

DEPARTMENT OF TRANSPORTATION

Repeal of Chapter 19-31, and Adoption of
Chapter 19-31.1, Hawaii Administrative Rules

May 20, 1991

SUMMARY

1. Chapter 19-31, Hawaii Administrative Rules, entitled "Aircraft Registration", is repealed.
2. Chapter 19-31.1, Hawaii Administrative Rules, entitled "Aircraft Registration", is adopted.

HAWAII ADMINISTRATIVE RULES
 TITLE 19
 DEPARTMENT OF TRANSPORTATION
 SUBTITLE 2
 AIRPORTS DIVISION
 CHAPTER 31.1
 AIRCRAFT REGISTRATION

§19-31.1-1	Definitions
§19-31.1-2	Registration; fees; certificates of registration; decals; transferability
§19-31.1-3	Notification of changes to aircraft registration
§19-31.1-4	Renewal
§19-31.1-5	Exemptions
§19-31.1-6	Enforcement
§19-31.1-7	Penalties
§19-31.1-8	Severability
§19-31.1-9	Repeal

Historical note. This chapter is based substantially on chapter 19-31. [Eff 10/24/86; R JUN 24 1991]

§19-31.1-1 Definitions. Unless the context clearly indicates otherwise, as used in this chapter:

"Aircraft" means any contrivance used or designed for navigation of or flight in the air, including, but not limited to, airplanes, helicopters, and gliders.

"Department" means the State of Hawaii department of transportation.

"Owner" means any person who claims, expressly or otherwise, lawful care, custody, or control of an aircraft by virtue of legal title or equitable interest therein which entitle that person to possession, or a lessee of a leased aircraft which lease excludes the title holder from any rights to use or possession of the aircraft while under lease to the lessee.

"Public airport" means an airport under the jurisdiction of the State of Hawaii. [Eff JUN 24 1991]
(Auth: HRS §§261-12, 261-15.5, 261-15.6, 261-15.7)
(Imp: HRS §§261-12, 261-15.5, 261-15.6, 261-15.7)

§19-31.1-2 Registration; fees; certificates of registration; decals; transferability. (a) No person shall operate any aircraft at any public airport unless the aircraft:

- (1) Has been registered with the department;
 - (2) Has a current certificate of registration issued by the department; and
 - (3) Has a current decal issued by the department affixed on or near the lower left hand corner of the aircraft windshield in such a way that it is at all times visible from outside the aircraft.
- (b) The aircraft's owner shall register the aircraft

by:

- (1) Obtaining an aircraft registration application form from any State of Hawaii airports division district office, completing it, and submitting it to the district office; the information provided on this form shall include:
 - (A) The owner's:
 - (i) Name;
 - (ii) Address; and
 - (iii) Phone number.
 - (B) The aircraft's:
 - (i) United States identification number (N-number);
 - (ii) Type (airplane, helicopter or glider);
 - (iii) Make;
 - (iv) Model;
 - (v) Year of manufacture;
 - (vi) Color; and
 - (vii) Home base.

(2) Paying a \$10 registration fee.

(c) After receiving the completed registration application form and \$10 registration fee, the department shall review the application and, if it is in order, shall issue a certificate of registration and aircraft decal to the owner.

(d) The certificate of registration and the decal shall be:

- (1) Valid for the calendar year; and
- (2) Transferable. (The new owner shall notify the department of the change in ownership in accordance with section 19-31.1-3.)

- (e) The owner shall:
- (1) Keep the certificate of registration in the aircraft and display it upon request by an authorized representative of the department.
 - (2) Affix the decal on or near the lower left hand corner of the aircraft windshield in such a way that it is at all times visible from outside the aircraft. [Eff JUN 24 1991] (Auth: HRS §§261-12, 261-15.5, 261-15.6, 261-15.7) (Imp: HRS §§261-12, 261-15.5, 261-15.6, 261-15.7)

§19-31.1-3 Notification of changes to aircraft registration. If there is any change to the information provided on the aircraft registration application form, the aircraft owner shall notify the department about the change in writing within thirty days after the change occurs. [Eff JUN 24 1991] (Auth: HRS §§261-12, 261-15.5, 261-15.6, 261-15.7) (Imp: HRS §§261-12, 261-15.5, 261-15.6, 261-15.7)

§19-31.1-4 Renewal. (a) The aircraft's owner may renew the registration annually by paying the department a \$10 registration renewal fee not sooner than sixty days before, and not later than thirty days after the expiration date of the current registration.

(b) After receiving the \$10 registration renewal fee, the department shall issue a new documentation of registration which shall be valid for the ensuing calendar year.

(c) If the registration expires without being renewed, the aircraft's owner shall be subject to the penalties set forth in section 19-31.1-7. [Eff JUN 24 1991] (Auth: HRS §§261-12, 261-15.5, 261-15.6, 261-15.7) (Imp: HRS §§261-12, 261-15.5, 261-15.6, 261-15.7)

§19-31.1-5 Exemptions. The following are exempt from this chapter:

- (1) Aircraft operating primarily in commerce between the State of Hawaii and:
 - (A) Any other State in the United States; or
 - (B) Any foreign country;
 - (2) Aircraft owned or operated by the United States;
 - (3) Aircraft in transit through the State of Hawaii;
- and

- (4) Aircraft operated by any scheduled air carrier which is a lessee of the department under an airport-airline lease. [Eff JUN 24 1991] (Auth: HRS §§261-12, 261-15.5, 261-15.6, 261-15.7) (Imp: HRS §§261-12, 261-15.5, 261-15.6, 261-15.7)

§19-31.1-6 Enforcement. Enforcement of this chapter shall be as set forth in section 261-17, Hawaii Revised Statutes. [Eff JUN 24 1991] (Auth: HRS §§261-12, 261-15.5, 261-15.6, 261-15.7) (Imp: HRS §§261-17, 261-15.5, 261-15.6, 261-15.7)

§19-31.1-7 Penalties. If the owner fails to comply with any of the requirements in this chapter, the owner shall be subject to the following penalties:

- (1) A fine of not more than \$100 per aircraft;
- (2) The denial of the use of public airport facilities; and
- (3) The removal of the aircraft to a location designated by the department. [Eff JUN 24 1991] (Auth: HRS §§261-12, 261-15.5, 261-15.6, 261-15.7) (Imp: HRS §§261-15.5, 261-15.6, 261-15.7)

§19-31.1-8 Severability. The provisions of this chapter are declared to be severable and if any portion or the application thereof to any person or property is held to be invalid for any reason, the validity of the remainder of this chapter shall not be affected. [Eff JUN 24 1991] (Auth: HRS §§261-12, 261-15.5, 261-15.6, 261-15.7) (Imp: HRS §§261-12, 261-15.5, 261-15.6, 261-15.7)

§19-31.1-9 Repeal. Chapter 19-31 is repealed. [Eff] (Auth: HRS §§261-12, 261-15.5, 261-15.6, 261-15.7) JUN 24 1991 (Imp: HRS §§261-12, 261-15.5, 261-15.6, 261-15.7)


DEPARTMENT OF TRANSPORTATION

The repeal of chapter 19-31 and adoption of chapter 19-31.1, Hawaii Administrative Rules, on the Summary Page dated May 20, 1991, were accomplished pursuant to section 91-3, HRS, on May 20, 1991, following public hearings held on April 15 and 16, 1991, after public notices were given in the Honolulu Advertiser, Honolulu Star-Bulletin, Garden Island News and Maui News on March 11, 1991, in the Hawaii Tribune-Herald on March 4, 1991, and in West Hawaii Today on March 6, 1991.

The repeal of chapter 19-31 and adoption of chapter 19-31.1, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.


EDWARD Y. HIRATA
Director of Transportation

APPROVED:


JOHN WAIHEE
Governor of Hawaii

Date: JUN 13 1991

APPROVED AS TO FORM:


Deputy Attorney General

Filed: _____