

JAN 24 2018

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 FAA grant assurance acceptable
17 hangar use practices are violated, the person shall be
18 subject to a civil penalty not to exceed \$200; or

19 (2) When the licensing and regulations of persons engaged
20 in commercial activities at public airports are



1 violated, the person shall be subject to a civil
2 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 state agency to the holders of any bond issued
6 by the State or any state 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 upon its approval.

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INTRODUCED BY:

Alvin Egh
B/R



S.B. NO. 2987

Report Title:

Aeronautics; Administrative Rules; Penalties

Description:

Replaces criminal penalties for certain airport offenses addressed in the laws relating to aeronautics or in certain administrative rules or orders issued pursuant thereto, with a civil penalty.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

