
A BILL FOR AN ACT

RELATING TO AERONAUTICS.

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

1 SECTION 1. The legislature finds that the imposition of
2 criminal penalties for violations of certain categories of
3 airport rules has been excessive and disproportionate to the
4 gravity of the acts committed. A more just approach would be to
5 impose only civil penalties for violations of rules relating to
6 airport safety and licensing of persons engaged in commercial
7 activities at public airports, and reserve criminal penalties
8 for conduct that causes more harm. Furthermore, the legislature
9 recognizes that the current misdemeanor penalty for certain
10 airport offenses can result in significantly harsh consequences.
11 For example, a holder of a pilots' license, military security
12 clearance, civilian federal security clearance, or professional
13 license, such as doctor, lawyer, or certified public accountant,
14 may lose the clearance or license because of a criminal
15 conviction. Sometimes, the loss of the clearance or license and
16 its associated privileges may continue for the person's entire
17 lifetime.



1 The purpose of this Act is to replace criminal penalties
2 for certain airport offenses addressed in chapter 261, Hawaii
3 Revised Statutes, or in certain administrative rules or orders
4 issued pursuant thereto, with a civil penalty.

5 SECTION 2. Section 261-21, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) Except as provided in subsection (c), any person
8 violating this chapter, or any of the rules or orders issued
9 pursuant thereto and ~~[relating to:~~

- 10 ~~(1) Safety measures, practices, or requirements;~~
- 11 ~~(2) Airport security measures or requirements; or~~
- 12 ~~(3) The licensing and regulation of persons engaged in~~
13 ~~commercial activities at public airports,]~~

14 duly adopted or served, shall be ~~[guilty of a misdemeanor.]~~
15 subject to the following penalties:

- 16 (1) When safety measures or Federal Aviation
17 Administration acceptable hangar use practices are
18 violated, the person shall be guilty of a violation
19 and subject to a civil penalty not to exceed \$200; or
- 20 (2) When the licensing and regulation of persons engaged
21 in commercial activities at public airports is



1 involved, the person shall be guilty of a violation
2 and subject to a civil penalty not to exceed \$200."

3 SECTION 3. It is the intent of this Act not to jeopardize
4 the receipt of any federal aid nor to impair the obligation of
5 the State or any agency thereof to the holders of any bond
6 issued by the State or by any such agency.

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on July 1, 2050.

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Report Title:

Aeronautics; Administrative Rules; Penalties

Description:

Replaces criminal penalties for certain airport offenses addressed in Chapter 261, Hawaii Revised Statutes, or in certain administrative rules or orders issued pursuant thereto, with a civil penalty. Takes effect on 7/1/2050. (SD1)

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