

STAND. COM. REP. NO.

1048

Honolulu, Hawaii

March 3, 2017

RE: H.B. No. 1184
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1184, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO AERONAUTICS,"

begs leave to report as follows:

The purpose of this measure is to replace criminal penalties with civil penalties for offenses relating to:

- (1) Airport safety measures, practices, or requirements;
- (2) Airport security measures or requirements; and
- (3) The licensing and regulation of persons engaged in commercial activities at public airports.

The Department of Transportation, Aircraft Owners and Pilots Association, The Plum Law Office, General Aviation Counsel of Hawaii, and several individuals testified in support of the measure. The Judiciary provided comments.

Your Committee has reviewed the concerns expressed in the Judiciary's written testimony that there is no court procedure to process a "civil penalty" that is levied pursuant to Chapter 261, Hawaii Revised Statutes (HRS). Your Committee believes the Judiciary's proposed amendment to replace the term "civil penalty"

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with "fine" is not necessary. The Department of Transportation does not need to seek judicial relief to issue administrative orders or assess administrative civil penalties to obtain compliance with statutes or rules, pursuant to the authority granted by sections 261-12 and 261-13, and Chapter 91, HRS.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1184, H.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



SCOTT Y. NISHIMOTO, Chair



