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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 in fiscal year 2023-  
2 2024, Hawaii's statewide airport system accommodated over  
3 38,300,000 passengers. With thousands of aircraft operations  
4 each month, the department of transportation's airports division  
5 ensures that Hawaii remains connected, resilient, and ready to  
6 meet the demands of residents, visitors, and businesses alike.  
7 The mission of the department of transportation is to develop  
8 and maintain a safe and efficient global air transportation  
9 system.

10           As a federally obligated recipient of airport grants, the  
11 department of transportation must ensure compliance with several  
12 grant assurances, including Grant Assurance No. 19, Operations  
13 and Maintenance, which states in part, "The airport and all  
14 facilities which are necessary to serve the aeronautical users  
15 of the airport, other than facilities owned or controlled by the  
16 United States, shall be operated at all times in a safe and  
17 serviceable condition and in accordance with the minimum



1 standards as may be required or prescribed by applicable  
2 Federal, state, and local agencies for maintenance and  
3 operation. It will not cause or permit any activity or action  
4 thereon which would interfere with its use for airport  
5 purposes."

6 The purpose of this Act is to:

- 7 (1) Allow the establishment of airport special districts  
8 within airports statewide to ensure the appropriate  
9 use and safe and serviceable conditions of all airport  
10 facilities, including the safety of the traveling  
11 public and airport employees; and
- 12 (2) Raise the penalty for violations of certain  
13 aeronautics laws from a civil fine to a criminal  
14 penalty of a petty misdemeanor.

15 SECTION 2. Chapter 261, Hawaii Revised Statutes, is  
16 amended by adding a new section to be appropriately designated  
17 and to read as follows:

18 "§261- Airport special districts. (a) The department  
19 may establish and maintain airport special districts within  
20 airports statewide to clearly define airport boundaries.



1        (b) It shall be unlawful for any person within an airport  
2 special district to violate any section of this chapter, or any  
3 of the rules or orders issued pursuant thereto and duly adopted  
4 or served.

5        (c) Violators of this section shall be subject to  
6 immediate removal from the airport special district, fines, and  
7 other penalties as provided under this chapter.

8        (d) The department shall collaborate with the appropriate  
9 law enforcement agencies to enforce this section and may adopt  
10 rules pursuant to chapter 91, including but not limited to  
11 providing for the placement of clear and conspicuous signage at  
12 all entry points to the airport special district.

13        (e) For the purposes of this section, "airport special  
14 districts" includes any area of land or water that is used, or  
15 intended for use, for the landing and takeoff of aircraft and  
16 any appurtenant areas that are used, or intended for use, for  
17 airport buildings or other airport facilities or rights-of-way,  
18 including approaches, together with all airport buildings and  
19 facilities located thereon, with the boundaries of each airport  
20 special district identified in airport layout plans submitted to  
21 and approved by the Federal Aviation Administration."



1 SECTION 3. Section 261-21, Hawaii Revised Statutes, is  
2 amended by amending subsections (a) and (b) to read as follows:

3 "(a) Except as provided in subsection (c), [~~any~~] a person  
4 violating any section of this chapter, or any of the rules or  
5 orders issued pursuant thereto and duly adopted or served, for  
6 which no penalty is specifically prescribed, shall be guilty of  
7 a [~~violation subject to the following penalties:~~] petty  
8 misdemeanor; provided that:

9 (1) When safety measures or Federal Aviation  
10 Administration acceptable hangar use practices are  
11 violated, the person shall be subject to a fine [~~not~~  
12 ~~to exceed~~] of no more than \$500; or

13 (2) When the licensing and regulation of persons engaged  
14 in commercial activities at public airports is  
15 involved, the person shall be subject to a fine [~~not~~  
16 ~~to exceed~~] of no more than \$500.

17 (b) Except as provided in subsection (c), any person  
18 violating any rule relating to motor vehicles and traffic  
19 control or the operation of any equipment or motor vehicle in or  
20 on the operational area of the airport shall be guilty of an



1 offense as defined under the Penal Code and be fined [~~not~~] no  
2 more than \$500."

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

6 SECTION 5. If any provision of this Act, or the  
7 application thereof to any person or circumstance, is held  
8 invalid, the invalidity does not affect other provisions or  
9 applications of the Act, which can be given effect without the  
10 invalid provision or application, and to this end the provisions  
11 of this Act are severable.

12 SECTION 6. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 7. This Act shall take effect on July 1, 3000.



**Report Title:**

DOT; Airport; Airport Special Districts; Penalties

**Description:**

Authorizes the Department of Transportation to designate airport special districts within airports statewide. Increases penalties for certain aeronautics law violations by reclassifying them from civil violations to petty misdemeanors. Effective 7/1/3000. (HD2)

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

