurisdiction; provided that the vessel does not remain in this State for a period in excess of 60 days.
- A vessel from a country other than the United States, provided that the vessel has not been in the waters of the State for a period in excess of 60 days.
- A vessel whose owner is the United States, used exclusively in the public service and is clearly identifiable as such a vessel.
- A vessel's lifeboat if the boat is used solely for lifesaving purposes. This exemption does not include craft carried aboard a vessel and used for other than lifesaving purposes.
- A vessel belonging to a class of boats exempted from numbering if the Department has found that the numbering of vessels of such class will not materially aid in their identification; and, if any agency of the federal government has a numbering system applicable to the class of vessels to which the boat in question belongs, after the department has further found that the vessel would also be exempt from numbering if it were subject to federal law.
- A vessel manually propelled.
- A vessel 8 feet or less in length propelled solely by sail.
- A motorboat used exclusively for racing.
- A vessel operating under a valid temporary certificate of number.

SL 5. Maximum Loading and Horsepower

The State of Hawaii does not have any maximum loading and horsepower requirements that are in addition to federal regulations. To review federal regulations, refer to the section on Capacity Plates included in Chapter 1 of this course.

The following information was approved by NASBLA and is included in Chapter 1 of the Boater101 Course:

Capacity Plates

It is required for all mono-hull boats under 20 feet built on or after November 1, 1972 to have a capacity plate approved by the USCG. In addition some manufacturers voluntarily install capacity plates on boats larger than 20 feet. This plate must be visible from the operator's station. The capacity plate lists a safe motor size, the maximum number of persons to be carried onboard, and the total weight the boat can carry including persons, motor, and gear. When operating your boat be sure to adhere to the restrictions listed on the capacity plate. Not only is it dangerous to overpower or overload a small boat, since they can swamp or capsize more easily, but it is also illegal. In many states, there are fines and penalties for exceeding capacity recommendations, including carrying more than the maximum number of people.

SL 6. Equipment and Lighting Requirements

The USCG sets minimum safety standards for vessels and associated equipment. To meet these standards, some of the equipment must be USCG-approved. All boats operating on Hawaiian waters must carry and, if required, have in operation, acceptable personal flotation devices (PFDs), visual distress signals, fire extinguishers, sounding devices, backfire flame arrestor, ventilation systems, and navigation lights as required by federal law. If a boat manufacturer installs the safety equipment, it should not be assumed that the vessel is properly equipped at time of purchase. Boat owners are responsible for ensuring that his or her vessel meets USCG regulations in accordance with vessel size and the waters in which the vessel is being operated. To review the federal requirements for safety equipment, refer to Chapter 2 of this course.

Emergency Communication Devices

Effective January 1, 2004, it is unlawful to operate in the waters of the Hawaii beyond one mile of shore, any:

- vessel required to be registered by the State or documented by the U.S. Coast Guard; or
- manual or sail-propelled vessel not required to be registered by the State or documented by the USCG,

unless the vessel is equipped with a properly functioning fixed mount or handheld marine VHF-FM radio (156-162 MHz band) or emergency position indicating radio beacon.

Canoes, thrill craft, surfboards, and paddleboards shall be exempt from this section. Kayaks and training sailboats shall be exempt from this section when accompanied by at least one vessel that complies with this section.

Violators will be fined not more than \$100 for each separate offense. Each day of each violation constitutes a separate offense.

Mandatory PFD Usage

Federal law requires that all children under the age of 13 must wear a USCG-approved PFD while on a recreational vessel that is underway, unless they are in an enclosed cabin or below deck.

SL 7. Marine Sanitation Devices (MSDs)

Federal and Hawaiian law prohibit the dumping of sewage, treated or untreated, or any waste derived from sewage, into the ocean waters or navigable streams of Hawaii. Federal regulations and equipment standards established jointly by the Federal Environmental Protection Agency and the U.S. Coast Guard govern the use of Marine Sanitation Devices (MSDs). For information on the federal MSD regulations and/or coastal harbors whose waters have been declared as "no-discharge" areas contact your local agency listed on the website link in the Additional Information section.

State law provides that it is a misdemeanor to disconnect, bypass, or operate an MSD so as to discharge sewage into the waters of this state unless expressly authorized or permitted by law.

In no-discharge areas:

- No person shall disconnect, bypass, or operate a MSD so as to potentially discharge sewage, and
- No person shall occupy or operate a vessel in which an MSD is installed unless the MSD is properly secured.

A first violation is an infraction and any subsequent violation is misdemeanor. State and local peace officers may enforce state law relating to MSDs and may inspect vessels if there is reasonable cause to suspect noncompliance with those laws.

SL 8. Muffling Devices

To reduce noise, motorboat engines must be equipped with factory-installed mufflers, exhaust water manifolds or other effective muffling system. The use of cutouts, or open exhaust stacks is prohibited, except:

- For motorboats competing in a race or regatta approved by the Department of Land and Natural Resources or a federal agency;
- While competing in official trials for speed records; or
- 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.

SL 9. Boating Accidents

If a boat is involved in an accident, the operator must give necessary assistance to the other vessel and passengers, as long as it will not personally endanger the operator, his or her passengers, crew or the vessel. The operator must also give his or her name, address, and the identifying number of his or her vessel to anyone injured in the accident and to the owner of any damaged property.

In Hawaii, a boating accident is defined as:

- The death of a person;
- The loss of consciousness by any person, the receipt of medical treatment by any person, or the incapacity of any person for more than 24 hours;
- Damage to the vessel and other property totaling more than \$200; or
- The disappearance of a person from the vessel under circumstances that indicate possible death or injury.

In cases of disappearance or loss of life, the operator of the vessel must submit within 48 hours of the incident, and within 7 days of every other accident, a written report to the Department of Land and Natural Resources on forms furnished by the Department of Land and Natural Resources.

SL 10. Vessel Speed Restrictions

The speed of all vessels on the waters of the State shall be limited to a slow-no-wake speed so as to create no wake of appreciable wave height when within 200 feet of any:

- Shoreline
- Float
- Dock
- Launching ramp
- Congested beach
- Swimmer
- Diver's flag or
- Anchored, moored or drifting vessel.

It is unlawful to operate a vessel at a rate of speed greater than is reasonable having regard to conditions and circumstances such as the closeness of the shore and shore installations, anchored or moored vessels in the vicinity, width of the channel, and if applicable, vessel traffic and water use, or as posted by buoy or sign.

SL 11. Mooring to Markers or Buoys

It is unlawful to moor or attach a vessel to a beacon, light, buoy (except a mooring buoy) or any other navigational aid installed on public waters by proper authorities. It is also unlawful to tamper with, move, displace, damage or destroy any navigational aid. In Hawaii, it is unlawful to anchor, place or moor a vessel, houseboat or raft to any waterway marker or aid to navigation placed by the United States or the State in any of the navigable waters of the State without a permit. The following are exempt:

- Vessels owned by the United States;
- Vessels engaged in interstate or foreign commerce; or
- Pleasure craft or fishing vessels temporarily anchored for a period of less than seventy-two hours.

SL 12. Reckless and Careless Operation

It is unlawful to operate a vessel in a careless or heedless manner so as to be grossly indifferent to the person or property of other persons, or at a rate of speed greater than will permit that person in the exercise of reasonable care to bring the vessel to a stop within the assured clear distance ahead.

It is unlawful to operate a vessel in a willful or wanton disregard for the safety of persons or property.

Riding on bow or gunwales of vessels 26 feet in length or under is prohibited unless proper railings are installed to prevent falling overboard.

SL 13. Interference with Navigation

It is unlawful to:

- Anchor a vessel in the traveled portion of a waterbody in Hawaii that will prevent or interfere with any other passing vessel.
- Obstruct a boat ramp, pier, wharf or access to any facility.
- Obstruct or mark the waters of Hawaii in a way that may endanger the operation of watercraft or conflict with the marking system prescribed by the State of Hawaii.
- Operate or otherwise position a vessel, other object or any person in a way that would obstruct or impede the normal flow of traffic on the waterbodies of this state.

Anchoring under bridges or in restricted channels is an interference if unreasonable under the existing circumstances.

A motorboat underway must keep out of the way of a vessel engaged in fishing.

SL 14. Boating Under the Influence

No person who is under the influence of intoxicating liquor is allowed to operate or be in actual physical control of any vessel upon waters of the State. No owner of any vessel or any person in charge or in control of a vessel may authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor.

No person who is a habitual user of or under the influence of any narcotic drug or who is under the influence of any drug, to a degree that renders that person incapable of safely operating a vessel, is allowed to operate a vessel on the waters of the State. The fact that any person charged with a violation of this regulation is or has been entitled to use the drug under the laws of the State does not constitute a defense against any charge of violating this regulation.

By operating a boat or PWC on Hawaiian waters, operators have given "implied consent" to be tested for alcohol or drugs if requested by law enforcement personnel. If an operator refuses to be tested, he or she will be subject to arrest and punishment according to the penalties provided under the laws of Hawaii.

SL 15. Mandatory Violator Education

There is no mandatory violator education legislation in the state of Hawaii at this time.

SL 16. PWC Regulations

Personal Watercraft (PWCs) are small, agile boats powered by an inboard engine and a jet pump mechanism. The U.S. Coast Guard considers them to be "Class A Inboard Boats." These vessels are also identified as "Thrill Craft" in the State of Hawaii. "Thrill craft" means any motorized vessel that falls into the category of personal watercraft, and which:

- is generally less than thirteen feet in length as manufactured;
- is generally capable of exceeding a speed of twenty miles per hour;
- can be operated by a single operator, but may have the capacity to carry passengers while in operation; or
- is designed to provide similar operating performance as a personal watercraft through a combination of small size, power plant, and hull design.

The term includes, but is not limited to, a jet ski, waverunner, wet bike, surf jet, miniature speed boat, hovercraft, and every description of vessel that uses an internal combustion engine powering a water jet pump as its primary source of motive propulsion. These vessels are designed to be operated by a person or persons sitting, standing, or kneeling on, or being towed behind a vessel.

These watercraft are subject to the same laws and requirements as larger, more conventional boats. PWCs are not high-speed toys. While PWCs may have a number of differences from other boats, there is no difference between personal watercraft operators and other boaters. For this reason, it is valuable for you to know boating basics.

State law prohibits PWC operators from undertaking unsafe or reckless practices, including jumping another vessel's wake within 100 feet of that vessel, operating at a rate of speed and proximity to another vessel so that the other operator is required to swerve to avoid collision, and "spraying down" any person or vessel in the water.

SL 17. Water Ski Regulations

It is unlawful in the State of Hawaii to tow or otherwise assist a person on water skis, aquaplane or similar contrivance, operate or propel in or upon any waterway, unless such motorboat is occupied by at least two competent persons, one of whom must observe at all times the progress of the person or persons being towed. This regulation does not apply to motorboats used in duly authorized water-ski tournaments, competitions, expositions, or trials therefore, or to any motorboat equipped with an adequate rear view mirror. A rear view mirror

is considered adequate if it permits the operator to see the person being towed when that person is within the towboat wake on a 75-foot line and to identify common hand signals used by the person being towed. An observer is considered competent if, in fact, the observer is at all times observing the progress of the person or persons being towed and is accurately relaying signals or other pertinent information to the vessel operator concerning the progress of the person being towed. This regulation does not apply to vessels less than 16 feet in length actually operated by the person or persons being towed and so constructed as to be incapable of carrying the operator in or on the vessel.

It is unlawful for a motorboat to have in tow or otherwise assist a person on water skis, aquaplane or similar contrivance during the period from sunset to sunrise. This regulation does not apply to motorboats used in duly authorized water-ski tournaments, competitions, expositions, or trials therefore.

All motorboats having in tow or otherwise assisting a person on water skis, aquaplane or similar contrivance, must be operated in a careful and prudent manner and at a reasonable distance from persons or property so as not to endanger the life or property of any person.

It is unlawful to operate or manipulate any vessel, towrope or other devices by which the direction or location of water skis, an aquaplane, or similar device may be affected or controlled in such a way as to cause the water skis, aquaplane or similar devices, or any person thereon to collide with or strike against any person or object. This regulation does not apply to collisions with towlines or to collisions of two or more persons, aquaplanes or similar devices being towed behind the same vessel, nor to collisions with ski jumps, buoys or similar objects normally used in competitive or recreational water-skiing.

It is unlawful to operate a motorboat towing or otherwise assisting a person on water skis, aquaplane or similar contrivance unless such vessel is equipped with a ladder, steps or similar means by which any person being towed can be taken from the water. This regulation does not apply to motorboats used in duly authorized water-ski tournaments, competitions, expositions, or trials therefore.

It is unlawful to operate a motorboat towing or otherwise assisting a person on water skis, aquaplane or similar contrivance unless the person being towed is equipped with a lifesaving device; provided that this regulation shall not apply to persons participating in authorized water-ski tournaments, competitions, expositions, or trials therefore.

No person who is under the influence of intoxicating liquor or who is a habitual user of or under the influence of any drug to a degree which renders the person incapable of safely manipulating water skis or aquaplane or similar contrivance shall manipulate water-skis, an aquaplane or similar contrivance on the waters of the State.

SL 18. Divers-down Flag

Federal navigation rules require vessels restricted in the ability to maneuver to display appropriate day shapes or lights. To meet this requirement, recreational vessels engaged in diving activities may exhibit a rigid replica of the international code flag "A" or a "Divers-Down" flag not less than one meter in height, or at night, display navigation lights 360 degrees red on top, white in middle and red on the bottom. Scuba divers, skin divers and snorkelers must mark their diving area by means of a diver's down flag.

No person when so engaged shall knowingly surface more than 50 feet from such marker, except in cases of emergency. Vessels must travel at no-wake speed when within 200 feet of a Diver's down flag.

No person may engage in underwater swimming or diving in a manner that unreasonably or unnecessarily interferes with vessels or with free and proper navigation of the waterways of the State. Such diving or swimming in narrow or otherwise restricted channels shall constitute an interference, if unreasonable under the circumstances.

Recognition of the Divers-down flag by regulation is not construed as conferring any rights or privileges on its users, and its presence in a given water area is not be construed in itself as restricting the use of the water area so marked. Operators of vessels must, however, exercise precaution commensurate with conditions indicated.

The Divers-down flag must be displayed only when diving or underwater swimming is in progress, and its display in a water area when no diving is in progress in that area constitutes a violation of these regulations.

SL 19. Liveries (Rental Agencies)

"Boat livery" means a person who is engaged in the business of renting, leasing, or chartering vessels.

Reports required

All boat liveries must record with the Department of Land and Natural Resources the name and address of their livery, the name and address of the owner and the number and lengths of boats in use. The boat livery must notify the department upon termination of service. The Department of Land and Natural Resources must maintain a record of all boat liveries. No recording fee is charged.

Livery record

The owner of a boat livery must keep a record of the name and address of the person or persons hiring any vessel, the identification number thereof, and the departure date and time and the expected time of return for at least six months.

Responsibility for required equipment

Neither the owner of a boat livery nor the owner's agent or employees may permit any hired vessel to depart from the owner's premises unless it is provided, either by the owner or renter, with the safety equipment required by federal and state law.

SL 20. Other State-Specific Regulations

Any county in Hawaii, at any time, may make formal request to the chairperson of the Hawaii Department of Land and Natural Resources to adopt special rules with reference to the operation and use of vessels on any waters within its jurisdiction. The request shall set forth the reasons that make these special rules necessary or appropriate.

The Hawaii Department of Land and Natural Resources may make special rules with reference to the operation and use of vessels on any waters of the State as may be reasonably necessary

Bottom Fishing Vessel Identification

If you plan to use your vessel for bottom fishing, permits are required. Your vessel must also bear the proper markings. Here are the steps you must take to legally identify your boat as permitted for this activity:

Case 1: State Registered Vessel. If you have a Hawaii number, obtained from the Division of Boating and Ocean Recreation (DOBOR), you must also display the letters BF (Bottom Fishing) on the sides of your vessel. The BF should NOT be displayed right next to or after the HA (Hawaii registration) number. DOBOR does not allow other numbers or letters to be displayed

near the HA number. The BF should be put on the sides of the vessel, either on the superstructure (cabin) or the hull well above the waterline.

Case 2: Federal Fishery Permitted Vessel. If you have a Federal Fishing Permit issued by the National Marine Fisheries Service, you should already have your permit number (probably same as USCG documentation number) painted on the sides of the hull or superstructure of the vessel. In this case, you only have to display the letters BF as a suffix to the existing number.

Case 3: U.S. Coast Guard Documentation Vessel - No Federal Fishery Permit. If you have a documented (not State registered) vessel but don't have a Federal Fishing Permit, you will have a USCG documentation number. This number will not be displayed on the outside of the vessel. In this case, you must display the documentation number plus the letters BF on the sides of the hull or superstructure of the vessel.

Local Restrictions

Local restriction and regulations are in place for the following areas: Waikiki ocean waters, Makapuu ocean waters, Kealakekua Bay ocean waters, Kailua Beach ocean waters, Ahihi-Kinohi ocean waters, Pokai Bay ocean waters, Ala Moana Beach Park ocean waters, Manele-Hulopoe marine life conservation district, and Kaanapali ocean waters. Contact local authorities before boating in one of these areas.

Pipelines In Keehi Lagoon

The pipeline area in Keehi Lagoon consists of an area twenty yards southwest and eighty-five yards northeast of 21E 19' 49.876N, 157E 54' 07.759W to 21E 19' 28.610N, 157E 53' 46.024W. No person shall anchor or moor a vessel within the pipeline area described in this section.

SL 21. Environmental Awareness

Humpback Whale Approach Restrictions

Under the 1994 reauthorization of the Marine Mammal Protection Act, Hawaii Humpback Whale Anti-Harassment Regulations were recently amended making it unlawful to approach, by any means, closer than 100 yards, any humpback whale swimming within 200 nautical miles of the Islands of Hawaii. The amendment deleted a 1986 rule, which set up a 300-yard standoff distance in "cow/calf zones" off Maalaea Bay, Maui and the eastern coast of Lanai. The National Marine Fisheries Service, Office of Enforcement, Coast Guard, and the Department of Land and Natural Resources Division of Conservation and Resources Enforcement (DOCARE) will continue to enforce these regulations.

For law pertaining to "alien aquatic organisms," see HRS Sec. 187A-32(b).

Additional Information

For more information on Hawaii boating law refer to the Hawaii Division of Boating and Ocean Recreation at <http://www.state.hi.us/dlnr/dbor/dbor.html> and the Hawaii Division of Boating and Ocean Recreation Administrative Rules at <http://www.state.hi.us/dlnr/dbor/borrules.htm>.