

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.

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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[~~r~~] but is not limited to[~~r~~] a jet ski,
22 waverunner, wet bike, surf jet, miniature speed boat,

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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.

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13 INTRODUCED BY: _____

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

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 23-180, CD1, was adopted by the Council of the County of Maui, State of Hawaii, on the 1st day of September, 2023, by the following vote:

| MEMBERS | Alice L. LEE Chair | Yuki Lei K. SUGIMURA Vice-Chair | Tom COOK | Gabriel JOHNSON | Natalie A. KAMA | Tamara A. M. PALTIN | Keani N. W. RAWLINS-FERNANDEZ | Shane M. SINENCI | Nohelani U'U-HODGINS |
|-----------|-----------------------|------------------------------------|----------|-----------------|-----------------|---------------------|-------------------------------|------------------|----------------------|
| ROLL CALL | Aye | Aye | Aye | Aye | Aye | Aye | Excused | Aye | Aye |


COUNTY CLERK