

DAVID Y. IGE
GOVERNOR



Testimony by:
JADE T. BUTAY
DIRECTOR

Deputy Directors
ROY CATALANI
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EDWIN H. SNIFFEN
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IN REPLY REFER TO:

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

March 29, 2018
2:00 p.m.
State Capitol, Room 325

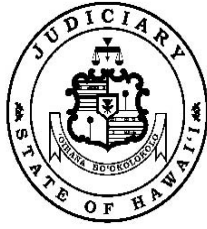
S.B. 2619, S.D. 2, H.D. 1
RELATING TO AERONAUTICS

House Committee on Judiciary

The Department of Transportation (DOT) **supports** S.B. 2619, S.D. 2, H.D. 1, relating to Aeronautic Administrative Rules Penalties and increasing the maximum penalty to \$500. The DOT appreciates the statements of legislative concern relating to the severity of criminal penalties for violations of certain categories of airport rules.

The DOT notes that enforcement guidelines in a General Aviation Handbook (GAH) will be established. 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.



The Judiciary, State of Hawai‘i

Testimony to the House Committee on Judiciary
Representative Scott Y. Nishimoto, Chair
Representative Joy A. San Buenaventura, Vice Chair

Wednesday, March 29, 2018, 2:00 p.m.
State Capitol, Conference Room 325

By
Calvin Ching
Deputy Chief Court Administrator, First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 2619, S.D. 2, H.D. 1, Relating to Aeronautics.

Purpose: Replaces criminal penalties for certain airport offenses addressed in Chapter 261, Hawai‘i Revised Statutes, or in certain administrative rules or orders issued pursuant thereto, with a civil penalty.

Judiciary's Position:

The Judiciary takes no position on the merits of Senate Bill No. 2619, S.D. 2, H.D. 1, however the Judiciary is concerned by the use of the term “civil penalty.” The bill would amend Section 261-21, Hawai‘i Revised Statutes to amend certain airport offenses from a misdemeanor to penalties termed as a “civil penalty.” The Judiciary would like to suggest that the term “civil penalty” be replaced with the term “fine” and that it be clear that these offenses are violations. As a violation, the court would be able to maintain consistency and continuity with other violations within the penal code.

The Judiciary would like to suggest that this bill be amended to be the same as House Bill No. 2590 H. D. 2, which makes it clear that these airport offenses are violations subject to a fine.

Thank you for the opportunity to testify on Senate Bill No. 2619, S.D. 2, H.D. 1.

SB-2619-HD-1

Submitted on: 3/27/2018 3:10:16 PM

Testimony for JUD on 3/29/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Moore	General Aviation Council of Hawaii (GACH)	Support	No

Comments:

Aloha,

'Please pass this bill. It will correct an injustice regarding minor offenses committee at our airports and prevent them from becoming criminal citations. We are still the only State in the US that do these types of actions. Passing this bill will help bring sanity back to the Airports.

Thank you



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March 28, 2018

The Honorable Scott Y. Nishimoto
Chairman, House Committee on Judiciary
Hawaii State Capitol, Room # 421
415 S Beretania Street
Honolulu, HI 96813

Dear Representative Nishimoto, and members of the committee:

Thank you for the hearing SB2619, Relating to Aeronautics, and the opportunity to comment. I write on behalf of the Aircraft Owners and Pilots Association (AOPA), the world's largest aviation organization, representing the general aviation interests of over 1,000 members in Hawaii. AOPA would like to extend our strong support for SB2619, 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. At present, parking in the wrong spot is enough to result in a misdemeanor charge. The spirit of SB2619 is aimed at rectifying this clear discrepancy and allowing the State DOT to issue civil penalties for failure to comply with airport regulations. Security violations can and should continue to be dealt with by local law enforcement agencies under their current authorities.

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.

We appreciate your leadership on this issue, and request your support of SB2619, allowing it to move forward in the legislative process. If you have questions or require additional information, I am happy to assist, I can be reached at 301-695-2228 or Melissa.McCaffrey@aopa.org

Respectfully,

Melissa McCaffrey
Western Pacific Regional Manager, AOPA

The Aircraft Owners and Pilots Association is a not-for-profit individual membership organization of General Aviation Pilots and Aircraft Owners. AOPA's mission is to effectively serve the interests of its members and establish, maintain and articulate positions of leadership to promote the economy, safety, utility and popularity of flight in general aviation aircraft. Representing two thirds of all pilots in the United States, AOPA is the largest civil aviation organization in the world.

AIRCRAFT OWNERS AND PILOTS ASSOCIATION



LATE

March 29, 2018

Representative Scott Nishimoto
Chairman, Committee on Judiciary
Hawaii State Capitol
415 S Beretania St
Honolulu HI 96813

RE: Support for SB2619

Dear Chairman Nishimoto and members of the Committee:

Air Service Hawaii provides aviation fuel, aircraft ground handling, and flight crew concierge services at six of Hawaii's main airports. Air Service Hawaii employs eighty five people throughout Hawaii, and operates facilities on four ground leases and numerous revocable permits. HDOT-Airports collects just over \$970,000 in rent, landing fees, and percentage of revenue from this company annually.

I write to express my company's support for SB 2619 and its intent to decriminalize certain violations committed by airport users. Current law places a significant burden on DOT-Airport's management teams and Hawaii's airport users by requiring that all violations be treated as crimes. SB2619 would allow the majority of airport users' violations to be more quickly and easily resolved through a civil process, which is consistent with most public airport practices in this country.

My company and I appreciate your leadership on this matter, and hope that you will support SB 2619 with a "yes" vote.

Sincerely,

Shaen C. Tarter
President and CEO



LATE

March 29, 2018

The Honorable Scott Y. Nishimoto
Chairman, House Committee on Judiciary
Hawaii State Capitol, Room 421
415 S Beretania Street
Honolulu, HI 95813

Chairman Nishimoto and Members of the Judiciary Committee,

On behalf of our chapters in Honolulu and Hilo, and hundreds of individual members across Hawaii, the Experimental Aircraft Association (EAA) appreciates the opportunity to provide testimony on SB2619, An Act Relating to Aeronautics. EAA is the world leader in recreational aviation, and we are committed to ensuring the future of aviation by keeping the world of flight affordable, accessible, and safe for all users.

EAA supports this bill. Hawaii is the only state in the nation that levies criminal penalties for violations of airport and hangar use regulations. Even the smallest infraction can result in a misdemeanor charge, a gratuitous punishment that can have wide-ranging consequences in a person's life, particularly in the case of pilots.

EAA has extensive experience working with airport users and airport sponsors around the country on issues such as access and hangar use policy. In our opinion, simple violations of airport rules should never merit criminal charges. Security violations and other serious offenses such as tampering with aircraft and deliberate negligence continue to carry appropriate sanctions under state and federal law.

Thank you for your consideration of SB2619, and please support its swift passage. If you have any questions, please contact me at 920-426-6124 or tcharpentier@eaa.org.

Respectfully,

A handwritten signature in black ink, appearing to read "Tom Charpentier", with a long horizontal stroke extending to the right.

Tom Charpentier
Government Relations Director