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# A BILL FOR AN ACT

RELATING TO AERONAUTICS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

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



1           The purpose of this Act is to replace criminal penalties  
2 for certain airport offenses addressed in chapter 261, Hawaii  
3 Revised Statutes, or in certain administrative rules or orders  
4 issued pursuant thereto, with civil penalties.

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

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

- 10           ~~(1) Safety measures, practices, or requirements,~~  
11           ~~(2) Airport security measures or requirements, or~~  
12           ~~(3) The licensing and regulation of persons engaged in~~  
13           ~~commercial activities at public airports,]~~

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

- 16           (1) When safety measures or Federal Aviation  
17           Administration acceptable hangar use practices are  
18           violated, the person shall be subject to a civil  
19           penalty not to exceed \$200; or  
20           (2) When the licensing and regulation of persons engaged  
21           in commercial activities at public airports is



1           involved, the person shall be subject to a civil  
2           penalty not to exceed \$200."

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

7           SECTION 4. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9           SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Aeronautics; Administrative Rules; Penalties

**Description:**

Replaces criminal penalties for certain airport offenses addressed in Chapter 261, Hawaii Revised Statutes, or in certain administrative rules or orders issued pursuant thereto, with a civil penalty. Effective 7/1/2050. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

