

Honolulu, Hawaii

, 2020

FEB 14

RE: H.B. No. 1907

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 1907 entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

begs leave to report as follows:

The purpose of this measure is to prohibit a person from operating a helicopter for commercial purposes without a valid instrument rating from the Federal Aviation Administration.

Your Committee received testimony in support of this measure from the Kailua Neighborhood Board No. 31, Pearl City Neighborhood Board, five individuals, and a petition containing the names of numerous individuals. Your Committee received testimony in opposition to this measure from the Hawaii Helicopter Association, Jack Harter Helicopters, Mauna Loa Helicopter Tours, Paradise Helicopters, Magnum Helicopters, Schuman Aviation Company Ltd., and eight individuals. Your Committee received comments on this measure from the Department of the Attorney General, Department of Land and Natural Resources, and one individual.

Your Committee finds that many areas and communities across Hawaii are being adversely affected by low-flying helicopter air tours. Furthermore, from October 2018 to the present, six commercial and tour helicopter crashes and emergencies in Hawaii have already occurred.



Your Committee has amended this measure by changing its effective date to July 1, 2050.

Your Committee notes that the Department of the Attorney General raised the concern that this measure may be subject to a pre-emption challenge because the Federal Aviation Administration was established to create a uniform and exclusive system of federal regulation in the field of air safety, whereas this measure would create a new, state-based requirement for commercial helicopter pilots and subject the pilot as well as the pilots employer to a criminal penalty.

Your Committee further recognizes that the United States Representative for Hawaii's First Congressional District has introduced federal legislation to regulate commercial and tour helicopters. Moreover, your Committee notes the continued efforts of the Hawaii Air Tour Task Force, which includes the Hawaii Helicopter Association, Airports Division of the Department of Transportation, and Federal Aviation Administration, in addressing safety and noise issues related to rotor- and fixed-wing aerial tours in the State.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1907, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1907, H.D. 1, and be referred to your Committee on Judiciary.

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



HENRY J.C. AQUINO, Chair



