

HAWAII ADMINISTRATIVE RULES
TITLE 19
DEPARTMENT OF TRANSPORTATION
CHAPTER 42
VESSEL AND HARBOR CONTROLS

SUBCHAPTER 2
SMALL CRAFT AND SMALLER COMMERCIAL VESSELS

§19-42-39 Renewal of use permit. The department may issue or renew a use permit for any period up to, but not exceeding one year. Upon expiration of the period stated therein, the permit and all rights of the permittee thereunder shall automatically terminate. No use permit shall be renewed unless the conditions of the original issuance are met nor shall a use permit be issued or renewed unless all fees and charges due and payable are paid.

The department shall not renew a use permit which has been terminated or revoked.

A use permit may be renewed at any time within a ninety day period immediately preceding the expiration date of the mooring permit. The same use permit number shall be retained if the renewal application is received prior to the expiration date of the old permit and there is no change in ownership or status of the boat.

Requests to renew use permits which have been expired for less than thirty days, may be granted by the department if there is no change in ownership or status of the boat and the permittee's account with the department is current. Requests to renew use permits received thirty days or more after the expiration date of the permit shall be treated as an original application with seniority commencing on the date of filing the new, complete application.

The department's policy is to mail a renewal notice to a permittee prior to the expiration of the permit, at the address furnished by the permittee to the department pursuant to these rules. However, the permittee is responsible for the timely renewal of the permit without receipt of a renewal notice from the department.

Temporary mooring permits are not renewable. In view of the acute shortage of available berths in Kewalo Basin and Kewalo Basin annex, certain levels of the activity for which the regular mooring permit was issued (i.e., cruise, charter, commercial fishing) must be achieved in order to be eligible for renewal of the permit. These levels are established in terms of the minimum gross receipts which must be realized by a permittee in the preceding twelve-month period as follows:

For Cruise Boats

	Minimum Gross Receipts
Vessels registered by the State or documented by the U.S. Coast Guard to carry six passengers or less	\$ 25,000

Vessels certificated by the U.S. Coast Guard to carry seven to twenty-five passengers	\$ 50,000
Vessels certificated by the U.S. Coast Guard to carry more than twenty-five passengers	\$100,000

For Charter Boats

.	Minimum Gross Receipts
Vessels registered by the State or documented by the U.S. Coast Guard to carry six passengers or less	\$ 25,000
Vessels certificated by the U.S. Coast Guard to carry seven to forty-nine passengers	\$ 50,000

For Commercial Fishing Boats

.	Minimum Gross Receipts
Vessels of less than five net volume tons	\$ 6,000
Vessels documented by the U.S. Coast Guard as commercial fishing vessels with a crew of six or less	\$ 20,000
Vessels documented by the U.S. Coast Guard as commercial fishing vessels with a crew of more than six	\$ 60,000

Failure of a permittee to demonstrate that the permittee's vessel's activities generated these minimum gross receipts during the twelve-month period of the permittee's permit shall result in a refusal to renew the use permit by the department, unless the permittee applies to the department in writing for renewal of the permittee's use permit and concurrently presents evidence that any failure to generate gross receipts from the operation of the permittee's vessel as prescribed in this section was due to (1) the sinking, loss, or destruction of the permittee's vessel; (2) the permittee's vessel being inoperative in excess of sixty days due to disability of the permittee; (3) the permittee's vessel was rendered inoperative in excess of sixty days due to damage to the vessel, or due to the necessity of replacing essential parts and gear, provided that reasonable and diligent efforts by the permittee to secure such items necessary to repair the vessel or replacement of parts is demonstrated; or (4) where similar conditions and circumstances are demonstrated wherein a renewal of the permittee's use permit

would be fair and warranted, and the application for renewal is approved by the department. [Eff 5/20/82; am 12/20/85; am and comp 2/26/96] (Auth: HRS §§266-2, 266-3) (Imp: HRS §§266-2, 266-3)