

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii 96819

February 12, 2021

Chairperson and Members
Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Land Board Members:

SUBJECT: Request for approval and adoption of amendments to Hawaii Administrative Rule Section 13-241, Numbering of Vessels, for the purpose of implementing vessel titling regulations in accordance with the Uniform Certificate of Title for Vessels Act.

The proposed rules can be reviewed in person at a Division of Boating and Ocean Recreation (DOBOR) district office from 8:00 am to 3:30 pm, Monday through Friday, except state Holidays as follows: Hawai'i District: Honokōhau Small Boat Harbor 74-380 Kealakehe Parkway Kailua-Kona, HI 96740; Kaua'i District: Nawiliwili Small Boat Harbor 2494 Niumalu Road Lihu'e, HI 96766; Maui District: Ma'alaea Small Boat Harbor 101 Ma'alaea Boat Harbor Road Wailuku, HI 96793; O'ahu District: Ke'ehi Small Boat Harbor 4 Sand Island Access Road Honolulu, HI 96819.

The proposed rules can be reviewed online at: <http://ltgov.hawaii.gov/the-office/administrative-rules>. The proposed rules can also be viewed online at: <http://dlnr.hawaii.gov/dobor/draft-rules>. Location and contact information for DOBOR offices is available online at: <http://dlnr.hawaii.gov/dobor/contact>.

BACKGROUND:

DOBOR received the following regulatory approvals to hold the public hearing for these amendments:

- October 23, 2020: The Board of Land and Natural Resources (Board) approved DOBOR's request to begin the rulemaking process for HAR Chapter 13-241, including holding public hearings, pursuant to Hawaii Revised Statutes (HRS) Chapter 91.
- November 24, 2020: The Small Business Regulatory Review Board (SBRRB) voted to recommend that the proposed amendments proceed to public hearing. DOBOR informed

SBRRB that there would be an impact to small business because of titling and registration fees that businesses would need to pay if they owned a vessel that would be operated on state ocean waters.

- November 25, 2020: DOBOR received approval from the Governor to hold public hearings.

PURPOSE:

The purpose of these amendments is to: implement administrative rules regarding titling of vessels operated in state waters, including aligning vessel registration and vessel titling rules; make clarifying amendments to Chapter 13-241, HAR, to account for titling restrictions and to remove conflicting language between titling and registration rules; and implement a fee structure for titling and registration services to be offered by DOBOR. Proposed amendments are attached as **EXHIBIT A**.

REMARKS:

In 2018, the Legislature passed Act 46, Session Laws of Hawaii 2018, the Uniform Certificate of Title for Vessels Act (UCOTVA), codified as Chapter 200A, Hawaii Revised Statutes, which implemented the statutory basis for titling of vessels operating in state waters. UCOTVA authorizes DOBOR to implement administrative rules regarding vessel titling. DOBOR has been developing three elements to the State vessel titling framework: (1) these proposed rules; (2) a certificate of title template including various security features to resist counterfeiting; and (3) a new vessel information database intended to streamline data entry and retrieval. The certificate of title template and vessel information database are near completion, and DOBOR is now seeking approval of these proposed rules.

The proposed rules package contains the following amendments:

1. Renames the title of Chapter 13-241 to Numbering and Titling of Vessels.
2. Reorganizes Chapter 13-241 to place definitions in a single section at the beginning of the chapter.
3. Amends the required information required from an applicant for a certificate of number to align with the requirements of Chapter 200A, HRS.
4. Specifies the information to be printed on certificates of title issued by DOBOR.
5. Makes clarifications regarding cancellation of certificates of number.
6. Adds a category of "dormant" vessels for those vessels not being operated on state waters but maintaining a valid certificate of number.
7. Sets fee types and amounts for title and registration functions to be offered by DOBOR.

8. Makes technical edits for style, grammar, and consistency with other HAR sections.

DOBOR staff recommends that the Board approve and adopt the rule proposal as it was presented at public hearing. Pending approval by the Board and the Small Business Regulatory Review Board, DOBOR will submit the proposed amendments to HAR Chapter 13-241 to the Governor for review and approval. If the Governor approves the rules, they will be filed with the Office of the Lieutenant Governor and have the force and effect of law ten days after filing.

PUBLIC HEARING ASSESSMENT

Notice of the public hearing was published in The Garden Island, Hawaii Tribune-Herald, Honolulu Star Advertiser, Maui News, and West Hawaii Today on December 7, 2020. The notice announced: (1) that the public hearing would be held on January 6, 2021 and would be held virtually by Zoom for safety concerns due to the COVID-19 pandemic; (2) the availability of the proposed rule amendment document in electronic format on the DOBOR website; (3) the availability of physical reference copies of the proposed rule amendment at all DOBOR District Offices; and (4) instructions for submitting written testimony. The assessment of the public hearing is as follows:

- ATTENDANCE: No individuals attended the public hearing held by Zoom webinar on January 6, 2021.
- MAILED TESTIMONY (POSTMARKED BY 1/16/2021): No individuals submitted hardcopy testimony within the deadline specified by DOBOR.
- EMAILED TESTIMONY (RECEIVED BY 1/16/2021 11:59 P.M.): No individuals submitted electronic testimony within the deadline specified by DOBOR.

RECOMMENDATION:

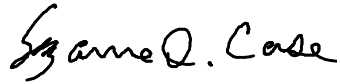
DOBOR requests that the Board approve adoption of the amendments to HAR Chapter 13-241.

Respectfully Submitted,



EDWARD R. UNDERWOOD, Administrator
Division of Boating & Ocean Recreation

APPROVED FOR SUBMITTAL:

A handwritten signature in black ink that reads "Suzanne D. Case". The signature is written in a cursive style with a horizontal line underneath it.

SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

Attachment:

- A. Proposed amendments to HAR Chapter 13-241

DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendments to and compilation of
Chapter 13-241
Hawaii Administrative Rules

[Date of adoption by agency]

1. Chapter 13-241, Hawaii Administrative Rules,
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 2

BOATING

CHAPTER 241

NUMBERING AND TITLING OF VESSELS

Historical note

- §13-241-1 [~~Operation of certain unnumbered vessels prohibited~~] Definitions
- §13-241-2 [~~Exemption from numbering provisions of this chapter~~] Vessel numbering and titling requirements; operation of certain vessels prohibited.
- §13-241-3 Numbering system
- §13-241-4 Number display
- §13-241-5 Application for number or title; contents; requirements

Exhibit A

- §13-241-6 Authority to grant or refuse applications
- §13-241-7 Certificate of number and certificate of title; contents
- §13-241-8 Certificate of number [~~to be carried aboard vessel~~]; and certificate of title; description
- §13-241-9 Cancellation of certificate [~~and voiding~~] of number; withdrawal of number
- §13-241-10 Period of validity and renewal of certificate of number; dormant certificate of number; stored vessels
- §13-241-11 Owner required to report change of address, ownership, loss, destruction or abandonment of vessel
- §13-241-12 New owner must secure new certificate of number and certificate of title
- §13-241-13 Registration [~~stickers (decals)~~] decals
- §13-241-14 Stolen or mutilated certificates or registration [~~stickers (decals)~~] decals
- §13-241-15 Falsified, unauthorized, or removed identification number, registration decal, or title
- §13-241-16 Improper use of certificate of number or certificate of title
- §13-241-17 Seizure of documents and [~~stickers (decals)~~] decals
- §13-241-18 Numbering of manufacturer's and dealer's vessels
- §13-241-19 Livery boat number
- §13-241-20 [~~Documented vessels not to be numbered~~] Repealed
- §13-241-21 [~~Issue~~] Issuance of certificate of number [~~by department's agents~~]; certificate of title to only be issued by the department
- §13-241-22 [~~Authorization of~~] Third-party vessel registration agents
- §13-241-23 Public records
- §13-241-24 Transmittal of statistical information
- §13-241-25 Fees and charges
- §13-241-26 Negotiable instruments; service charge

Historical note. [~~This chapter is based on the numbering of vessels effective November 5, 1981, and as amended thereafter by the Department of Transportation, Harbors Division.~~] The administrative jurisdiction for recreational boating and related vessel activity 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. Hawaii became a vessel title state effective July 1, 2018, with the enactment of Act 46, SLH 2018, relating to the Uniform Certificate of Title for Vessels Act. [Eff 2/24/94; am and comp]

§13-241-1 [Operation of certain unnumbered vessels prohibited. Every undocumented vessel on the waters of the State, except those expressly exempted as provided in section 13-241-2 shall be numbered. No person shall 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 in accordance with this chapter, except as provided for in section 13-241-2.] **Definitions.** As used in this chapter, unless otherwise provided or the context clearly indicates otherwise:

"Background" means the portion of the hull or superstructure, or a specially provided backing plate, upon which displayed numbers are placed, but shall not include any border, trim, outlining or shading of the numerals or letters.

"Block characters of good proportion" means numerals and letters that are vertical, not slanted, and of a plain style, not script or of varying thickness and preferably without border, trim, outlining or shading. Border, trim, outlining, or shading of characters shall be disregarded in determining height of the character, or its style or color contrast. Numerals and letters shall be of one solid color exclusive of any colored border, trim, outlining or shading which will form a good contrast with the color of the background and so maintained as to be clearly visible and legible.

"Contrast with the color of the background" means that numerals and letters in a displayed number is of such a different color from that of the background as to be distinctly visible and legible. [Eff 2/24/94; am and comp] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-2 [Exemption from numbering provisions of this chapter.] Vessel numbering and titling requirements; operation of certain vessels prohibited.
(a) Except as provided in subsections (b) and (c):

- (1) Every undocumented vessel in or on the waters of the State shall be numbered in accordance with this chapter;
- (2) No person shall place, operate, or give permission for the placement or operation of any undocumented vessel, or any vessel whose number has been cancelled, in or on the waters of the State unless the vessel is properly numbered in accordance with this chapter; and
- (3) No person shall place, operate, or give permission for the placement or operation of any vessel whose certificate of number has expired, has become dormant, or has the status of "stored vessel", in or on the waters of the State.

(b) A vessel shall not [~~he~~] be required to be numbered under this chapter if it is any of the following:

- (1) A vessel which has a valid marine document issued by the United States Coast Guard or any federal agency successor thereto.
- (2) A vessel already covered by a number in full force and effect which has been issued to it pursuant to federal law or a federally approved numbering system of another jurisdiction; provided that the vessel shall not have remained within this State for a period in excess of sixty days.
- (3) 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 sixty days.
- (4) A vessel whose owner is the United States, used exclusively in the public service and is clearly identifiable as such a vessel.
- (5) 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.

- (6) A vessel belonging to a class of boats which has been exempted from numbering by the department after it 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.
- (7) A vessel manually propelled.
- (8) A vessel eight feet or less in length propelled solely by sail.
- (9) A motorboat used exclusively for racing.
- (10) A vessel operating under a valid temporary certificate of number.
- (11) A motorboat whose propulsion machinery produces less than five horsepower.

~~[(b)]~~ (c) A vessel documented by the U.S. Coast Guard, or any federal successor agency thereto, shall be prohibited from obtaining a certificate of title pursuant to chapter 200A, Hawaii Revised Statutes, and shall be prohibited from being numbered under this chapter. A vessel documented by the U.S. Coast Guard may only be titled pursuant to chapter 200A, Hawaii Revised Statutes, or numbered under this chapter, or both, when the department receives satisfactory proof as may be necessary to determine that the vessel has been deleted from documentation in accordance with title 46, part 67, code of federal regulations, as amended.

(d) Nothing in this section shall prohibit the numbering of any undocumented vessel hereunder upon request by the owner even though such vessel is exempt from the numbering requirements of this chapter. [Eff 2/24/94; am and comp] (Auth: HRS §§200-24, 200-31) (Imp: HRS §§200-24, 200-31)

§13-241-3 Numbering system. (a) In the event that an agency of the United States shall have in force an overall system of identification numbering for vessels within the United States, the numbering system employed pursuant to this chapter by the department shall be in conformity therewith.

(b) The vessel identification numbers issued pursuant to these rules shall consist of three parts. The first part shall consist of the capital letters HA identifying the State of Hawaii as the state of principal use. The second part shall consist of not more than four arabic numerals. The third part shall consist of not more than two capital letters. Each part will be separated from the other by hyphens or equivalent spaces. For example: HA-1240-AD; HA-124-AA; HA 1240 AD. The hyphen or space shall be equal to the width of any letter except "I" or any numeral except "1."

(c) Since the letters "I," "O" and "Q" may be mistaken for arabic numerals, all letter sequences using "I," "O" and "Q" shall be omitted. Objectionable words formed by the use of two or three letters will not be used. [Eff 2/24/94; comp
] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-4 Number display. (a) The identification number awarded to any vessel as indicated in the certificate of number shall be painted on, attached to, or otherwise permanently displayed on each side of the bow (i.e. the forward half of the hull) or on the permanent superstructure located on the forward half of the hull which is as nearly vertical as possible where such number may be easily observed and provide maximum opportunity for identification, or ~~when~~ , if due to vessel configuration, the above will not provide ready identification, on a bracket or fixture firmly attached to the forward half of the vessel. ~~The~~ A displayed number shall not be placed on the obscured underside of a flared bow where the angle is such that

the numbers cannot be easily seen from another vessel or ashore. The numerals and letters in a displayed number shall read from left to right, shall be in block characters of good proportion, and ~~[must]~~ shall measure not less than three full inches from top to bottom. A displayed number meets the sizing requirements of this section if it is clearly visible and legible from a distance of at least one hundred feet away. ~~[The phrase "block characters of good proportion" means that the numerals and letters are vertical, not slanted, and of a plain style, not script or of varying thickness and preferably without border, trim, outlining or shading. Border, trim, outlining, or shading of character shall be disregarded in determining height of the character, or its style or color contrast. The numerals and letters shall be of one solid color exclusive of any colored border, trim, outlining or shading which will form a good contrast with the color of the background and so maintained as to be clearly visible and legible. The phrase "contrast with the color of the background" means that the numerals and letters in the number will be of such a different color from that of the background as to be distinctly visible and legible. As used in this section, background shall mean that portion of the hull or superstructure, or a specially provided backing plate, upon which the numbers are placed, but shall not include any border, trim, outlining or shading of the numerals or letters. The test of legibility and for the determination of adequacy of contrast is the ability to read the letters and numbers at approximately one hundred feet distance.]~~

(b) No numerals, letters, or devices other than those used in connection with the ready identification numbers issued to a vessel shall be carried on the forward half of the vessel and no devices which might interfere with the ready identification of the vessel by its number shall be carried on any part of the vessel.

(c) No identification numbers other than those awarded to a vessel as indicated in a valid

certificate of number that is in full force and effect shall be displayed on the forward half of any undocumented vessel. Any other previously awarded number or numbers awarded in a certificate of number that has expired or been cancelled or withdrawn shall be covered or removed. [Eff 2/24/94; am and comp
] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

**§13-241-5 Application for number or title;
contents; requirements.** (a) The application for a certificate of title shall be made in accordance with chapter 200A, Hawaii Revised Statutes. The application for a certificate of number shall be made by the owner to the department or any agency authorized by the department in accordance with procedure prescribed by the department on the form it prescribes and shall contain:

- (1) The name, driver's license or civil identification number, residence, and mailing address of the owner.
- (2) [~~Date of birth of owner.~~] The owner's date of birth.
- (3) [~~Present citizenship of owner.~~] The owner's present citizenship.
- (4) [~~State~~] The state in which the vessel is principally used.
- (5) [~~Location~~] The location where vessel is principally kept.
- (6) [~~Present state or Coast Guard number on vessel,~~] The present U.S. Coast Guard number, if any, or number if numbered in a state other than Hawaii.
- (7) [~~Date~~] The date the vessel entered Hawaii, if numbered in another state.
- (8) [~~Date~~] The date the vessel was first operated by the applicant.
- (9) A description of the vessel including, but not limited to, the following so far as [~~it exists:~~] they exist: hull material (wood, steel, aluminum, plastic, other), type of

propulsion (outboard, inboard, inboard-outboard, sail, other), type of fuel (gas, diesel, other), length of vessel, make, model, type, manufacturer, builder, maker, year built, and country in which the vessel was built.

(10) ~~[The names and addresses of any lienholders in the order of their priority.~~

~~(11) Statement]~~ A statement as to [use] the primary operation of the vessel [~~(pleasure, livery, government, youth group, dealer, manufacturer, commercial fishing, charter fishing, carrying passengers for hire, commercial other, other).~~], including, but not limited to, charter fishing, commercial fishing, commercial passenger carrying, dealer demonstration, manufacturer demonstration, other commercial operation, pleasure, rent or lease (livery), or other.

~~[(12) — Builder's]~~ (11) The manufacturer's or builder's hull identification number. Where there is no [builder's] hull identification number on the vessel or where a [builder's] hull identification number has been destroyed or obliterated, the [application] applicant shall [se] state so on the application.

~~[(13)]~~ (12) Any further information the department reasonably requires: (1) to identify the vessel, (2) to enable a determination that the owner is entitled to a certificate of number, (3) to determine if a security interest in the vessel exists, or (4) for the use by federal~~[7]~~ or other state or local agencies.

~~[(14)]~~ (13) A certification of ownership by the applicant.

~~[(15) — Signature of owner.]~~ (14) The applicant's physical signature. Except as otherwise required by law, an electronic signature shall not be acceptable for the purposes of this section.

(b) ~~[If the application refers to a vessel purchased from or through a boat dealer, it shall contain the name and address of any lienholder holding a security interest created or reserved at the time of the sale and the date of this security agreement and be signed by the boat dealer as well as the owner. The boat dealer shall promptly mail or deliver the application to the department.~~

~~(e)]~~ Every initial application for a certificate of number shall be accompanied by:

(1) Appropriate evidence establishing proof of ownership of the vessel by the applicant. Proof of such ownership shall only be established for the purposes of this section by one of the following:

(A) ~~[Certificate of sale signed by the seller, showing the name and address of the seller, name and address of the purchaser, the location and date of sale, and description of the vessel.]~~ A certificate of title issued in accordance with chapter 200A, Hawaii Revised Statutes.

(B) A properly endorsed document indicating title to the vessel, if the vessel has been numbered and issued a title by another state or country.

~~[(C) Where neither subparagraphs (A) nor (B) is appropriate, an affidavit executed by the applicant fully setting forth the facts to support applicant's claim of ownership in the vessel.~~

~~(D) The department, if not satisfied with the evidence submitted as proof of ownership, may require additional information and documents, including any additional statements under oath to establish proof of ownership.]~~

(2) A statement under oath, or ~~[the certificate of]~~ a certification by a person authorized by the department, that the builder's hull identification number, if any, of the vessel

has been inspected and found to conform to the description given in the application, or any other proof of the identity of the vessel the department reasonably requires.

The department, if not satisfied with the evidence submitted as proof of ownership, may require additional information and documents, including any additional statements under oath, as is necessary to establish purported ownership of a vessel.

(d) All requirements governing the application for certificate of number shall apply to livery (rental) boats, except that the description of the motor, if any, and type of fuel need not be completed on the application in every case where the engine is not rented as part of the boat.

(e) ~~[Application]~~ An application for certificate of number for a dealer's or manufacturer's ~~[vessels]~~ vessel shall not require a description of the vessel ~~[since the number issued may be transferred from one vessel to another]~~. In lieu of the description, the word "manufacturer" or ~~["dealer,"]~~ "dealer", whichever is appropriate, shall be plainly indicated on the application.

(f) The department shall require any person applying for a certificate of number or title pertaining to a foreign built vessel to furnish evidence of payment of custom duties upon reasonable belief that any United States Customs duty pertaining to the vessel has not been paid.

~~(g) [A person applying for a certificate of number for a vessel that is presumptively five net tons or more (thirty two feet in length, eight feet in beam, and two and one half feet in depth, or greater) and to be used in coasting trade or commercial fishing shall be granted a temporary certificate of number valid for thirty days. The applicant shall be notified of the necessity for having his vessel measured. If, on admeasurement, the vessel is found to be less than five net tons, a certificate of number may be awarded. If the vessel is found to be five net tons or over, the temporary certificate shall be cancelled and notice of the action by the department~~

~~shall be sent to the Coast Guard. An application for any vessel of five net tons or over shall not be accepted and notice of the action by the department shall be sent to the Coast Guard.~~

~~(h)~~ An application for a certificate of number pertaining to a foreign built vessel or a vessel owned by a person not a citizen of the United States and to be used in ~~[coasting]~~ coastwise trade or commercial fishing shall not be accepted, and notice of the action by the department shall be sent to the U.S. Coast Guard.

~~(i)~~ (h) An application for issuance of a certificate of number pertaining to a vessel previously owned in whole or in part by a citizen of the United States and purchased by a person not a citizen of the United States shall be accompanied by evidence that the transaction was approved by the ~~[United States]~~ U.S. Maritime Administration, except in those instances where federal laws and regulations do not require approval. [Eff 2/24/94; am and comp] (Auth: HRS §§200-24, 200A-29) (Imp: HRS §§200-24, 200-31, 200A-29)

§13-241-6 Authority to grant or refuse applications. (a) The department shall examine and determine the genuineness, regularity, and legality of ~~[very]~~ every application for numbering of a vessel and any other application lawfully made to the department relating to this chapter and may in all cases conduct any investigation as may be deemed necessary or require additional information. The department shall reject any application if not satisfied with the genuineness, regularity, or legality thereof or the truth of any statement contained therein, or for any other reason, when authorized by law.

(b) The issuance of a certificate of number under this chapter, or a certificate of title under chapter 200A, Hawaii Revised Statutes, shall not in any way be construed that the department is warranting or guaranteeing the title ~~[of]~~ to the vessel ~~[as it appears on]~~ named in the certificate. [Eff 2/24/94; am

and comp] (Auth: HRS §§200-24, 200A-29) (Imp: HRS §§200-24, 200-31, 200A-29)

§13-241-7 Certificate of number and certificate of title; contents. (a) [The] A certificate of number shall contain the following information:

- (1) The name and address of the owner.
- (2) Manufacturer's or builder's hull identification number, if any.
- (3) Hull material [~~(wood, steel, aluminum plastic, other).~~] (aluminum, fiberglass, plastic, rubber/vinyl/canvas, steel, wood, other).
- (4) Type of propulsion [~~(outboard, inboard, inboard-outboard, sail, other).~~] (inboard, outboard, pod drive, sterndrive, other).
- (5) Type of fuel [~~(gasoline, diesel, other).~~] (electric, diesel, gasoline, other).
- (6) Length of vessel.
- (7) Make, model, type or builder of vessel and year built.
- (8) Statement as to use [~~(pleasure, livery, dealer, manufacturer, commercial fishing, vessel carrying passenger for hire, commercial other, other).~~] (charter fishing, commercial fishing, commercial passenger carrying, dealer demonstration, manufacturer demonstration, other commercial operation, pleasure, rent or lease (livery), other).
- (9) Number issued to vessel.
- (10) Expiration date of certificate.
- (11) Notice [~~to~~] that the owner [~~that he~~] shall report within seven days changes of ownership or address and destruction or abandonment of vessel.
- (12) Notice that the operator shall:
 - (A) Always carry the certificate on vessel when in use.
 - (B) Report to the department all boating accidents in accordance with chapter 13-242.

(C) Stop and render aid or assistance if involved in a boating accident.

(13) Any other data considered necessary by the department.

(b) The description of the vessel will be omitted from the certificate of number awarded to a boat dealer or boat manufacturer pursuant to section 13-241-18 since the number and the certificate of number issued may be transferred from one vessel to another. In lieu of the description, the word "manufacturer" or "dealer", whichever is appropriate, will be plainly marked on each certificate.

(c) The description of the motor and type of fuel will be omitted from the certificate of number of a livery boat in any case where the motor is not rented with the vessel.

(d) In addition to the requirements of section 200A-9(a), Hawaii Revised Statutes, a certificate of title shall contain any other information considered necessary by the department. [Eff 2/24/94; am and comp] (Auth: HRS §§200-24, 200A-29) (Imp: HRS §§200-24, 200-31, 200A-29)

§13-241-8 Certificate of number [~~to be carried aboard vessel;~~] and certificate of title; description.

(a) The size and format of a certificate of number shall be [of pocket size and water resistant, as prescribed by the chairperson of the board of land and natural resources.] determined by the department. The operator of the vessel shall ensure that the certificate of number is readily available at all times for examination on the vessel for which it is issued, whenever the vessel is in operation.

(b) The size and format of a certificate of title shall be determined by the department. The owner shall not be required to keep the certificate of title on the vessel for which it is issued. [Eff 2/24/94; am 6/13/03; am and comp] (Auth: HRS §§200-24, 200-31, 200A-29) (Imp: HRS §§200-24, 200-31, 200A-29)

§13-241-9 Cancellation of certificate [and voiding] of number; withdrawal of number. (a) Except as provided in [~~subsection (b)~~] this section or as otherwise required by law, a number issued [~~under this chapter~~] to a vessel pursuant to this chapter shall be permanent.

(b) The chairperson [~~of the board of land and natural resources~~] may cancel a certificate of number [~~or withdraw a number~~] issued to a vessel under this chapter even though the action occurs before the expiration date of the certificate of number and regardless of whether or not the certificate of number is surrendered to [the issuing office. Certain causes] the department. Causes for cancellation of certificates of number [~~and withdrawing of number are:]~~ include, but are not limited to:

- (1) Issuance of a marine document by the U.S. Coast Guard for the same vessel.
- (2) False or fraudulent certification in an application for number.
- (3) [~~Failure to renew a certificate of number within one year of date of expiration.~~
- ~~(4) If a~~ The vessel to which the number is assigned is lost, destroyed, abandoned, sunk, or permanently removed from the State.
- ~~(5)~~ (4) Other reasons when necessary and proper to carry out this chapter.

(c) A vessel permanently removed from the State shall not have its certificate of number automatically cancelled, and the owner shall be responsible for any and all fees incurred and owed to the department.

(d) A certificate of number shall be automatically cancelled if the corresponding certificate of title is cancelled.

(e) Any vessel whose certificate of number has been cancelled shall also have its number automatically withdrawn. Any number that has been withdrawn shall be removed from further use, except that the board may reinstate a number that has been withdrawn. [Eff 2/24/94; am and comp

] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-10 Period of validity and renewal of certificate of number; dormant certificate of number; stored vessels.

(a) The original certificate of number initially issued to a vessel pursuant to this chapter shall continue in full force and effect for a period ending one year from the date of issuance of the certificate unless sooner terminated or discontinued in accordance with [~~these rules.~~] applicable rules or laws.

(b) If the owner named in a certificate of number is deceased, the certificate of number may be designated as "dormant" status upon submission of a valid death certificate to the department. Subject to compliance with the above, a certificate of number becomes "dormant" beginning on the date of the owner's death and ending on the date that the deceased owner's name is properly removed from the corresponding certificate of title. A vessel properly designated as "dormant" may maintain its assigned number past the expiration date on the vessel's certificate of number or may be assigned a new number.

(c) Any vessel not owned by or operated under the custody or control of a boat manufacturer or boat dealer, and which has a valid certificate of number issued pursuant to this chapter, may be stored; provided that:

- (1) An owner desiring to change the status of their vessel's certificate of number to or from "stored" shall make written application to the department on a form prescribed by it at least five business days before the desired date of the status change.
- (2) Changing the status of a certificate of number to or from "stored" shall not be effective until all applicable fees owed to the department are paid and the department approves the change in status.
- (3) The owner of a stored vessel shall surrender the last issued certificate of number to the department.

(4) The effective date for a certificate of number being changed to or from "stored" status shall only be the date approved by the department.

(d) Except for stored vessels and vessels with a dormant certificate of number, the following shall apply to all certificates of number:

(1) A certificate of number issued pursuant to this chapter may be renewed ~~[at any time within a ninety day period preceding the]~~ no earlier than ninety days before its expiration date. The same number shall be assigned if the renewal application is received within ~~[a]~~ one year after the expiration date of the certificate of number.

~~[(e)]~~ (2) A certificate of number renewed on or prior to the expiration date shall be valid for a period ending one year from the date of expiration of the certificate being renewed. A certificate of number renewed after the ~~[date of]~~ expiration ~~[of the certificate being renewed]~~ date shall be valid for a period ending one year from the date of ~~[the certificate being renewed.]~~ renewal.

~~[(d)]~~ (3) A renewal application received more than ~~[a]~~ one year after the date of expiration of the certificate of number shall be treated in the same manner as an application for an original number.

(e) ~~[A certificate of number is void after the date of expiration indicated thereon.]~~ A renewal application for a certificate of number that has been cancelled or a number that has been withdrawn, or both, shall be treated in the same manner as an application for an original number.

(f) Fees that would be assessed pursuant to section 13-241-25, except those relating to stored vessels, may be waived by the department for the period that a vessel remains stored or a certificate of number remains dormant.

(g) Members of the U.S. Armed Forces on active duty, stationed or on order to be stationed in Hawaii, their spouses, and their dependents, shall be exempt from subsection (d); provided that this exemption shall only apply for the period that the U.S. Armed Forces member is on active duty and stationed in Hawaii, and the department receives satisfactory proof as may be necessary to determine such status.

(h) Only the owner or a co-owner named in a vessel's certificate of title or certificate of number, or a person who has been given the power of attorney for an owner or co-owner, established by satisfactory proof as may be necessary to determine such status, may renew a certificate of number or change the certificate of number to "stored" status. A person desiring to renew the certificate of number for a vessel shall, at minimum, provide the vessel's assigned number or hull identification number to be allowed to proceed with the renewal. [Eff 2/24/94; am and comp] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-11 Owner required to report change of address, ownership, loss, destruction or abandonment of vessel. (a) The owner of any vessel for which a certificate of number or certificate of title has been issued in accordance with this chapter or chapter 200A, Hawaii Revised Statutes, shall notify the department in writing within [~~seven~~] five business days if:

- (1) The vessel is documented by the U.S. Coast Guard; lost, destroyed, abandoned, or sunk; or permanently removed from the State; or
- (2) [~~The owner transfers all or any part of the owner's interest in such vessel, other than a security interest to another person or persons; or~~
- ~~(3)]~~ The owner's address no longer conforms to the address appearing on the certificate of number or certificate of title.

(b) ~~The [holder of a certificate of number,]~~ owner, as a part of the notification required by subsection (a), shall furnish the department with the ~~[holder's]~~ owner's new address, if the ~~[holder's]~~ owner's address no longer conforms to the address appearing on ~~[the]~~ a certificate of number or certificate of title. If the change in status involves a transfer of ownership, the name and address of the new owner shall be included in the notification. ~~[A transfer by an owner is not effective until this section has been complied with and the owner has delivered possession of the vessel to the transferee.]~~ A notification required pursuant to this section sent by mail shall not be effective until the department receives the notification.

(c) The certificate of number for a vessel shall terminate if:

- (1) The vessel is documented by the U.S. Coast Guard, lost, destroyed, abandoned, sunk, or permanently removed from the State; or
- (2) The owner transfers all or any part of the owner's interest in the vessel, other than a security interest to another person or persons. [Eff 2/24/94; am and comp
] (Auth: HRS §§200-24, 200A-29)
(Imp: HRS §§200-22, 200-24, 200-31, 200A-29)

§13-241-12 New owner must secure new certificate of number and certificate of title. (a) The new owner of all or any part of the interest in any vessel for which a certificate of number or certificate of title has been issued pursuant to this chapter shall, within ~~[seven]~~ ten business days after acquiring same, make application to the department upon forms prescribed by it, for transfer or revision, whichever is appropriate, of the certificate of number or certificate of title issued to such vessel. ~~[The application shall contain, in addition to the information prescribed in section 13-241-5 for certificate of number applications a statement concerning the date of purchase by the applicant and~~

~~the name and address of the person from whom the vessel or an interest therein was acquired.]~~ The amended ~~[certification]~~ certificate of number shall, if in full force and effect at the time of the transfer, remain valid for so long as the original certificate of number would have been valid under this chapter. Except as provided in subsection (b), unless ~~[the]~~ an application is made [and fee] , the appropriate fees are paid, and an amended certificate of number is obtained within [seven days,] the time limit prescribed by this subsection, the vessel shall be deemed to be without certificate of number, and it shall be unlawful for any person to operate the vessel on the waters of the State until a valid certificate is issued.

(b) Subsection (a) notwithstanding, if a boat dealer (1) buys a vessel for which a certificate of number has been awarded pursuant to this chapter, (2) procures the certificate of number from the owner, (3) holds the vessel for resale, and (4) notifies the department of the purchase within ~~[seven]~~ ten business days after delivery of the vessel, the boat dealer need not apply to the department for transfer of the certificate of number issued to the vessel. A copy of the dealer's notification of purchase to the department shall, together with the certificate of number, be available at all times for examination on the vessel for which issued, whenever the vessel is in operation. The boat dealer, upon transferring the vessel to another person, shall promptly mail or deliver the certificate of number to the department with the transferee's application for a new certificate of number as prescribed in subsection (a).

(c) Every boat dealer shall maintain, for a minimum of three years, a written record, in ~~[the form the chairperson of the board of land and natural resources, prescribes,]~~ such a form prescribed by the department, of every vessel bought, sold or exchanged, or received for sale or exchange. The record shall ~~[, for the purpose of enforcing these rules,]~~ be open to inspection by a representative of the department or law enforcement personnel during reasonable business

hours for the purposes of verifying compliance with this subsection. [Eff 2/24/94; am and comp] (Auth: HRS §§200-24, 200A-29) (Imp: HRS §§200-24, 200-31, 200A-29)

§13-241-13 Registration [~~stickers (decals)~~.] decals. (a) Every vessel required to be numbered in the State shall display [~~stickers issued by the department~~] registration decals to identify the vessel as [~~currently registered.~~] having a valid certificate of number. No decals other than decals issued by the department shall meet the requirements of this subsection.

(b) Registration [~~stickers~~] decals shall have a dominant-colored border around their edge which shall change from year to year. Effective January 1, 1981, the color of the border shall be blue; international orange in 1982; green in 1983; red in 1984; and the cycle to be repeated commencing in 1985.

(c) Registration [~~stickers~~] decals shall be securely affixed on each side of the vessel three inches aft (towards the stern) of, and directly in line with, the registration numbers required by this chapter, and shall be [~~se~~] maintained so as to be clearly [~~legible and~~] visible and legible at all times. Only current registration [~~stickers~~] decals shall be [~~displaced.~~] displayed. [~~All previous year stickers will~~] Any registration decals that are expired or otherwise invalid shall be covered or removed. [Eff 2/24/94; am and comp

] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-14 Stolen or mutilated certificates or registration [~~stickers (decals)~~.] decals. (a) If any [~~certificates~~] certificate of number or registration [~~sticker~~] decals becomes lost, destroyed, stolen, mutilated, or illegible, the owner of the vessel for which the same was issued shall, within [~~seven~~] five business days of the occurrence, [~~forward to~~] notify the department [~~a report~~] in writing, describing the

circumstances of the loss or destruction and certifying ~~[to]~~ its loss ~~[together with]~~ .

(b) If the owner wishes to obtain a replacement certificate of number or registration decal, or both, the owner shall also submit a completed application form as prescribed by the department for the replacement of the certificate of number or registration ~~[sticker]~~ decal, or both. The duplicate certificate of number or registration ~~[sticker]~~ decal, or both, that are issued as a result of such application ~~[will]~~ shall replace the certificate of number or registration ~~[sticker so lost or destroyed. Any]~~ decal, or both.

(c) If an owner wishes to replace a certificate of number or registration ~~[sticker so mutilated as to be illegible]~~ decal, or both, due to mutilation, the owner shall ~~[be forwarded]~~ forward the mutilated certificate of number or registration decal, or both, to the department with the application for replacement. [Eff 2/24/94; am and comp

] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-15 Falsified, unauthorized, or removed identification number, registration decal, or title.

(a) No person shall buy, receive, operate, possess, sell, or dispose of a vessel with knowledge that an identification number or registration ~~[sticker]~~ decal on the vessel has been removed or falsified, or that the title has been falsified, with intent to avoid compliance with this chapter or to conceal or misrepresent the identity of the vessel or its owner.

(b) No person shall remove or falsify a vessel identification number or registration ~~[sticker]~~ decal or affix to a vessel an identification number or registration ~~[sticker]~~ decal not authorized by law for use on the vessel ~~[in order]~~ with the intent to avoid compliance with this chapter or to conceal or misrepresent the identity of the vessel or its owner.

[Eff 2/24/94; am and comp] (Auth: HRS §§200-24, 200A-29) (Imp: HRS §§200-24, 200-31, 200A-29)

§13-241-16 Improper use of certificate of number or certificate of title. (a) No person shall permit another not entitled to use or have possession of a certificate of number ~~[or]~~ , registration ~~[sticker.]~~ decal, or certificate of title.

(b) No person shall alter, forge, or counterfeit a certificate of number ~~[or]~~ , registration ~~[sticker.]~~ decal, or certificate of title.

(c) No person shall have possession of or use a certificate of number ~~[or]~~ , registration ~~[sticker.]~~ decal, or certificate of title knowing it to have been altered, forged, or counterfeited.

(d) No person shall use a false or fictitious name or address, make a false statement, or conceal any material fact in an application for a certificate of number or its transfer or in an application for a certificate of title. [Eff 2/24/94; am and comp

] (Auth: HRS §§200-24, 200A-29) (Imp: HRS §§200-24, 200-31, 200A-29)

§13-241-17 Seizure of documents and ~~[stickers (decals).]~~ decals. The department ~~[is authorized to]~~ may take possession of any certificate of number, permit ~~[or]~~ , registration ~~[sticker]~~ decal, or certificate of title issued by it upon expiration, revocation, cancellation, or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued. [Eff 2/24/94; am and comp

] (Auth: HRS §§200-24, 200A-29) (Imp: HRS §§200-24, 200-31, 200A-29)

§13-241-18 Numbering of manufacturer's and dealer's vessels. (a) ~~[Numbering]~~ The numbering requirements of ~~[these rules]~~ this section shall apply to unnumbered vessels operated by boat manufacturers or boat dealers.

(b) A boat dealer or boat manufacturer, upon application to the department using forms prescribed

by it, may obtain a certificate of number as prescribed by the department for use in the testing, demonstration, delivery or transportation of unnumbered vessels that the applicant owns upon payment of a required fee for each certificate. A certificate of number so issued may be used by the applicant in the testing, demonstration, delivery or transportation of unnumbered vessels that the applicant owns by temporary placement of the number assigned by the certificates on the vessel so tested, demonstrated, delivered, or transported. The temporary placement of numbers shall otherwise be as prescribed by these rules.

(c) ~~[The boat manufacturer or boat dealer]~~ A boat dealer or boat manufacturer may have ~~[the]~~ a number, issued by the department, printed upon or attached to a movable sign or signs to be temporarily but firmly mounted upon or attached to an unnumbered vessel that the ~~[manufacturer or]~~ dealer or manufacturer owns being tested, demonstrated, delivered, or transported~~[, demonstrated or tested so long as]~~ provided that the [display] number being displayed meets the requirements of section 13-241-4.

(d) No person other than a boat dealer or boat manufacturer or ~~[a]~~ an authorized representative of a boat dealer or boat manufacturer shall display or use a boat dealer's or boat manufacturer's identifying number.

(e) No boat dealer or boat manufacturer or representative of a boat dealer or boat manufacturer shall use a boat dealer's or boat manufacturer's number for any purpose other than the ~~[purpose described]~~ purposes specified in subsection (b).

(f) The boat manufacturer or boat dealer may ~~[have]~~ be issued more than one certificate of number ~~[issued]~~ if the boat manufacturer or boat dealer is the owner of more than one vessel required to be numbered; provided that upon the sale of any such vessel by said boat manufacturer or boat dealer~~[, then a number shall be applied for by]~~ the new owner shall submit an application for a number and obtain a new number for the purchased vessel in the manner provided

for in these rules. [Eff 2/24/94; am and comp
] (Auth: HRS §200-24) (Imp: HRS §§200-24,
200-31)

§13-241-19 Livery boat number. A person who is engaged in the business of boat livery, upon proper application to the department upon forms prescribed by the department, may obtain a certificate of number for use on vessels so rented. [Eff 2/24/94; am and comp
] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

~~[§13-241-20 Documented vessels not to be numbered. A vessel documented by the Coast Guard or any federal successor thereto shall not be numbered under this chapter.] [Eff 2/24/94; R
] (Auth: HRS §§200-24) (Imp: HRS §§200-24, 200-31)~~

§13-241-21 [Issue] Issuance of certificate of number [by department's agents] ; certificate of title to only be issued by the department. The department [may] , and any third-party vessel registration agent who is properly authorized pursuant to section 13-241-22, shall have the authority to issue any certificate of number directly [or may authorize any person to act as agent for the issuance thereof. In the event that a person accepts such authorization, that person may be assigned registration stickers, a block of numbers, and certificates which, upon issuance in conformity with this chapter shall be valid as if issued directly by the department] , provided that third-party vessel registration agents shall only have the authority to issue and renew vessel certificates of number and shall be prohibited from processing vessel transfers. Only the department shall have the authority to issue certificates of title, and the department shall not delegate this authority. [Eff 2/24/94; am and comp

] (Auth: HRS §§200-24, 200A-29) (Imp:
HRS §§200-24, 200-31, 200A-29)

§13-241-22 ~~[Authorization of]~~ Third-party vessel registration agents. (a) ~~[Agents]~~ Persons who are not employees of the department and who are authorized ~~[by the department]~~ in accordance with this section to conduct vessel registration ~~[of vessels]~~ tasks shall be known as "third-party vessel registration agents."

(b) ~~[Vessel]~~ A third-party vessel registration ~~[agents]~~ agent's authority to issue and renew vessel certificates of number shall only be valid if they have been appointed by the chairperson ~~[of the board of land and natural resources]~~ and are in compliance with all requirements of this section.

(c) No compensation shall be given to third-party vessel registration agents for their services.

(d) ~~[Each vessel registration agent shall be bonded under a good and sufficient bond conditioned as deemed necessary, the premium to be paid by the State.]~~ Each third-party vessel registration agent properly authorized pursuant to this section may be assigned registration decals, a range of registration numbers, and blank certificates of number which, upon issuance in conformity with this chapter, shall be valid as if issued directly by the department.

(e) All moneys received by a third-party vessel registration agent ~~[from registration of vessels]~~ relating to issuance and renewal of vessel certificates of number shall be kept separate from any other funds of the agent, and all ~~[the]~~ such moneys received shall at all times belong to the State.

(f) Each third-party vessel registration agent shall have, and shall maintain as a condition of appointment, the following ~~[qualifications]~~:

- (1) An established place of business~~[-]~~ ;
- (2) Be engaged in ~~[an]~~ a business activity directly related to boating~~[-]~~ ; and
- (3) A means of identification~~[, which will]~~ that clearly ~~[indicate]~~ indicates to the public the name of the business~~[, the means of]~~

~~identification to be required for each separate branch of the business which will be authorized to conduct registration of vessels.] and clearly indicates the third-party vessel registration agent's authorization from the department to issue and renew vessel certificates of number.~~
[Eff 2/24/94; am and comp
] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-23 Public records. [Records]

Notwithstanding any law to the contrary, records of the department made or kept pursuant to this chapter, or chapter 200A, Hawaii Revised Statutes, shall be public records. [Eff 2/24/94; am and comp
] (Auth: HRS §§200-24, 200A-29) (Imp: HRS §§200-24, 200-31, 200A-11, 200A-29)

§13-241-24 Transmittal of statistical

information. (a) In accordance with any written request duly made by an [authorized official or] employee of a government agency [of the United States], any information to be used for official business of the agency relating to numbered vessels, compiled or otherwise available to the department pursuant to this chapter, shall be transmitted to the [official] employee or agency [of the United States].

(b) In accordance with any written request made on a form prescribed by the department, any information relating to numbered vessels, compiled or otherwise available to the department pursuant to this chapter, may be transmitted to the requester; provided that the information requested will be used only for research or educational purposes. The department may require any information as necessary to verify the identity of the requester and the purpose for requesting information.

(c) In accordance with any written request duly made by a law enforcement agency or ocean safety

agency for official use only, the department may grant access to its database containing information on numbered vessels.

(d) The department may charge a fee pursuant to section 13-241-25(h) for providing information in accordance with this section. If any requester is found to be using information provided under this section for any unauthorized purposes, the department shall immediately revoke access to the information and any requests made by the offending requester, their agency, or their organization pursuant to this section shall automatically be denied for no less than two years from the date that the department revokes access to the information. [Eff 2/24/94; am and comp

] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-25 Fees and charges. (a) Except as provided in section 13-241-10, the department shall not waive any fees assessed pursuant to this section. The fees [~~to be charged by the department for registration, annual renewal, transfers, and duplicate certificates and registration stickers~~] for all vessels not owned by or operated under the custody or control of a boat manufacturer or boat dealer shall be as follows:

- (1) [~~Initial annual registration fee.~~] For the issuance of an original certificate of number:
 - (A) For each vessel less than twenty feet in length, [~~\$18.~~] \$25.00;
 - (B) For each vessel twenty feet or more in length, [~~\$30.~~] \$40.00; and
 - (C) For each amphibious vehicle licensed as a motor vehicle, [~~\$20.~~] \$30.00
- (2) [~~Annual certificate renewal fee.~~] For the annual renewal of a certificate of number:
 - (A) For each vessel less than twenty feet in length, [~~\$15.~~] \$20.00;
 - (B) For each vessel twenty feet or more in length, [~~\$20.~~] \$35.00; and

- (C) For each amphibious vehicle licensed as a motor vehicle, [~~\$15.~~] \$25.00.
- (3) [~~Reregistration fee.~~] For the [~~reregistration~~] re-registration of a vessel [~~, after a~~] whose certificate of number has been [~~cancelled or voided,~~] cancelled, two times the appropriate amount provided in paragraph (1);
 - (4) [~~Transfer fee.~~] For the transfer of a certificate of number, [~~\$10.~~] \$10.00;
 - (5) [~~Certificate and registration sticker replacement fee.~~] For the issuance of a replacement certificate of number or a replacement set of vessel registration [~~stickers, \$10~~] decals, \$10.00 each; [and]
 - (6) [~~Certificate modification fee.~~] For modifying a certificate of number, [~~\$10.~~] \$10.00;
 - (7) For changing the status of a certificate of number to or from "stored", \$25.00 each;
 - (8) For an initial certificate of title, \$20.00;
 - (9) For the transfer of a certificate of title, \$20.00;
 - (10) For the issuance of a replacement certificate of title, \$50.00; and
 - (11) To record a supplemental lien on a previously titled vessel, \$10.00.

(b) [~~For~~] The fees for vessels owned by or operated under the custody or control of a boat manufacturer or boat dealer, [the manufacturer or dealer shall pay, in lieu of the fees and charges provided for in subsection (a):] to be used by the boat manufacturer or boat dealer for demonstration purposes, shall be as follows:

- (1) [~~Boat manufacturer and boat dealer annual certificate fee.~~] For each new certificate of number, a fee of [~~\$25.~~] \$40.00;
- (2) [~~Annual certificate renewal fee.~~] For the annual renewal of a certificate of number, a fee of [~~\$20.~~] \$30.00;
- (3) [~~Certificate reissuance.~~] For the reissuance of a certificate of number after

a certificate of number has been canceled or voided, a fee of [~~\$25.~~] \$40.00; and

- (4) [~~Certificate and registration sticker replacement fee.~~] For the replacement of a certificate of number or registration [~~sticker,~~] decal, a fee of [~~\$10.~~] \$10.00 each.

(c) For all renewals of certificates of number accomplished online, a non-refundable convenience fee of \$5.00 shall be assessed.

(d) No fee shall be charged by the department for registration, transfer, or annual renewal relating to a vessel whose owner is the United States, the State, or a subdivision thereof.

~~(d)~~ (e) [A nonprofit corporation] An eleemosynary organization which has been certified to be tax exempt under sections 501(c)(1) or 501(c)(3) of the Internal Revenue Code of 1986, as amended, whose purposes relate to promoting the ability of children to do things for themselves, to train them in boating, water safety, scout-craft and camping, and to teach them patriotism, courage, self-reliance, and kindred virtues [shall not be required to pay] may be exempted by the department from paying the fees provided in this section [relating to] for vessels owned by the organization and used exclusively for the purposes of the organization.

~~(e)~~ (f) [Penalty fees.] The following penalties shall apply for certificates of number and certificates of title:

- (1) If the owner of a vessel fails to obtain a certificate of number as required by this chapter, [~~the applicable fee plus a penalty equal to one tenth of such fee shall] the fee for a new certificate of number shall be two times the fee that would be collected [from the owner for each month or fraction of a month the owner is late in registering].~~
- (2) If a certificate of number is not renewed on or before [~~the date on which it expires, the applicable annual renewal fee plus a penalty~~

~~equal to one-tenth of such fee shall] its~~
expiration date, the fee shall be two times
the fee that would be collected [from the
owner for each month or fraction of a month
the owner is late in renewing] , except
where the vessel ~~[has not been on the waters~~
~~of the State]~~ is not located in the State or
in waters of the State on and subsequent to
the expiration date.

- (3) If the ~~[purchaser]~~ new owner of any vessel
fails to ~~[apply for]~~ submit a timely
application for transfer of the certificate
of number relating to the vessel as required
by section 13-241-12, [the applicable fee
plus a penalty of ten per cent for each
month or fraction thereof the owner is late
in applying for the transfer shall be
collected from the owner except where the
vessel has not been on the waters of the
State] the fee shall be two times the fee
that would be collected, except where the
vessel is not located in the State or in
waters of the State on the date of purchase
and subsequent to the purchase.
- (4) If the owner of a vessel fails to obtain a
certificate of title as required by chapter
200A, Hawaii Revised Statutes, the fee for a
new certificate of title shall be three
times the fee that would be collected.
- (5) Any person who fails to provide the
notification to the department required by
section 13-241-11(a) within the specified
time limit shall be assessed a penalty of
\$50.00.
- (6) The penalty fees prescribed [in] by this
section [are] shall be in addition to any
other penalties imposed by the department or
a court for violations of these rules.

~~[-f)]~~ (g) [Payment of fee required prior to
processing. No] In addition to the restrictions in
section 200-31(b), Hawaii Revised Statutes, an
application for a certificate of number, transfer or

renewal of certificate of number, ~~[or for a]~~ duplicate certificate of number ~~[or]~~ , duplicate registration ~~[stickers]~~ decal, certificate of title, transfer of certificate of title, duplicate or replacement certificate of title, or to record a lien on a certificate of title shall not be processed ~~[until the prescribed fees are paid.]~~ if:

- (1) The department has not received the notification required by section 13-241-11(a), if applicable;
- (2) The fees required by this section are not paid in full;
- (3) The applicant is delinquent in payment of any moneys due and payable to the department; or
- (4) The applicant has a pending citation for violation of any of the department's rules.

~~[(g)]~~ (h) ~~[Fees for furnishing information.]~~
Individuals or firms requesting an alphabetical or numerical listing of boat owners and information concerning their boats shall be charged a fee as prescribed by the chairperson~~[, board of land and natural resources]~~. [Eff 2/24/94; am 1/22/10; am and comp]
(Auth: HRS §§200-24, 200A-22, 200A-29) (Imp: HRS §200-32, 200A-7, 200A-22, 200A-29)

§13-241-26 Negotiable instruments; service charge. (a) The service charge for any dishonored check, draft, certificate of deposit, or other negotiable instrument ~~[is \$12.]~~ shall be \$50.00.

(b) Payment to and acceptance by the department of the service charge for a check, draft, certificate of deposit, or other negotiable instrument~~[r]~~ shall not be construed as a waiver of any violation of the Hawaii Penal Code, chapters 701 to 713, Hawaii Revised Statutes, or of these rules." [Eff 2/24/94; am and comp] (Auth: HRS §200-2) (Imp: HRS §200-2)

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

3. The amendments to and compilation of chapter 13-241, 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.

SUZANNE D. CASE
Chairperson
Board of Land and Natural Resources

APPROVED AS TO FORM:

Lauren Chun

Deputy Attorney General