
A BILL FOR AN ACT

RELATING TO AIRPORTS.

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

1 SECTION 1. Section 261-12, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§261-12 Rules, standards.** (a) [~~Powers to adopt.~~] The
4 director of transportation may perform [~~such~~] acts, issue and
5 amend [~~such~~] orders, adopt [~~such~~] reasonable general or special
6 rules and procedures, and establish [~~such~~] minimum standards,
7 consistent with this chapter, as the director deems necessary to
8 carry out this chapter and to perform the duties assigned
9 thereunder, all commensurate with and [~~for the purpose of~~
10 ~~protecting and insuring~~] to protect and ensure the general
11 public interest and safety, the safety of persons operating,
12 using, or traveling in aircraft, and the safety of persons and
13 property on land or water, and [~~developing and promoting~~]
14 develop and promote aeronautics in the [~~State.~~] state. No rule
15 of the director shall apply to airports or air navigation
16 facilities owned or operated by the United States.



1 In furtherance of the duties assigned under this chapter,
2 the director may adopt rules relating to:

3 (1) Safety measures, requirements, and practices in or
4 about the airport premises;

5 (2) The licensing and regulation of persons engaged in
6 commercial activities in or about the airport
7 premises;

8 (3) The regulation of equipment and motor vehicles
9 operated in or about the airport operational area;

10 (4) Airport security measures or requirements, and
11 designation of sterile passenger holding areas and
12 operational areas;

13 (5) The regulation of motor vehicles and traffic; and

14 (6) Any other matter relating to the health, safety, and
15 welfare of the general public and persons operating,
16 using, or traveling in aircraft.

17 (b) The director of transportation may adopt, amend, and
18 repeal such rules as are necessary to require any person who
19 uses or occupies airport land, buildings, and facilities for
20 business or commercial purposes, to defend, indemnify, and hold
21 harmless the State and any of its agencies, officers, and
22 employees from and against all liability, loss, damage, cost,



1 and expense, including attorneys fees, and all claims, suits,
2 and demands therefor, arising out of or resulting from the use
3 or occupation of airport land, buildings, and facilities.

4 [~~(b)~~—~~[Tour aircraft operations.]~~] (c) Any other law to
5 the contrary notwithstanding, no tour aircraft operation shall
6 be permitted in any airport under the State's control without
7 having a permit. The director shall adopt rules to regulate
8 tour aircraft operations by permit [~~which~~] that shall include
9 [~~but not be limited to~~]:

- 10 (1) Identification of the types of aircraft to be
11 [~~utilized;~~] used;
- 12 (2) The number of operations daily for each type of
13 aircraft used and the days and hours of operation;
- 14 (3) Verification that the applicant is in compliance with
15 all state statutes, including [~~but not limited to~~]
16 this section;
- 17 (4) Verification that the applicant has the Federal
18 Aviation Administration certificate 121 or 135;
- 19 (5) A written assessment by the department of the impact
20 of the tour aircraft operations to the surrounding
21 area and to the subject state airport;



- 1 (6) Revocation of a permit based on the failure to comply
2 with the information provided by the applicant and the
3 terms and conditions set forth by the department in
4 the permit; and any false statement or
5 misrepresentation made by the applicant;
- 6 (7) Establishment of penalties for revocation and
7 suspension of a permit for failure to comply with
8 permit conditions;
- 9 (8) Annual renewal of permits; and
- 10 (9) Any change of operations under the existing permit to
11 be approved by the director.

12 No permit shall be authorized unless accompanied by a
13 Hawaii sectional aeronautical chart marked to indicate routes
14 and altitudes to be used in conducting aerial tours and noise
15 abatement procedures to be employed in the vicinity of
16 identified noise sensitive areas.

17 For the purposes of this subsection, "tour aircraft
18 operations" means any business operation [~~which~~] that offers
19 aircraft for hire by passengers for the purpose of aerial
20 observation of landmarks and other manmade or natural sites
21 within an island of the State, and for the purpose of
22 transporting passengers for tourist-related activities.



1 [~~(c) Definitions.~~] (d) For the purpose of this section,
2 if not inconsistent with the context:

3 [~~"Sterile passenger holding area" means any portion of a
4 public airport designated by the director and identified by
5 appropriate signs as an area into which access is conditioned
6 upon the prior inspection of persons and property in accordance
7 with the approved Federal Aviation Administration air carrier
8 screening program.~~]

9 "Operational area" means any portion of a public airport,
10 from which access by the public is prohibited by fences or
11 appropriate signs, and [~~which~~] that is not leased or demised to
12 anyone for exclusive use and includes runways, taxiways, all
13 ramps, cargo ramps and apron areas, aircraft parking and storage
14 areas, fuel storage areas, maintenance areas, and any other area
15 of a public airport used or intended to be used for landing,
16 takeoff, or surface maneuvering of aircraft, or used for
17 embarkation or debarkation of passengers.

18 "Sterile passenger holding area" means any portion of a
19 public airport designated by the director and identified by
20 appropriate signs as an area into which access is conditioned
21 upon the prior inspection of persons and property in accordance



1 with the approved Federal Aviation Administration air carrier
2 screening program.

3 Notwithstanding the restriction on access by the public
4 into operational areas, entry may be authorized for airport
5 operational area related purposes with the prior permission of
6 the director or the director's duly authorized representative.

7 [~~(d) Conformity to federal legislation and rules.~~] (e) No
8 rules, orders, or standards prescribed by the director shall be
9 inconsistent with, or contrary to, any act of the Congress of
10 the United States or any regulation promulgated or standard
11 established pursuant thereto.

12 [~~(e) How made.~~] (f) All rules having the force and effect
13 of law~~[7]~~ shall be adopted by the director pursuant to chapter
14 91.

15 [~~(f) Distribution.~~] (g) The director shall provide for
16 the publication and general distribution of all of its rules and
17 procedures having general effect."

18 SECTION 2. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 3. This Act shall take effect on July 1, 2020.



Report Title:

Airports; Indemnification

Description:

Allows the Director of Transportation to adopt rules to require users or occupiers of airport land, buildings, or facilities for business or commercial purposes to defend, indemnify, and hold harmless the State against all claims, suits, and demands arising out of or resulting from the use or occupation. (HB1168 HD2)

