
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 the general public interest and safety,
11 the safety of persons operating, using, or traveling in
12 aircraft, and the safety of persons and property on land or
13 water, and developing and promoting aeronautics in the State.
14 No rule of the director shall apply to airports or air
15 navigation facilities owned or operated by the United States.

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



- 1 (1) Safety measures, requirements, and practices in or
2 about the airport premises;
- 3 (2) The licensing and regulation of persons engaged in
4 commercial activities in or about the airport
5 premises;
- 6 (3) The regulation of equipment and motor vehicles
7 operated in or about the airport operational area;
- 8 (4) Airport security measures or requirements, and
9 designation of sterile passenger holding areas[+] and
10 operational areas;
- 11 (5) The regulation of motor vehicles and traffic; and
- 12 (6) Any other matter relating to the health, safety, and
13 welfare of the general public and persons operating,
14 using, or traveling in aircraft.
- 15 (b) The director of transportation may adopt, amend, and
16 repeal such rules as are necessary to require any person who
17 uses or occupies airport land, buildings, and facilities for
18 business or commercial purposes, to defend, indemnify, and hold
19 harmless, the State and any of its agencies, officers, and
20 employees from and against all liability, loss, damage, cost,
21 and expense, including attorneys fees, and all claims, suits,



1 and demands therefor, arising out of or resulting from the use
2 or occupation.

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

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



1 terms and conditions set forth by the department in
2 the permit; and any false statement or
3 misrepresentation made by the applicant;

4 (7) Establishment of penalties for revocation and
5 suspension of a permit for failure to comply with
6 permit conditions;

7 (8) Annual renewal of permits; and

8 (9) Any change of operations under the existing permit to
9 be approved by the director.

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

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

21 [~~(e) Definitions.~~] (d) For the purpose of this section, if
22 not inconsistent with the context:



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

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

16 Notwithstanding the restriction on access by the public
17 into operational areas, entry may be authorized for airport
18 operational area related purposes with the prior permission of
19 the director or the director's duly authorized representative.

20 [~~(d) Conformity to federal legislation and rules.~~] (e) No
21 rules, orders, or standards prescribed by the director shall be
22 inconsistent with, or contrary to, any act of the Congress of



1 the United States or any regulation promulgated or standard
2 established pursuant thereto.

3 [~~(e) How made.~~] (f) All rules having the force and effect
4 of law[~~7~~] shall be adopted by the director pursuant to chapter
5 91.

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

9 SECTION 2. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 3. This Act shall take effect upon its approval.



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. Also allows the Director to adopt rules relating to the designation of airport operational areas. (HB1168 HD1)

