

ACT 191

S.B. NO. 1602

A Bill for an Act Relating to Airport Security.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 261-1, Hawaii Revised Statutes, is amended to read as follows:

“§261-1 Definitions. As used in this chapter[, unless the context otherwise requires]:

- (1) “Aeronautics” means the science and art of flight, including but not limited to transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports, or other air navigation facilities; and instruction in flying or ground subjects pertaining thereto;
- (2) “Aircraft” means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air;
- (3) “Airport” means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, including approaches, together with all airport buildings and facilities located thereon;
- (4) “Department” means the department of transportation;
- (5) “Director” means the director of transportation;
- (6) “Air navigation facility” means any facility used in, available for use in, or designed for use in, aid of air navigation, including any structures, mechanisms, light, beacons, markers, communicating systems, or other instrumentalities, or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities;
- (7) “Operation of aircraft” or “operate aircraft” means the use, navigation, or piloting of aircraft in the airspace over the State or upon any airport within the State;
- (8) “Airman” means any individual who engages, as the person in command, or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way, and any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, airframes, propellers, or appliances; and any individual who serves in the capacity of aircraft dispatcher, or air-traffic control-tower operator; but does not include any individual employed outside the

- United States, and its territories and possessions, or any individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection therewith, or any individual performing inspection or mechanical duties in connection with aircraft owned or operated by the individual;
- (9) "Airport hazard" has the meaning defined by section 262-1;
 - (10) "State airway" means a route in the navigable airspace over and above the lands or waters of the State, designated by the department as a route suitable for air navigation;
 - (11) "Municipality" means any county or other political subdivision or public corporation of the State. "Municipal" means pertaining to a municipality as herein defined;
 - (12) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof;
 - (13) "Police officer" means a police officer and any other state or county officer charged with the enforcement of state laws.]

"Aeronautics" means the science and art of flight, including but not limited to transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports, or other air navigation facilities; and instruction in flying or ground subjects pertaining thereto.

"Air navigation facility" means any facility used in, available for use in, or designed for use in, aid of air navigation, including any structures, mechanisms, light, beacons, markers, communicating systems, or other instrumentalities, or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

"Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air.

"Airman" means any individual who engages, as the person in command, or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way, and any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, airframes, propellers, or appliances; and any individual who serves in the capacity of aircraft dispatcher, or air-traffic control-tower operator; but does not include any individual employed outside the United States, and its territories and possessions, or any individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection therewith, or any individual performing inspection or mechanical duties in connection with aircraft owned or operated by the individual.

"Airport" means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, including approaches, together with all airport buildings and facilities located thereon.

"Airport hazard" has the meaning defined by section 262-1.

"Criminal history record check" means an examination of an individual's criminal history records by means including, but not limited to, fingerprint analysis and name inquiry into state and national criminal history record files.

"Criminal history record information" means criminal history information received from state and national criminal history record checks.

"Department" means the department of transportation.

“Director” means the director of transportation.

“Municipal” means pertaining to a municipality as herein defined.

“Municipality” means any county or other political subdivision or public corporation of the State.

“Operation of aircraft” or “operate aircraft” means the use, navigation, or piloting of aircraft in the airspace over the State or upon any airport within the State.

“Person” means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

“Police officer” means a police officer and any other state or county officer charged with the enforcement of state laws.

“State airway” means a route in the navigable airspace over and above the lands or waters of the State, designated by the department as a route suitable for air navigation.”

SECTION 2. Section 261-17, Hawaii Revised Statutes, is amended to read as follows:

“§261-17 Enforcement of laws. (a) [Enforcement officers.] The director of transportation, officers, and employees of the department of transportation, and every state and county officer charged with the enforcement of state laws and ordinances, shall enforce and assist in the enforcement of this chapter and of all rules[, regulations,] and orders issued pursuant thereto and of all other laws of the State; and in that connection each of the persons may inspect and examine at reasonable hours any premises, and the buildings and other structures thereon, where airports, air navigation facilities, or other aeronautical activities are operated or conducted. In aid of the enforcement of this chapter, the rules[, regulations,] and orders issued pursuant thereto, and all other laws of the State, the powers of police officers are conferred upon the director, and such of the officers, employees, agents, and representatives of the department as may be designated by the director to exercise such powers, including the power to serve and execute warrants and arrest offenders, and the power to serve notices and orders. For the purposes of this subsection the term “agents and representatives” includes persons performing services at airports under contract with the department.

(b) No person shall provide or be hired to provide armed security services at airports within the State without first submitting statements signed under penalty of false swearing by the person indicating whether the person has ever been convicted of a crime which, by law, would preclude the person from carrying or using a firearm in the course of the person’s employment, including a felony conviction in the State of Hawaii or elsewhere, and providing consent to the department to have a criminal history record check conducted by the Federal Bureau of Investigation to obtain criminal history record information. The person shall also be fingerprinted for the purpose of a Federal Bureau of Investigation criminal history record check. The Hawaii criminal justice data center may also assess the existing providers of armed security services at airports within the State, or their employees or applicants for employment, or any applicant for employment to provide armed security services at airports within the State, a reasonable fee for each criminal history record check performed by the Federal Bureau of Investigation.

[(b) Court aid.] (c) The department may, in the name of the State, enforce [the provisions of] this chapter and the rules[, regulations,] and orders issued pursuant thereto by injunction or other legal process in the courts of the State.”

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SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 17, 1996.)