



GOV. MSG. NO. 1440

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 12, 2022

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirty-First State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirty-First State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 12, 2022, the following bill was signed into law:

SB3272 SD2 HD2 CD1

RELATING TO TRANSPORTATION.  
**ACT 311**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

Approved by the Governor  
JUL 12 2022  
on \_\_\_\_\_

**ACT 311**

THE SENATE  
THIRTY-FIRST LEGISLATURE, 2022  
STATE OF HAWAII

**S.B. NO.** 3272  
S.D. 2  
H.D. 2  
C.D. 1

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# A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1           SECTION 1. The legislature finds that residents in the  
2 State must endure the excessive noise that helicopter tours and  
3 small aircraft generate. Federal legislation, such as the  
4 National Parks Air Tour Management Act of 2000, established  
5 rules that tour operators must follow when flying over national  
6 parks like Hawaii Volcanoes National Park, Pearl Harbor National  
7 Memorial, and Haleakala National Park. Therefore, it is in the  
8 interest of the State to monitor and ensure that federal  
9 regulations are being followed and that the State has the option  
10 not to renew a tour aircraft operation permit for any company  
11 that repeatedly deviates from flight plans over sensitive areas.

12           The legislature further finds that the Federal Aviation  
13 Administration, department of transportation, some Hawaii tour  
14 helicopter companies, and other interested stakeholders have  
15 formed an unofficial Hawaii air noise and safety task force with  
16 the stated intent of addressing increasing safety and community  
17 disruption concerns, but have been criticized for not fully  
18 engaging and responding to public concerns in determining



1 regulatory or voluntary changes in operations. An increasing  
2 number of elected officials and community organizations have  
3 expressed increasing concern with safety risks and community  
4 disruption arising from tour helicopter and small aircraft  
5 operations.

6 The purpose of this Act is to:

- 7 (1) Require tour aircraft operators to file appropriate  
8 reports and disclosures so that the State can monitor  
9 compliance with federal regulations; and  
10 (2) Formally establish the air noise and safety task  
11 force.

12 SECTION 2. Section 261-12, Hawaii Revised Statutes, is  
13 amended by amending subsection (b) to read as follows:

14 "(b) Tour aircraft operations. Any other law to the  
15 contrary notwithstanding, no tour aircraft operation shall be  
16 permitted in any airport under the State's control without  
17 having a permit. The director shall adopt rules to regulate  
18 tour aircraft operations by permit, which shall include but not  
19 be limited to:

- 20 (1) Identification of the types of aircraft to be  
21 utilized;



- 1           (2) The number of operations daily for each type of  
2           aircraft used and the days and hours of operation;
- 3           (3) Verification that the applicant is in compliance with  
4           all state statutes, including but not limited to this  
5           section;
- 6           (4) Verification that the applicant has the Federal  
7           Aviation Administration certificate 121 or 135;
- 8           (5) A written assessment by the department of the impact  
9           to the surrounding area and to the subject state  
10          airport;
- 11          (6) Revocation of a permit based on the failure to comply  
12          with the information provided by the applicant and the  
13          terms and conditions set forth by the department in  
14          the permit; and any false statement or  
15          misrepresentation made by the applicant;
- 16          (7) Establishment of penalties for revocation and  
17          suspension of a permit for failure to comply with  
18          permit conditions;
- 19          (8) Submission of monthly written reports to the  
20          department, which shall be made available to the



1           public, of each tour operation that occurred during  
2           the duration of the preceding month, including:

3           (A) The date and time that the aircraft took off and  
4           landed;

5           (B) The number of individuals aboard the aircraft  
6           during the operation;

7           (C) The flight path from takeoff through landing; and

8           (D) Whether the aircraft deviated from its intended  
9           flight plan;

10          ~~(8)~~ (9) Annual renewal of permits; and

11          ~~(9)~~ (10) Any change of operations under the existing  
12                  permit to be approved by the director.

13                  No permit shall be authorized unless accompanied by a  
14          Hawaii sectional aeronautical chart marked to indicate routes  
15          and altitudes to be used in conducting aerial tours and noise  
16          abatement procedures to be employed in the vicinity of  
17          identified noise sensitive areas.

18                  For the purposes of this subsection, "tour aircraft  
19          operations" means any business operation that offers aircraft  
20          for hire by passengers for the purpose of aerial observation of  
21          landmarks and other manmade or natural sites within an island of



1 the State and for the purpose of transporting passengers for  
2 tourist-related activities."

3 SECTION 3. (a) There is established an air noise and  
4 safety task force in the office of planning and sustainable  
5 development for administrative purposes.

6 (b) The task force shall:

7 (1) Collect and review data on tour aircraft operations  
8 submitted to the department of transportation pursuant  
9 to section 261- and any other information related to  
10 aircraft noise and safety that may be available;

11 (2) Collect and review public complaints regarding  
12 aircraft noise and safety;

13 (3) Identify key noise and safety issues facing Hawaii  
14 relating to aircraft;

15 (4) Make recommendations to address aircraft noise and  
16 safety issues to the Federal Aviation Administration,  
17 National Transportation Safety Board, and other  
18 appropriate federal agencies;

19 (5) Make recommendations to address business practices and  
20 operators of aircraft falling within state and local  
21 jurisdiction; and



- 1           (6) Make recommendations to address aircraft noise and  
2           safety issues to aircraft operators.
- 3           (c) The members of the task force shall include:
- 4           (1) A member of the senate appointed by the president of  
5           the senate, who shall serve as a co-chair of the task  
6           force;
- 7           (2) A member of the house of representatives appointed by  
8           the speaker of the house of representatives, who shall  
9           serve as a co-chair of the task force;
- 10          (3) The director of transportation or their designee; and
- 11          (4) The director of planning or their designee.
- 12          (d) The co-chairs of the task force shall invite the  
13 following persons to join the task force:
- 14          (1) A representative from the Federal Aviation  
15           Administration;
- 16          (2) A representative from the National Transportation  
17           Safety Board;
- 18          (3) At least one representative from the helicopter  
19           industry;
- 20          (4) At least one representative from the small aircraft  
21           industry; and



1           (5) Representatives from communities impacted by aircraft  
2           noise or with safety concerns.

3           (e) The members of the task force shall serve without  
4           compensation but shall be reimbursed for expenses, including  
5           travel expenses, necessary for the performance of their duties.

6           (f) The task force shall submit a preliminary report of  
7           its findings and recommendations, including any proposed  
8           legislation, to the legislature no later than December 1, 2023,  
9           and submit subsequent reports on December 1, 2024, and  
10          December 1, 2025.

11          (g) The task force shall cease to exist on June 30, 2026.

12          SECTION 4. Statutory material to be repealed is bracketed  
13          and stricken. New statutory material is underscored.

14          SECTION 5. This Act shall take effect upon its approval.



S.B. NO. 3272  
S.D. 2  
H.D. 2  
C.D. 1

APPROVED this 12th day of July, 2022

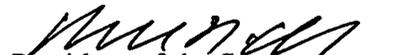
A handwritten signature in black ink, appearing to read "David I. Ige". The signature is fluid and cursive, with a large, sweeping flourish at the end.

GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI‘I**

Date: May 3, 2022  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2022.

  
President of the Senate

  
Clerk of the Senate

SB No. 3272, SD 2, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 3, 2022  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2022.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives