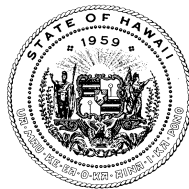


DAVID Y. IGE
GOVERNOR

LATE



Testimony by:
FORD N. FUCHIGAMI
DIRECTOR

Deputy Directors
JADE T. BUTAY
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 28, 2017
1:35 p.m.
State Capitol, Room 211

S.B. 1163, S.D. 1
RELATING TO AERONAUTICS

Senate Committee on Ways and Means

The Department of Transportation (DOT) **supports** with comments S.B.1163, S.D.1 relating to aeronautic administrative rules and 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 General's office, Federal Aviation Administration and representatives of the general aviation community.

Thank you for the opportunity to provide testimony.



State Aviation Policy

SB. 1163 – Decriminalization of Hangar Infractions

Executive Summary

In an effort to clean up non-aeronautical commercial practices at Hawaiian airports, strict standards for hangar usage were established under the Hawaii Revised Statutes. The unintended consequences of these strict standards were an overreaching impact on pilots, their careers and the state judicial system.

Senate Bill 1163 provides a remedy for those un-intended consequences, increases state revenue and maintains fair and effective enforcement practices for airport rules and regulations.

Current Practice

Hawaii Department of Transportation Airports Division (DoTA) currently issues criminal citations for hangar and parking policy infractions resulting in misdemeanor charges for pilots. This practice is mandated under Hawaii Revised Statutes, Section 261-21 which reads: "... any person violating this chapter, or any of the rules or orders issued pursuant thereto... shall be guilty of a misdemeanor."

The Issue

There are two primary concerns with current Hawaii DoTA enforcement practices impacting Hawaii pilots. The first being the impact of misdemeanor offences reported on FAA Medical Certifications. The second being the nonpayment of ticketed fines and the concurrent increase in judicial costs to both the state and pilots.

FAA regulations require pilots to report any criminal citations on FAA Form 8500-8, question 18-W; "History of non-traffic convictions, (misdemeanors and felonies.)" Airline pilots, military servicemen, and corporate pilots flying recreationally, or leasing a hangar, face career ending consequences if issued a criminal citation by the Hawaii DoTA.

Subsequently, if issued a criminal citation pilots are advised not to pay the fine or plead guilty to a misdemeanor but rather, are advised to fight the charge in court in an attempt to have the violation reduced. Many of these are hangar/parking infraction cases that cause delays and undue burden and cost on the Hawaii court system. Litigating a \$200 fine can end up costing thousands of dollars for pilots and tens of thousands for the state.

FAA Policy Clarification

On the 15th of June, 2016 the FAA issued a notice of final policy clarifying the non-aeronautical use of airport hangars. Regarding storage of non-aeronautical items, "the FAA recognizes that storage of some items in a hangar that is otherwise used for aircraft storage, will have no effect on the aeronautical

utility of the hangar.” This “common sense policy” allows pilots to store miscellaneous items in their hangars as long as aircraft can still use the hangar unimpeded.

State Comparison

Hawaii is the only state issuing misdemeanors for hangar policy violations. Every other state in the nation issues civil penalties and fines allowing for proper enforcement of aviation regulations; speedy collection of fines; and a safe atmosphere for pilots to admit mistakes without being condemned by them.

Senate Bill 1163

Senate Bill 1163 will reduce non-security infractions of aviation regulations from a misdemeanor to a violation. This will:

- Align Hawaii aviation enforcement practices with FAA standards and nationally recognized enforcement practices,
- Pilots will be able to pay fines quickly without fear of endangering their careers, and having a permanent criminal record,
- The timely payment of these fines will result in increased revenue for the state and decrease in court costs.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 26, 2017 10:49 AM
To: WAM Testimony
Cc: robmoorehawaii@hotmail.com
Subject: Submitted testimony for SB1163 on Feb 28, 2017 13:35PM

SB1163

Submitted on: 2/26/2017

Testimony for WAM on Feb 28, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Moore	GACH	Support	No

Comments: The General Aviation Council of Hawaii (GACH) fully supports SB 1163 that has been referred to your committee for a hearing on February 28, 2017. The passing of this bill will place no financial burden on the State of Hawaii. The purpose of this bill is to decouple criminal charges from a section of the Hawaii Administrative Rules (HAR) related to hangar use or parking an aircraft that ties into the Hawaii Revised Statutes (HRS). Currently, any minor violation of DOTA rules will result in a criminal misdemeanor charge against the person or entity that committed the violation. The DOTA had instructed the Sheriff's Department and their own security unit to bring such charges as a crude tool for enforcement, rather than working with its tenants in a more civilized and rational manner. GACH has tried to work with DOTA since 2012 to change their HARs, and the corresponding HRSs, but has been unsuccessful. In fact, we have come across no other airport in the country that levies such an extreme penalty on those who rent hangars and park aircraft on the ramp. It is also noted the DOT Harbor Division uses an internal procedure to handle minor violations without using the criminal court system which is already over burdened. Currently, possession in the hangar of a set of golf clubs or a bicycle or incorrectly parking your aircraft on the parking ramp can qualify a person for a charge that could result in a permanent criminal record and up to one year in jail. In 2016, the DOTA even went as far as instituting charges against individuals for items the DOTA had previously approved to be stored. To put these criminal charges into context, these are not simple parking tickets or civil infractions. These are criminal misdemeanor charges that are classified the same as, or more serious than, being charged with prostitution, committing domestic abuse, driving under the influence (DUI) or shoplifting. Moreover, the charges in question are punishable by up to a year in jail and can destroy the career of many professionals, not to mention give someone a criminal record for life. For example, if a professional pilot has been convicted of a misdemeanor, he can no longer fly into many countries. Furthermore, individuals who have government security clearances are now in trouble (military, reserve or DOD). SB 1163 would bring some sanity to the current situation by simply removing the ability of the DOTA to take these extreme steps for minor violations but still allows criminal charges to be filed by DOTA for serious security-related matters. Thank you. Sincerely, Robert Moore President, General Aviation Council of Hawaii

(GACH)

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 26, 2017 1:02 PM
To: WAM Testimony
Cc: bobarthurs@me.com
Subject: Submitted testimony for SB1163 on Feb 28, 2017 13:35PM

SB1163

Submitted on: 2/26/2017

Testimony for WAM on Feb 28, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
bob Arthurs	EAA and AOPA	Support	No

Comments: This is a very necessary and long overdue modification of state regulations that have the hands on the throat killing general aviation in the State of Hawaii. Thank you.

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The Plum Law Office

A Law Corporation

700 BISHOP STREET, SUITE 2100
HONOLULU, HAWAII 96813
TELEPHONE (808) 528-0050
FACSIMILE (808) 524-3355
wplum@plumlaw.com

February 24, 2017

**RE: SB 1163 RELATING TO AERONAUTICS
HEARING 2-28-17 @ 1:35 P.M.
TESTIMONY IN SUPPORT**

Dear Chairs, Vice Chairs, and Committee Members:

I write in support of SB 1163.

For background, I am a lawyer, pilot, and co-owner of a general aviation aircraft. I have been a hangar licensee for about 10 years and before that, a tie down space licensee for about 15 years - all at the Honolulu International Airport's South Ramp. I utilize my plane for business and personal transportation to all islands. I am also a board member of the General Aviation Council of Hawaii ("GACH"), however this testimony is in my individual capacity.

1. **What is General Aviation?** "All aviation other than military and commercial airlines." (Website of GAMA - The General Aviation Manufacturers Association). That usually includes operation of small planes, helicopters, flight instruction schools, air ambulance services, aerial photography, search and rescue services, tour services, non-regularly scheduled aircraft passenger, charter services, cargo services, and business aircraft.

2. **Why is this bill needed and how did we get to this point?** The reasons are many. Some are below.

a) The primary reason is the severity of the penalty for violations of the airport rules that affect general aviation is extreme and greatly disproportionate to the penalty that would be even be considered if the same event or violation in question was committed at any other public location. Most violations end up being charged as full criminal misdemeanors, subject to a year in jail, and creating a host of complications and inequities that will be discussed later. Simply put, the current penalty structure is unfair, unreasonable, and excessive. The Hawaii State Department of Transportation, Airports Division ("DOTA") has refused to make or support any changes.

b) A close second, is the fact that DOTA has wielded the power they have without regard to the consequences of those they charge and have used it over the last few years as a substitute for proper property management techniques that the rest of the world (aka the private sector) would use to deal with the same situations.

For instance, if a private property owner/landlord does not like the fact that a tenant has a cat in the apartment, or a commercial tenant has parked a car in the wrong location, the landlord simply gives the tenant fair warning of the violation and if it is not corrected, the landlord terminates the lease. In the DOTA's world, if the cat is not removed, or the car is not parked elsewhere, a uniformed Sheriff is dispatched to charge the tenant with a full criminal misdemeanor. In fact, in all most all situations, no warning is even given. As a side note, I have represented in my practice, a number of residential and commercial landlords and managers of businesses that have many people come onto their property everyday, and I can say without hesitation, that I have never seen a set of properties more mis-managed than the Hawaii airport facilities across this state.

c) A third reason is despite years of requests, emails, letters, and meetings with DOTA management, attempts to correct the situation via amendments to the Hawaii Administrative Rules ("HAR") for the Airports, DOTA has failed to follow up on their promises to meet with the general aviation community and to act in good faith. For reference, the misdemeanor charges brought against pilots and other who use airport facilities are a result of the HAR's containing provisions requiring that the penalty for most violation of airport rules be the penalties provided for under Hawaii Revised Statutes ("HRS") §261-21. Other than parking your car improperly, ALL other violations under HRS §261-21 are misdemeanor violations.

3. **When is a crime, a misdemeanor crime?** Misdemeanors carry a penalty of imprisonment of up to one year, a fine of up to \$2,000 and the right to have a jury trial. An example of a misdemeanor crime, besides violating an airport HAR, is being a "peeping tom." For comparison, a petty misdemeanor is a first time drunk driving charge or shoplifting a bag of candy bars at Longs Drug.

4. **Why is being charged with a misdemeanor a big deal?** If a person is confesses to a misdemeanor charge or is convicted, that person now has a lifetime criminal record. We are talking about one level below a felony. If that person holds security clearance at his job (say DOD civilian or military), that person may lose his or her clearance and his or her job, if the person is a pilot, a doctor, a lawyer, a nurse, a real estate agent or anyone else who must complete forms every so many years to keep a license,

they must often tell the licensing authority if they have committed a crime. That can cause problems for those holding those licenses or attempting to obtain one of those licenses. Additionally, having a criminal record can bar a person from entry into some countries. For pilots, the impact is significant. Canada for instance, will not allow a pilot to act as a captain with a misdemeanor record. Even if the person managed to bargain with the prosecutor to reduce the crime down to a lesser crime, if that person is ever "asked" if they were "charged" with a misdemeanor, that person will have to answer "yes."

5. **What can get a person charged with a misdemeanor at the Hawaii airports?** Try keeping a fishing rod in your hangar. Under HAR §19-17.1-16, you would be a criminal. Even if you legitimately used your fishing rod to fish on other islands that you travelled to in your plane. That is considered by definition under that HAR, a *safety violation*.

On a more personal note, my hangar partner and I had some boxes stored in the back of our hangar. The boxes were kept there because the space was unused and the boxes in no way hampered the ability of our plane to exit or enter the hangar. The boxes had been there for 7 years. About 3 years ago, the DOTA announced an inspection. Thinking the inspection was nothing more than the many other inspections we had experience, we thought nothing of it.

Shortly after the inspection, I went to the hangar to fly the airplane. I found inside, sitting a desk, a yellow slip of paper. As it turns out, the paper was a criminal charge against one of the two of us for storage of the boxes. As it further turns out, the inspection was not like all the others. This time a posse of uniformed Sheriffs officers swept through all the hangars and wrote as many criminal charges as they could think of. On our end, we were shocked. We had no trouble with our prior inspections and had we known that the boxes were an issue or been given some notice, we would have removed them. We also found out the Sheriff's Department, under direction of the DOTA, did this state wide and charged hundreds, if not thousands, of pilots, plane owners, hangar licensees, and others, with aviation businesses, with criminal misdemeanors under HRS 261-21.

On top of that, what the Sheriff's found as a violation varied greatly from one hangar to another. This arbitrary and inconstant application of the rules by the DOTA has led to an overall fear by pilots and others that one day what might be an acceptable activity, the next day might not, and vice-versa.

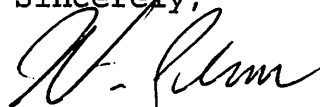
February 24, 2017
Page 2

Once charged, my hangar partner had to retain a criminal attorney to represent him. Moreover, the yellow slip was not completed properly, nor was it served properly.¹ Notwithstanding the fact that the DOTA, the Prosecutors office, and the Sheriffs Department are well aware of these service defects, I have not heard of one person being *personally* served over the last 3 years.

Conclusion. Pilots and others who use the airport need your help. This bill needs to be passed. The DOTA has refused to make changes at the administrative level and I can see why; they like the power they have. It is a power no private sector property manager or business operator has. Without your help, honest and otherwise law abiding people are going to continue to be subject to worrying about ending up with a criminal record, not to mention the \$1,000 to \$5,000 or more many have spent on attorneys to try to deal with these charges. According to the national Airplane Owners and Pilots Association ("AOPA"), Hawaii is the ONLY state in the country that makes a rule violation of these types at an airport a criminal act. Putting that fact aside, common sense alone says this picture is not right.

Thank you.

Sincerely,



William J. Plum

sb1163-2.wjp

¹ Something the Sheriff's Department has been incapable of doing to this day. I know, I share office space with a criminal attorney and have seen dozens of these slips. Moreover, misdemeanor charges need to be personally served - not left on some table or stuck in the tail of a plane sitting on the ramp outside.

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 25, 2017 6:49 AM
To: WAM Testimony
Cc: bob.gould@stanfordalumni.org
Subject: Submitted testimony for SB1163 on Feb 28, 2017 13:35PM

SB1163

Submitted on: 2/25/2017

Testimony for WAM on Feb 28, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Gould	Individual	Support	No

Comments: Please pass this bill and end the stupidity!

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 25, 2017 10:11 AM
To: WAM Testimony
Cc: john.nadler@hawaiiantel.net
Subject: Submitted testimony for SB1163 on Feb 28, 2017 13:35PM

SB1163

Submitted on: 2/25/2017

Testimony for WAM on Feb 28, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
John Nadler	Individual	Support	No

Comments: infractions should be handled as a trafic ticket not a criminal activity. Tthe law has oversteppd it bpoundries on makem this a crimial act

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 26, 2017 10:57 AM
To: WAM Testimony
Cc: robmoorehawaii@hotmail.com
Subject: Submitted testimony for SB1163 on Feb 28, 2017 13:35PM

SB1163

Submitted on: 2/26/2017

Testimony for WAM on Feb 28, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Moore	Individual	Support	No

Comments: Aloha, I fully support the passage of this bill. I having been trying for years to have DOT Airports Division to change their rules that make any violation at a Hawaii airport a criminal offense. It is criminal (pun intended) to issue a criminal citation for having a bike in your hangar in order to ride to the bathroom which is ½ mile away--that is what DOTA is doing. Please help to incorrect this injustice. Thank you.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 26, 2017 1:12 PM
To: WAM Testimony
Cc: m.singer@heartwoodpacific.com
Subject: Submitted testimony for SB1163 on Feb 28, 2017 13:35PM

SB1163

Submitted on: 2/26/2017

Testimony for WAM on Feb 28, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
F. Michael Singer	Individual	Comments Only	No

Comments: A positive revenue source is dying because of criminalizing tax paying tenants of our airports. The State of Hawaii needs to change their thinking on how to run airports. By decriminalizing users and lowering fees will bring in new users and increase revenue. It is a proven statistical fact and it is long over due to rewrite the airport rules and regulations. I support SB 1163 and so should everyone else.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 26, 2017 2:29 PM
To: WAM Testimony
Cc: ronpbilek@hawaiiintel.net
Subject: Submitted testimony for SB1163 on Feb 28, 2017 13:35PM

SB1163

Submitted on: 2/26/2017

Testimony for WAM on Feb 28, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald Bilek	Individual	Support	No

Comments: Please stop criminal penalties against GA Pilots and replace with civil penalties.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 26, 2017 2:40 PM
To: WAM Testimony
Cc: richmin@hotmail.com
Subject: Submitted testimony for SB1163 on Feb 28, 2017 13:35PM

SB1163

Submitted on: 2/26/2017

Testimony for WAM on Feb 28, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Min	Individual	Support	No

Comments: Please support this bill to decriminalize minor administrative violations at State airports. I have been told that people have been cited for having golf clubs in their hangars. As a person that is pursuing a career in the aviation field, a criminal offense for having something so trivial as a couple of golf clubs would ruin my aspirations to becoming a commercial pilot. Please support this bill. Sincerely Richard Min

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 26, 2017 3:45 PM
To: WAM Testimony
Cc: bisaacso@hawaii.edu
Subject: Submitted testimony for SB1163 on Feb 28, 2017 13:35PM

SB1163

Submitted on: 2/26/2017

Testimony for WAM on Feb 28, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Isaacson	Individual	Support	No

Comments: Hawaii should do everything it can to support aviation, large and small, given that aviation provides the lifeblood for Hawaii to live economically. Take away aviation, and Hawaii dies. Take away little aviation, and big aviation dies. this bill is a good first step to really supporting aviation in Hawaii.

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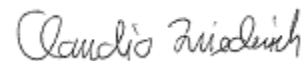
Aloha,

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. SB 1163 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 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 SB 1163. Thank you.

Sincerely,



Claudio Friederich

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

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 6:59 AM
To: WAM Testimony
Cc: kieferj001@hawaii.rr.com
Subject: Submitted testimony for SB1163 on Feb 28, 2017 13:35PM

SB1163

Submitted on: 2/27/2017

Testimony for WAM on Feb 28, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph T Kiefer	Individual	Support	No

Comments: I have a revocable permit for a hanger at Honolulu International Airport. Criminal sanctions for permit violations, even minor ones, are unnecessary, harsh and a misuse of criminal powers.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 8:52 AM
To: WAM Testimony
Cc: jschn39@gmail.com
Subject: Submitted testimony for SB1163 on Feb 28, 2017 13:35PM

SB1163

Submitted on: 2/27/2017

Testimony for WAM on Feb 28, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Jack Schneider	Individual	Comments Only	No

Comments: Aloha Senators, The imposition of Criminal Penalties for minor violations of certain airport rules is "overkill". Minor offenses should be penalized as minor offenses. Decriminalization is extremely important to the overall health of the General Aviation Community. I urge you to look favorably upon this bill, SB1163, and urge you to assist in enacting it. Mahalo for your time and attention, Jack Schneider 783-4111

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 12:01 PM
To: WAM Testimony
Cc: micahalameda@gmail.com
Subject: *Submitted testimony for SB1163 on Feb 28, 2017 13:35PM*

SB1163

Submitted on: 2/27/2017

Testimony for WAM on Feb 28, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Micah Alameda	Individual	Support	No

Comments:

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Sent: Monday, February 27, 2017 1:25 PM
To: WAM Testimony
Cc: efhawaii@msn.com
Subject: Submitted testimony for SB1163 on Feb 28, 2017 13:35PM

SB1163

Submitted on: 2/27/2017

Testimony for WAM on Feb 28, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
jeffrey smith	Individual	Comments Only	No

Comments: As stated in the proposed legislative revision to SB 1163, the current rules result in making minor offenses in the airport environment a criminal offense with unduly harsh penalties, not the least of which is the possible inability of professional aviators and others (doctors, lawyers, engineers, accountants etc) ineligible to renew their professional licenses. The offenses may be minor such as parking violations of automobiles or aircraft, unauthorized signage on hanger doors, use of a couch or chairs in the hanger etc. Such violations do not pose a safety hazard and would be more appropriately dealt with by issuance of a minor ticket and fine, not a criminal citation as is now the case.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 1:33 PM
To: WAM Testimony
Cc: lindadou2@hotmail.com
Subject: Submitted testimony for SB1163 on Feb 28, 2017 13:35PM

SB1163

Submitted on: 2/27/2017

Testimony for WAM on Feb 28, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
linda m. douglas	Individual	Support	No

Comments: Please pass this bill. What the DOTA is doing is unfair and unreasonable, and they refuse to recognize it.

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FAA REPAIR STATION # UWKR917L
East West Avionics, Inc.
90 Nakolo Place Suite #210
Honolulu, Hawaii 96819
Phone: (808) 798-4024
eastwestavioncs@gmail.com
www.eastwestavionics.com



To Whom It May Concern:

The fact that regulatory violations at the airport are considered criminal misdemeanors is extreme and ridiculous. Example: An aircraft owner has his aircraft tied down in a rented stall. He comes to the airport on the weekends to maintain and fly his aircraft as he's busy through the week, and why not, this is one of the freedoms of this country that I personally went to a war to defend. One Wednesday, his nose tire leaks out and goes flat. After all, the sun here is hard on plastics and rubber. On Thursday, the ramp control is driving by and spots the tire and leaves a citation on the window. The person comes to the airport on Saturday as his usual day and now discovers he has a criminal misdemeanor violation for a tire that went flat. He would have been better off if he went on a shoplifting spree and drove home drunk since that is a petty misdemeanor. This is the only airport in the world that this would be a criminal violation. Well maybe North Korea or Russia. This form of punishment is too extreme as we are protected against by the Eighth amendment to the constitution. The punishment does not fit the crime, wait a minute, there is no crime yet it's being punished as one.

As a business owner and Chief Technician for an avionics repair facility, the only one in the State, I can attest to the difficulty in bringing talent in from the outside. In case you haven't considered the ramifications in violating small operator out of existence, the cost will be enormous to the State's economy. Let's consider pilot training. If you don't train new pilots locally, soon the airlines the State depends on for local dominance of the local airline industry will be undermined if not completely compromised. Take it from experience in trying to bring outside labor in at wages most places want to pay in this State, including Hawaiian Airlines. People love to visit Hawaii, living here is another story when you tell them you'll pay the same here as a mainland job for an extreme hike in cost of living. That generally ends the interview. You can pay higher wages for pilots and maintenance but that will translate into local carriers not maintaining competitive pricing with mainland carriers. Guess what happens then...Aloha.

If it is made too difficult to operate an aircraft in the state, the people with aircraft take them away or get rid of them. I've seen several aircraft go in the last year alone. The one common statement for the majority is that the state is making it too hard to keep an aircraft in a place that's already difficult to maintain the aircraft. I agree. This island state should be embracing aviation not chasing it away.

Sincerely,

Pat Rhodes

Owner and President of East West Avionics, Inc.

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 11:52 PM
To: WAM Testimony
Cc: vbakke@yahoo.com
Subject: Submitted testimony for SB1163 on Feb 28, 2017 13:35PM

SB1163

Submitted on: 2/27/2017
Testimony for WAM on Feb 28, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Victor Bakke	Individual	Support	No

Comments: i support this bill. As an attorney, I have represented several pilots who have been charged with misdemeanors for airport violations. These pilots have had to spend significant time and money to defend themselves and have faced the possibility of a criminal record. This bill is the right thing to do.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 28, 2017 4:41 AM
To: WAM Testimony
Cc: robbon1@yahoo.com
Subject: Submitted testimony for SB1163 on Feb 28, 2017 13:35PM

SB1163

Submitted on: 2/28/2017
Testimony for WAM on Feb 28, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
robert bonham	Individual	Comments Only	No

Comments: I am an emergency physician. I fly to the neighbor islands to teach at hospitals. I own my own airplane and I hanger at honolulu airport. I am very worried about the current situation that allows a hanger infraction to give me a misdemeanor citation. This is a criminal record. We don't even do such a thing for traffic violations. And we are the only state in the union who applies this harsh treatment. No other state does this. and giving pilots criminal records makes them very worried. In the end we reduce flying in the state and reduce revenues for the state. The right thing is to decriminalize this situation. Thank you robert bonham,MD 2110 Nuuanu Ave #2005 honolulu 96817

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 28, 2017 5:00 AM
To: WAM Testimony
Cc: daderider@gmail.com
Subject: Submitted testimony for SB1163 on Feb 28, 2017 13:35PM

SB1163

Submitted on: 2/28/2017
Testimony for WAM on Feb 28, 2017 13:35PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Marita Byrnes	Individual	Comments Only	No

Comments: My husband owns a plane with 2 other pilots. I am afraid that he could be given a ticket for violating hanger rules. Why does the state do this? I worry when he flies, but now I am more worried because he could become a criminal. This could affect his job and our future. Please look into this and help out your law abiding citizens who aren't criminals.

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