

**HB-2590**

Submitted on: 2/8/2018 8:03:28 AM

Testimony for TRN on 2/9/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sean Colley	EAA	Support	No

Comments:

EAA is the 2nd largest aviation organization representing the general aviation interests of pilots in Hawaii. We would like to extend our support for HB 2590, which replaces criminal penalties for certain airport offenses with a civil penalty. HB2950 aligns Hawaii Administrative Rules with recently released Federal Aviation Administrations (FAA) guidelines regarding aircraft hangar use. Which clarifies the FAA's policy regarding storage of non-aeronautical items in airport facilities designated for aeronautical use.

**Hawaii is the only state issuing citations for hangar infractions which qualify offenders for charges resulting in a permanent criminal record.** These are not simple parking tickets or civil infractions; these are criminal misdemeanor charges. If a professional pilot has been convicted of a misdemeanor, he must declare so on his aviation

medical forms (specifically section 18W) and job applications and can no longer fly into several

countries. Individuals who hold government security clearances could potentially lose those

clearances, costing them their jobs.

We appreciate your introduction of this important bill. These necessary changes to the Hawaii

Revised Statutes is a step in the right direction in rectifying the extreme situation at hand.

Thank you for your help.

**HB-2590**

Submitted on: 2/8/2018 9:36:00 AM

Testimony for TRN on 2/9/2018 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert Devlin	Civil Air Patrol/EAA	Support	No

Comments:

I would like to submit my support for HR2590, the current law imposes very strict penalties for relatively minor offenses. Aviation as a hobby or profession is very hard in Hawaii compared to most ever other states in the union and it is hard to get youngsters involved when they hear of all the violations and things you cannot do. Being an island state general aviation allows the general public to more freely move around as need for business or personal reasons. An overhaul of this rule is a good first step to bringing back the fun and utility general aviation. Please consider a yea vote on this matter it will be a great step for aviation on the island and the great state that I am proud to call home.

Mahalo,

Robert J. Devlin  
Ewa Beach



421 Aviation Way  
Frederick, Maryland 21701

T. 301-695-2000  
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[www.aopa.org](http://www.aopa.org)

Tuesday, February 8, 2018

The Honorable Henry Aquino  
House Transportation Committee  
Chair  
415 S Beretania St, Room # 213  
Honolulu, HI 96813

Dear Representative Aquino:

The Aircraft Owners and Pilots Association (AOPA) is the world's largest aviation organization representing the general aviation interests of pilots in Hawaii. We would like to extend our strong support for House Bill 2590, which replaces criminal penalties for airport offenses with a civil penalty.

Hawaii is the only state that issues citations for hangar infractions which result in a permanent criminal record. These are not simple parking tickets or civil infractions; these are criminal misdemeanor charges. Chapter 261, as written, contains sweeping language at the expense of the pilot community. For example, a set of golf clubs or a bike in an airplane hangar are enough to result in charges under the statute.

A criminal record has ramifications that can destroy careers. If a professional pilot has been convicted of a misdemeanor, he must declare so on his aviation medical forms (specifically section 18W), job applications and is banned from flying into several countries. Individuals who have chosen to serve our country and hold government security clearances (military, reserve or DoD) are also put in jeopardy by this statute. Criminal charges can and do result in the loss of clearances effectively costing them their jobs.

HB 2590 would make the necessary changes to the Hawaii Revised Statutes and rectify the extreme situation at hand. If you have any questions or require additional information, please do not hesitate to contact me directly at 301-695-2228 or [Melissa.McCaffrey@aopa.org](mailto:Melissa.McCaffrey@aopa.org)

Respectfully,

Melissa McCaffrey, Western Pacific Regional Manager

**HB-2590**

Submitted on: 2/8/2018 10:24:30 AM

Testimony for TRN on 2/9/2018 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
jack Dixon	jack dixon inc.	Support	No

Comments:

I support this bill, the penalties are extreme and do not match the offense.

February 8, 2018

Representative Henry Aquino  
Chairman, House Committee on Transportation  
Hawaii State Capitol, Room 419  
415 S Beretania St  
Honolulu HI 96813

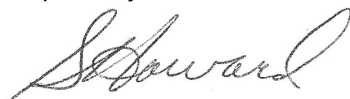
Dear Chairman Aquino and members of the Committee:

I write on behalf of the National Business Aviation Association (NBAA). NBAA represents over 11,000 member companies which own and operate over 11,000 general aviation aircraft to facilitate the conduct of their businesses or which are otherwise involved with business aviation, including numerous tenants and users of Hawaii's Airports. Thank you for providing an opportunity to comment on HB2590, legislation which will decriminalize certain rule infractions for tenants at Hawaii's public use airports. We ask the members of the House Committee on Transportation to vote yes on HB2590.

Current law places a significant burden on the State of Hawaii and its citizens. Under current statute, the pathway for resolving what are generally minor and often inadvertent aeronautical use violations by Hawaii's airport users forces the State and its aviation tenants to engage in a tedious, excessively complex, and expensive legal process. HB2590 would permit the majority of infractions to be easily and quickly resolved through a simple civil process, allowing State DOT to provide airport tenants with appropriate advice and warning, reasonable time to remedy, and if necessary, impose a civil penalty for failure to comply. This type of process is the generally accepted practice at publicly owned airports, and would serve the Hawaii DOT management team well in its duty to enforce FAA Grant Assurances and aeronautical hangar use policy.

We appreciate your leadership on this issue, and request your support for HB2590 with a yes vote, allowing it to move forward through the legislative process.

Respectfully,



Stacy Howard  
Western Regional Representative  
National Business Aviation Association  
[showard@nbaa.org](mailto:showard@nbaa.org)  
480-987-0352



**Bill Melohn**

1865 Alaweo Street  
Honolulu, HI 96821

► **Committee on Transportation**

**Hawaii State House of Representatives**  
**February 4<sup>th</sup>, 2017**

**In support of SB 1163 and HB1184 in the  
2017 Legislative session**

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**Aloha!**

As an airplane owner, private pilot, Member of the Coast Guard Auxiliary Aviation squadron Hawaii, and a member of the General Aviation Council of Hawaii and the Aircraft Owners and Pilots association, I would like to offer my sincere Mahalo for your consideration of SBI 163 and HB 1184 relating to Aeronautics,

Our local General Aviation aircraft owners face a difficult situation. All Public use airports in our state are owned and operated by the State of Hawaii, Department of Transportation, Airports Division, which means that the state is the sole provider of airports at which we can operate; something unique to our state of Hawaii.

DOT-A acts as both a administrator of aviation activities throughout the state, and as a landlord for those of us who base aircraft here. As an administrator, it is their responsibility to enforce the law at all public airports, and as a landlord they provide us with secure facilities to hangar or tie down our aircraft for a monthly fee under 30 day Revocable Permits.

Under the current law, aircraft owners who violate simple rules defined by the airport, for example keeping a folding bicycle in a hangar to carry to other islands, can and have been issued citations, both without warning or an opportunity to address the problem, or even a dialog with airport management about current policies, many of which are put in place without advance notice or public discussion, and defy common sense and current FAA policies.

Landlord Tenant issues are of course common throughout our state; in this case though, the Landlord is using their legal power as an Administrator to use criminal citations to handle matters more reasonably resolved through Landlord Tenant discussion and resolution. In all cases, the state retains the option to revoke the permit, which would force the removal from the entire state of the aircraft of a violating owner.

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These criminal citations can have a MAJOR effect on a pilot, whose license and livelihood may depend on a clean criminal record. These are not tickets that can be resolved by simply paying a fine; one must appear in Court to defend themselves, and in the case where an airplane is owned by an LLC, that corporation must be represented by an attorney. This means significant fees even if the citation is overturned in court.

This Bill goes a long way in reducing the likelihood that minor disagreements between DOT-A and a tenant will end up in court. We hope it also strongly encourages the state to work with airport tenants to implement rules that rely on two way communication, including development and publication of a state wide system of rules and policies that are understood by pilots and DOT-A employees, compatible with FAA guidelines, and humanely and reasonably enforced.

The continued viability of General Aviation should be a key element in the policies of DOT-A, who have been chartered by the Legislature to encourage all Aeronautical activities. GA pilots and aircraft are a vital link that ties our island state together, providing critical assets for ocean search and rescue, disaster preparation and recovery, and the means to train our future generation of pilots and aircraft technicians, critical to the economic vitality of our tourist based economy.

Mahalo!

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**Bill Melohn**



**HB-2590**

Submitted on: 2/8/2018 10:09:48 AM

Testimony for TRN on 2/9/2018 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kelajah Shepard		Support	No

Comments:

I am in support to for this bill. I support the de-criminalzation of airport violation.

**HB-2590**

Submitted on: 2/8/2018 8:30:35 AM

Testimony for TRN on 2/9/2018 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
F. Michael Singer		Support	No

Comments:

It is time to start fixing our airports by making them user friendly.

**HB-2590**

Submitted on: 2/8/2018 8:53:34 AM

Testimony for TRN on 2/9/2018 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Meira Leonard		Support	No

## Comments:

This bill is absolutely necessary if we want to continue to have a real constitution based on truth and justice. The fact that there are criminal penalties for certain airport offenses, like having a bicycle in a hanger, is absurd and outright criminal in itself and needs to be changed immediately. Thank you for doing what is right.

**HB-2590**

Submitted on: 2/8/2018 9:06:01 AM

Testimony for TRN on 2/9/2018 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jack Schneider		Support	No

Comments:

**HB-2590**

Submitted on: 2/8/2018 9:32:52 AM

Testimony for TRN on 2/9/2018 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Bailey		Support	No

Comments:

Imagine having to go to court for having a flat tire on your car. Imagine being labeled a criminal for leaving scuba tanks or a golf bag in your garage. This is the sort of thing we currently face at Hawaii airports. As far as I know, this is the only state in the country that does this. It needs to stop.

When these rules were written it was probably assumed by the legislature that the airports division would use this power to cite aircraft owners and pilots as a last resort. You would assume that a verbal or written warning would proceed something this powerful, but it does not. The airports division now uses this authority as a first line of offense and it is turning law abiding pilots into instant criminals for very minimal provocation.

Please bring some sanity to our airports and take this authority away from them. They have abused it and they are clogging up the courts with this stuff. These are administrative problems, not legal ones. Force the airport authorities administer rather than litigate these minor issues.

We should not have to carry the burden of a criminal record for failing to obtain a \$10 registration sticker in time. These stickers have absolutely no safety requirements to them. These stickers are strictly administrative and they are redundant because the FAA already maintains this data. Pilots should not be criminals over stuff like this.

I assume this problem has gone unrectified for so long because previous administrations have used their head and written these citations as a last resort. Since this is no longer the case, they should be stripped of this power. To the best of my knowledge, no other state has it. Airports division has gone overboard and now they need to be brought back into line. The judges do not need this stuff in their courts, this is a very costly way to administer trivial problems.

If you want something corrected, just ask. Airports division does not ask, they just send you to court.

Mahalo.....

**HB-2590**

Submitted on: 2/8/2018 10:20:04 AM

Testimony for TRN on 2/9/2018 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Larry Hinds		Support	No

Comments:

Hawaii represents one of the busiest airspace environments in the world. It mandates that pilots, controllers, and aviation personnel of every level maintain levels of proficiency through training, continuing education, and appropriate oversight. Inadvertant violations should be resolved via remediation, not criminalization.

**HB-2590**

Submitted on: 2/8/2018 10:51:03 AM

Testimony for TRN on 2/9/2018 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
James VanDerKamp		Support	No

## Comments:

As an airline pilot, general aviation pilot and aviation safety professional for over 30 years, I strongly support this bill to DE-criminalize airport violations in the state of Hawaii. The current statute does NOTHING to increase safety but has the potential to ruin lives and/or careers due to an oversight or minor error.

**HB-2590**

Submitted on: 2/8/2018 11:32:37 AM

Testimony for TRN on 2/9/2018 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert Moore		Support	No

Comments:

I fully support this bill. The harsh majors by DOTA for correct minor infractions need to be changed. This bill has been a long time coming—please pass.

BTW, please correct the spelling of “hangar” not hanger in the bill



**HB-2590**

Submitted on: 2/8/2018 12:55:52 PM

Testimony for TRN on 2/9/2018 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert Peterson		Support	No

Comments:

Please 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. I believe this administrative action would benefit both the General Aviation community in Hawaii and the State of Hawaii Department of Transportation by reducing the costs associated with the prosecution or defense of minor violations.

**HB-2590**

Submitted on: 2/8/2018 1:42:06 PM

Testimony for TRN on 2/9/2018 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ti Nguyen		Support	No

Comments:

**HB-2590**

Submitted on: 2/8/2018 1:56:36 PM

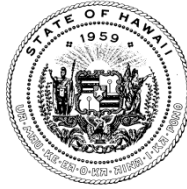
Testimony for TRN on 2/9/2018 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nolan Kim		Support	No

Comments:

DAVID Y. IGE  
GOVERNOR

**LATE**



JADE T. BUTAY  
INTERIM DIRECTOR

Deputy Directors  
ROY CATALANI  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN  
DARRELL T. YOUNG

IN REPLY REFER TO:

**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

February 9, 2018  
10:00 a.m.  
State Capitol, Room 423

**H.B. 2590**  
**RELATING TO AERONAUTICS**

House Committee on Transportation

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The Department of Transportation (DOT) **supports** with comments H.B. 2590 Aeronautic Administrative Rules Penalties. Although there are incompatibilities with the degree of punishment versus the infraction, compliance must be standardized and adhered to regarding the enforcement of guidelines to be established by a General Aviation Handbook (GAH).

The GAH will define the infractions and associated penalties through a collaborative process to include but not limited to the DOT, State Attorney's office, Federal Aviation Administration and representatives of the General Aviation community.

Thank you for the opportunity to provide testimony.

**HB-2590**

Submitted on: 2/8/2018 9:10:11 PM

Testimony for TRN on 2/9/2018 10:00:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Erlinda Inamasu	EAA	Support	No

Comments:

**HB-2590**

Submitted on: 2/8/2018 8:03:51 PM

Testimony for TRN on 2/9/2018 10:00:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Donald Machado		Support	No

Comments:

**LATE**

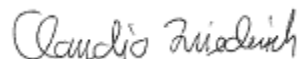
Aloha,

Imagine you were renting a house, and the landlord's rental agreement stated that "the garage is to be used for storage of an automobile only." Aside from your car, you kept, in the corner of the garage, a small bucket with some rags in it for cleaning your car. One day the landlord comes by and sees the garage, and informs you that you have violated the terms of the rental agreement because "the garage is to be used for storage of an automobile only," not buckets with rags. For this violation of the rental agreement, you are issued a criminal misdemeanor citation. Because you hold federal security clearance due to the nature of your profession, you now have a choice: you can accept the criminal citation, and lose your security clearance, and your job, and become unemployed, or you can fight the criminal citation in court, and hope that you win. Even if you accept the landlord's rather extreme interpretation of the rental agreement, does this not seem somewhat harsh?

For the tenants, such as myself, leasing space at Hawaii's airports for storage of their aircraft, and operation of aviation businesses, this story is not the unconvincingly wild fiction it sounds like. It is real. It is not an isolated incident. While this has not happened to me, it has to many airport tenants, many of whom I know personally, and they are not criminals, and have no criminal backgrounds. Yet they were treated as such, for infractions of lease agreements as minor as the one in my fictitious story above, such as storage of tools or equipment in rented hangars alongside an aircraft, when the lease agreement states that the hangars are for aircraft storage only. HB 2590 would correct this injustice, and would not impose any costs on the state or any agency, nor lead to any loss of revenue to any entity.

As an airport user, I recognize that an airport is a security sensitive area, and that disregard for safety rules or security protocols cannot be tolerated. But minor infractions or points of disagreement over interpretation of lease agreements or issues that have no safety or security impact whatsoever should be handled as civil matters, not criminal ones. We are simply asking to be treated in the same manner as a renter of a house or apartment expects to be treated. Therefore, on behalf of those leasing space and doing business at Hawaii's airports, I ask that you pass HB 2590. Thank you.

Sincerely,



Claudio Friederich

5333 Likini Street, Apt. 605  
Honolulu, HI 96818  
(808) 542-7796  
Friederir001@hawaii.rr.com

**HB-2590**

Submitted on: 2/9/2018 8:31:5

Testimony for TRN on 2/9/2018 10:00:00 AM

**LATE**

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
James Stamm	North Star Scientific	Support	No

Comments:



**HB-2590**

Submitted on: 2/9/2018 8:49:41 AM

Testimony for TRN on 2/9/2018 10:00:00 AM

**LATE**

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pieter Meinster		Support	No

Comments:

As an frontline manager at the airport, I have experienced my share of issues with violations issued to employees who's entire livelihood becomes adversely impacted from what would, under normal circumstances, be considered a minor infraction. But due to current process, they are treated as criminals, work schedules are impacted and morale suffers.

Additionally, in the 13 years I have worked in this State, I have seen too many valuable people, skilled journeymen and women in Aviation industry, depart the State, as a consequence of the extreme forms of justice being meted out.