

COUNCIL OF THE COUNTY OF MAUI

# GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

September 1, 2023

**Committee  
Report No.** \_\_\_\_\_

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Government Relations, Ethics, and Transparency Committee, having met on August 1, 2023, and reconvened on August 2, 2023, makes reference to Resolution 23-180, entitled “APPROVING FOR INCLUSION IN THE 2024 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL RELATING TO THRILL CRAFT.”

Resolution 23-180’s purpose is to approve for inclusion in the 2024 Maui County Council Legislative Package a proposed State bill, attached as Exhibit “A,” entitled “A BILL FOR AN ACT RELATING TO THRILL CRAFT.”

The purpose of the proposed State bill is to modernize the definition of “thrill craft,” as used in the State Boating Law, and include within the term “surfboard using a motorized hydrofoil,” also known as an “e-foil.”

Your Committee noted individuals in Maui County are currently able to rent surfboards with e-foils.

The testimony received raised concerns that e-foils allow surfboards to reach high speeds that may injure swimmers and snorkelers.

The testimony noted individuals on O’ahu are able to purchase e-foil surfboards, but are not able to rent them. Further, owners of e-foil surfboards must operate them in designated areas in the water. This prevents inexperienced users from operating them erroneously and in areas where they could cause harm to others not engaged in the same activity.

COUNCIL OF THE COUNTY OF MAUI

# GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Page 2

**Committee  
Report No.** \_\_\_\_\_

Your Committee relied on testimony provided by individuals on O‘ahu and recognized that concerns raised in Maui County are different from those in neighboring counties.

Your Committee further noted that based on testimony, it was unlikely the City and County of Honolulu would agree to include the proposed State bill in the Hawai‘i State Association of Counties Legislative Package and the bill would be better suited in the Maui County Council Legislative Package.

Your Committee voted 7-0 to recommend adoption of Resolution 23-180, CD1. Committee Chair U‘u-Hodgins, Vice-Chair Paltin, and members Cook, Johnson, Kama, Rawlins-Fernandez, and Sinenci voted “aye.” Committee members Lee and Sugimura were excused.

Your Committee is in receipt of Resolution 23-180, CD1, incorporating your Committee’s recommended revisions and nonsubstantive revisions.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 23-180, CD1, as revised herein and attached hereto, entitled “APPROVING FOR INCLUSION IN THE 2024 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL RELATING TO THRILL CRAFT,” be ADOPTED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.

  
\_\_\_\_\_  
NOHELANI U‘U-HODGINS, Chair

# Resolution

No. 23-180, CD1

APPROVING FOR INCLUSION IN THE  
2024 MAUI COUNTY COUNCIL LEGISLATIVE  
PACKAGE A STATE BILL RELATING TO  
THRILL CRAFT

WHEREAS, there has been increase in the recreational and commercial use of surfboards using e-foils, characterized as having an underwater mast and wing powered by an electric propeller; and

WHEREAS, e-foils are typically used in areas where other recreational and commercial water activities are practiced, such as swimming, snorkeling, and traditional surfing, but pose a much higher risk of injury to others because they are difficult to use and can reach speeds of up to 30 miles per hour; and

WHEREAS, e-foil use has resulted in injuries to humans and wildlife, often because novice riders lose control of the e-foil and collide with others who cannot move as fast; and

WHEREAS, similar to other motorized watercrafts, e-foils emit sound that may cause underwater noise pollution and harm to whales and other marine life; and

WHEREAS, these issues could be addressed by modernizing the definition of “thrill craft” as used in the state boating law, and including within the term surfboards using an e-foil, also known as a motorized hydrofoil; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill attached as Exhibit “A,” relating to thrill craft, is approved for inclusion in the 2024 Maui County Council Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Mayor.

INTRODUCED BY:

*Tamara M. Paltin*

---

TAMARA PALTIN

\_\_\_\_.B. NO. \_\_\_\_\_

---

---

# A BILL FOR AN ACT

RELATING TO THRILL CRAFT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the advancement in  
2 technology used for vessel and watersports equipment propulsion  
3 has outpaced the State's ability to update its related  
4 laws. The legislature further finds that surfboards using  
5 motorized hydrofoil technology are reaching speed capabilities  
6 of more traditional vessel types, such as thrill craft, which  
7 can present safety concerns when motorized hydrofoil surfboards  
8 are operated in areas only intended for non-motorized and  
9 manually powered vessels and equipment. The legislature  
10 recognizes that non-motorized hydrofoils cannot reach speeds  
11 comparable to motorized hydrofoils and therefore should not be  
12 considered thrill craft under the state boating law.

13           Therefore, the purpose of this Act is to modernize the  
14 definition of thrill craft, as used in the state boating law,  
15 and include within the term surfboards using a motorized  
16 hydrofoil, also known as an e-foil.

\_\_\_\_.B. NO. \_\_\_\_\_

1 SECTION 2. Section 200-23, Hawaii Revised Statutes, is  
2 amended by amending the definition of "thrill craft" to read as  
3 follows:

4 ""Thrill craft" means any motorized vessel [~~that falls into~~  
5 ~~the category of personal watercraft,~~] designed to have the  
6 operator sit, stand, kneel, or lie upon the motorized vehicle  
7 during regular operation and which[+] is:

- 8 (1) [~~Is generally less~~] Less than [~~thirteen~~] sixteen feet  
9 in length as manufactured;
- 10 (2) [~~Is generally capable~~] Capable of exceeding a speed of  
11 [~~twenty~~] fifteen miles per hour;
- 12 (3) [~~Can be~~] Typically designed to be operated by a single  
13 operator, but may have the capacity to carry  
14 passengers while in operation; or
- 15 (4) [~~Is designed~~] Designed to provide similar operating  
16 performance [~~as~~] to a [personal watercraft] "personal  
17 watercraft", as defined in title 33 Code of Federal  
18 Regulations section 174.3, through a combination of  
19 small size, [~~power plant,~~] propulsion machinery,  
20 performance characteristics, and hull design.

21 The term includes[+] but is not limited to[+] a jet ski,  
22 waverunner, wet bike, surf jet, miniature speed boat,

\_\_\_\_.B. NO. \_\_\_\_\_

1 hovercraft, surfboard using a motorized hydrofoil, and every  
2 description of vessel [~~which~~] that uses [~~an internal combustion~~  
3 ~~engine~~] machinery powering a water jet pump as its primary  
4 source of motive propulsion[~~, and is designed to be operated by~~  
5 ~~a person or persons sitting, standing, or kneeling on, or being~~  
6 ~~towed behind the vessel~~]. The term shall not include any vessel  
7 that is designed for the operator and passengers to sit or stand  
8 within the hull during regular operation."

9 SECTION 3. Statutory material to be deleted is bracketed  
10 and in strikethrough. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.

12

13 INTRODUCED BY: \_\_\_\_\_

14

15 great:misc:004(6)areso01(attachment):kmat