

DIRECTOR'S OFFICE
DEPT. OF
TRANSPORTATION

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DEPARTMENT OF TRANSPORTATION

Amendment and Compilation of Chapter 19-26.1
Hawaii Administrative Rules
October 23, 2000

SUMMARY

1. §19-26.1-1 is amended.
2. A new §19-26.1-5 is added.
3. Chapter 19-26.1 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 2

AIRPORTS DIVISION

CHAPTER 26.1

DISTRIBUTION OF LITERATURE, SOLICITATION OF
CONTRIBUTIONS, DEMONSTRATIONS, AND PUBLIC OPINION
SURVEYS AT PUBLIC AIRPORTS

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Historical note. This chapter is based substantially on chapter 19-26. [Eff 8/10/81; R 7/16/88]

§19-26.1-1 Purpose. This chapter establishes and sets forth the rights and privileges of individuals or groups to distribute literature, demonstrate, or conduct public opinion surveys at public airports. Specifically, the purposes of the chapter are to:

- (1) Provide for the exercise of constitutional freedoms at public airports, commensurate with ensuring the normal functioning of public airports;

- (2) Provide safe, orderly, convenient and efficient use of public airport facilities by the general public;
- (3) Insure users of public airport facilities free access to, and free access among and between facilities;
- (4) Prevent interference with normal pedestrian or vehicular flow;
- (5) Insure the free and orderly flow of pedestrians and vehicular traffic through and around public airports; and
- (6) Prevent interference with or disruption of the functions of public airports.

[Eff 7/16/88; am 5/24/93; am and
comp NOV 11 2000] (Auth: HRS §261-12)
(Imp: HRS §261-12)

§19-26.1-2 Definitions. As used in this chapter, unless the context clearly indicates otherwise:

"Contribution" means a monetary donation or gift.

"Demonstration" means any public display of individual or group feelings toward a person or a cause by various means, such as speeches, parades, assemblages, and picket lines.

"Department" means the state department of transportation.

"Director" means the director of the department or an authorized representative.

"Distribution" means the act of personally handing out or giving to another person.

"Literature" means any written or printed material, including but not limited to books, pamphlets, handbills, cards, circulars, pictures, magazines, and leaflets, which is distributed to the public free of charge.

"Operational area" means any portion of a public airport, from which access by the public is prohibited by fences or appropriate signs, and which is not leased or demised to anyone for exclusive use and includes runways, taxiways, ramps, cargo ramp and apron areas, aircraft parking and storage areas, fuel storage areas, maintenance areas, and any other area of a public airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft or used for embarkation or debarkation of passengers.

"Public airport" means that area of land and water under state ownership or justification which is used, or intended for use, by aircraft for landing and takeoff,

and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities thereon.

"Public opinion survey" means the act of questioning or canvassing persons to obtain information or opinions for marketing research or other similar purposes.

"Solicit" means to ask, implore, plead for; to endeavor to obtain by asking; to importune; or to try to obtain.

"State" means the State of Hawaii. [Eff 7/16/88; comp **NOV 11 2000**] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-26.1-3 Activities. Any person desiring to conduct any one or more of the following activities at a public airport shall be subject to this chapter:

- (1) Distribution of literature;
- (2) Solicitation of contributions;
- (3) Demonstration; and
- (4) Public opinion survey. [Eff 7/16/88; comp **NOV 11 2000**] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-26.1-4 Restricted areas. A person shall not conduct the activities specified in section 19-26.1-3 at, on, or within ten feet of the following areas of any public airport:

- (1) A ticket, check-in, or information counter;
- (2) A stair, escalator, or elevator;
- (3) A baggage claim area;
- (4) A departure gate lounge;
- (5) A security check point;
- (6) An agricultural inspection stand;
- (7) Premises leased for the exclusive use of a concessionaire or tenant;
- (8) A restroom facility;
- (9) A doorway or entranceway;
- (10) A motor vehicle with embarking or disembarking passengers;
- (11) A person waiting in line at any of the areas specified above; and
- (12) An operational area. [Eff 7/16/88; comp **NOV 11 2000**] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-26.1-5 Prohibited conduct. At any public airport, a person shall not:

- (1) Harass another person with loud, demanding, or threatening conduct;
- (2) Repeatedly attempt to approach or engage another person when that person has indicated a desire to be left alone;
- (3) Intentionally touch another person without that person's consent;
- (4) Chant or dance, use musical or other noise producing instruments, use megaphones or other sound amplifying apparatuses, or burn incense inside a terminal building;
- (5) Set up or install any equipment, such as a table, counter, platform or barricade;
- (6) Leave any unattended bag, container, literature, sign or other article in any area of a terminal building or on any walkway or driveway;
- (7) Misrepresent the purpose of the activity being conducted; or
- (8) Engage in fraudulent solicitation of a contribution. [Eff 7/16/88; am and comp NOV 11 2000] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-26.1-5.1 Solicitation. A person engaging in any act or activity to solicit contributions, donations, or gifts at public airports shall restrict such activity to sidewalk areas outside the terminal building as designated by the director. [Eff 5/24/93; comp NOV 11 2000] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-26.1-6 Director's powers. When deemed necessary, the director may:

- (1) Impose such reasonable and equitable restrictions with regard to the time, place, and manner of conducting the activities regulated by this chapter as may reasonably be required to insure the safe, efficient, and orderly operation of the airport; and
- (2) Upon reasonable suspicion that a person engaging in a permitted activity has misrepresented the nature of the person's activity, or the cause or organization that the

person purports to represent, or upon any violation of these rules, require a person conducting any activity regulated by this chapter to establish the person's identity, and where the person purports to act for a cause or organization, require said person to establish the authority under which he represents such cause or organization. [Eff 7/16/88; comp NOV 11 2000] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-26.1-7 Litter. A person conducting a permitted activity shall maintain the area of activity in a safe and clean condition. Any sign, flag, banner, literature, flower, flower petal, container, or other material used in connection with the activity conducted shall be scrupulously removed by that person from the airport premises upon completion of the activity. [Eff 7/16/88; comp NOV 11 2000] (Auth: HRS §261-12) (Imp: HRS 261-12)

§19-26.1-8 Cleanup charge. A person shall pay the actual cost incurred by the department for any janitorial or maintenance service in cleaning any part of the airport premises necessitated by failure to comply with section 19-26.1-7. [Eff 7/16/88; comp NOV 11 2000] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-26.1-9 Enforcement. Enforcement of this chapter shall be as set forth in section 261-17, Hawaii Revised Statutes. [Eff 7/16/88; comp NOV 11 2000] (Auth: HRS §261-12) (Imp: HRS §261-17)

§19-26.1-10 Penalty. The penalty for violation of this chapter shall be in accordance with section 261-21, Hawaii Revised Statutes. [Eff 7/16/88; comp NOV 11 2000] (Auth: HRS §261-12) (Imp: HRS §261-21)

§19-26.1-11 Severability. The provisions of this chapter are declared to be severable and if any portion of this chapter or the application thereof is held to be invalid or unconstitutional, the validity of the remainder of this chapter shall not be affected. [Eff 7/16/88; comp NOV 11 2000] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-26.1-12

§19-26.1-12 Repeal. Chapter 19-26 is repealed.
[Eff 7/16/88; comp **NOV 11 2000**] (Auth: HRS
§261-12) (Imp: HRS §261-12)

DEPARTMENT OF TRANSPORTATION

Amendments to and compilation of Chapter 19-26.1, Hawaii Administrative Rules, on the Summary Page dated October 23, 2000, were adopted on October 23, 2000, following public hearings held on October 3 and 4, 2000, after public notice was given in the statewide Hawaii State & County Public Notices on August 21, 2000.

These amendments to and compilation of Chapter 19-26.1, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

LIEUTENANT GOVERNOR'S
OFFICE

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KAZU HAYASHIDA
Director of Transportation

APPROVED:



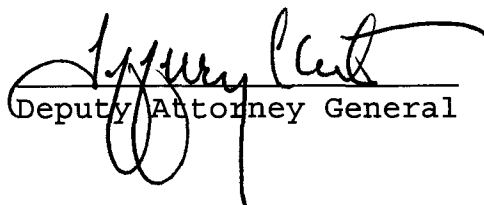
BENJAMIN J. CAYETANO
Governor
State of Hawaii

Date: 10/30/2000

OCT 31 2000

Filed

APPROVED AS TO FORM:


Deputy Attorney General