

ACT 64

S.B. NO. 2619

A Bill for an Act Relating to Aeronautics.

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

SECTION 1. The legislature finds that the imposition of criminal penalties for violations of certain categories of airport rules has been excessive and disproportionate to the gravity of the acts committed. A more just approach would be to impose only fines for violations of rules relating to airport safety and licensing of persons engaged in commercial activities at public airports, and reserve criminal penalties for conduct that causes more harm. Furthermore, the legislature recognizes that the current misdemeanor penalty for certain airport offenses can result in significantly harsh consequences. For example, a holder of a pilots' license, military security clearance, civilian federal security clearance, or professional license, such as a doctor, lawyer, or certified public accountant, may lose the clearance or license because of a criminal conviction. Sometimes, the loss of the clearance or license and its associated privileges may continue for the person's entire lifetime.

The purpose of this Act is to replace criminal penalties for certain airport offenses under Hawaii's aeronautics laws, or in certain administrative rules or orders issued pursuant thereto, with fines.

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.]~~ violation subject to the following penalties:

- (1) When safety measures or Federal Aviation Administration acceptable hangar use practices are violated, the person shall be subject to a fine not to exceed \$500; 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 fine not to exceed \$500.”

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.

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2018.

(Approved June 29, 2018.)