

DAVID Y. IGE
GOVERNOR



Testimony by:
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 13, 2018
9:30 a.m.
State Capitol, Room 016

S.B. 2619
RELATING TO AERONAUTICS

Senate Committee on Transportation and Energy
and
Senate Committee on Judiciary



The Department of Transportation (DOT) **supports** with comments S.B. 2619 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.

SB-2619

Submitted on: 2/9/2018 5:30:14 PM

Testimony for TRE on 2/13/2018 9:30:00 AM

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

Comments:

The General Aviation Council of Hawaii, GACH, fully supports the quick passage of this bill.



421 Aviation Way
Frederick, Maryland 21701

T. 301-695-2000
F. 301-695-2375

www.aopa.org

Monday, February 12, 2018

The Honorable Lorraine R. Inouye
Chairwoman, Senate Committee on Transportation and Energy
Hawaii State Capitol, Room # 210
415 S Beretania Street
Honolulu, HI 96813

The Honorable Brian T. Taniguchi
Chairman, Senate Committee on Judiciary
Hawaii State Capitol, Room # 219
415 S Beretania Street
Honolulu, HI 96813

Dear Senators Inouye, Taniguchi and members of the committee:

Thank you for the hearing SB 2619, 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 supports the intent of SB 2619, legislation to replace criminal penalties for airport offenses with a civil penalty statewide. However, we have concerns with the wording as written. We respectfully request that the committee adopt the language of HB 2590 which removes references to misdemeanors and replaces it with civil penalties. HB 2590 passed the House Transportation Committee on February 9th with no opposition. We request that Sections 2 and 3 of SB 2619 be amended as follows:

"SECTION 2. Section 261-21, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Except as provided in subsection (c), any person violating this chapter, or any of the rules or orders issued pursuant thereto and ~~[relating to:~~

(1) ~~Safety measures, practices, or requirements;~~

(2) ~~Airport security measures or requirements; or~~

(3) ~~The licensing and regulation of persons engaged in commercial activities at public airports,]~~

duly adopted or served, shall be ~~[guilty of a misdemeanor.]~~ subject to the following penalties:

(1) When safety measures or Federal Aviation Administration acceptable hanger use practices are violated, the person shall be guilty of a violation and subject to a civil penalty not to exceed \$200; or

(2) When the licensing and regulation of persons engaged in commercial activities at public airports is involved, the person shall be subject to a civil penalty not to exceed \$200."



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Frederick, Maryland 21701

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F. 301-695-2375

www.aopa.org

SECTION 3. It is the intent of this Act not to jeopardize the receipt of any federal aid nor to impair the obligation of the State or any agency thereof to the holders of any bond issued by the State or by any such agency.”

The suggested Section 3 amendment is in accordance with the recommendations of the 2017 Conference Committee report for Judiciary and Labor and Transportation and Energy on SB 1163, “A BILL FOR AN ACT RELATING TO AERONAUTICS”.

If the above amendments are not agreeable as written, then striking Section 2. (a) line 2, as seen below, will ensure the intent of this bill is still met.

~~Section 2. (a), line 2 “When airport security measures or requirements are involved, the person shall be guilty of a misdemeanor; or”.~~

Ultimately, it is important to note that Hawaii is the only state that issues citations for hangar infractions which result in a permanent criminal record. At present, a set of golf clubs or a bike in an airplane hangar are enough to result in a misdemeanor charge. The spirit of SB 2619 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.

We appreciate your leadership on this issue, and request your support of SB 2619, with amendments, allowing it to move forward in the legislative process.

If you have questions or require additional information, please do not hesitate to contact me directly at 301-695-2228 or Melissa.McCaffrey@aopa.org

Respectfully,

Melissa McCaffrey, Western Pacific Regional Manager

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.

SB-2619

Submitted on: 2/9/2018 6:09:52 PM

Testimony for TRE on 2/13/2018 9:30:00 AM

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

Comments:

Hawaii's criminalization of certain airport problems is very inappropriate and contrary to practice at other venues. This bill would rectify the penalty structure related to airports issues.

SB-2619

Submitted on: 2/11/2018 7:54:19 PM

Testimony for TRE on 2/13/2018 9:30:00 AM

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

Comments:

Request passage with amendment suggested by AOPA but support in any case.

SB-2619

Submitted on: 2/11/2018 9:37:13 PM

Testimony for TRE on 2/13/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Craig Meierhoffer		Comments	No

Comments:

I support SB2619 with amendments. Please consider using AOPA's suggested language when amending SB2619.



SB-2619

Submitted on: 2/12/2018 11:06:00 PM

Testimony for TRE on 2/13/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Plum	Individual	Support	No

Comments:

Please support SB 2619. It will correct the current situation at airports across the state wherein pilots and aircraft owners/operators are regularly charged with full criminal misdemeanor offenses for what otherwise would be considered something no more severe than a parking violation or other civil violation if the offense occurred at any other location in Hawaii.

Thank you.



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. The intent of SB 2619 is to correct this injustice, and this bill would not impose any costs on the state or any agency, nor lead to any loss of revenue to any entity. Therefore, on behalf of those leasing space and doing business at Hawaii's airports, I ask that you support SB 2619.

As an airport user, I recognize that an airport is a security sensitive area, and that safety rules and security protocols are a necessity. But minor infractions can and should be handled as civil matters, as they are in other circumstances, not as criminal ones. Therefore, I further ask that you support the amendment to SB 2619 proposed by the Aircraft Owners and Pilots Association, which would replace the criminal misdemeanor penalties in section 2, part a, paragraph 2 with a civil penalty. Thank you.

Sincerely,

Claudio Friederich

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

SB-2619

Submitted on: 2/13/2018 10:10:44 AM

Testimony for TRE on 2/13/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Bailey	Individual	Support	No

Comments:

Please pay close attention to any testimony submitted by Melissa McCaffery from Aircraft Owners and Pilots' Association. Her input will give us our best opportunity to bring Hawaii statutes into line with the rest of the nation. She has data and experience at a national level that we lack locally. We need to stop jeopardizing pilot careers over this relatively trivial issues at our state airports. No other state does this to their pilots.