

JAN 29 2015

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 it has continually
2 recognized the importance of tourism to Hawaii's economy and
3 that the first and last impression visitors to Hawaii have of
4 our island state occurs when they arrive and depart through our
5 public airports. In keeping with such recognition, the
6 legislature has passed measures in support of the modernization
7 and improvement of public airports in Hawaii's airport system.

8 As recently as 2014, the legislature enacted Act 126,
9 Session Laws of Hawaii 2014, to further support the
10 modernization of Hawaii's airports by extending, for an
11 additional year, the authority of the department of
12 transportation to extend the term of the concession of an
13 airport concessionaire, or modify and amend terms of any
14 existing concession contract, lease, or permit, in exchange for
15 revenue-enhancing improvements that are made and paid for by the
16 concessionaire. This was seen as a win-win situation for all
17 parties because concessionaires would be allowed to continue



1 operations and make necessary improvements to enhance business,
2 the department of transportation would continue to receive
3 revenues from airport concessionaires, and Hawaii's airports
4 would receive much needed improvements to airport concession
5 facilities to meet the needs and demands of airport passengers
6 at no cost to the State.

7 While mindful of the importance of improvements to airport
8 concessions, the legislature also recognizes that airport
9 concessionaires will only be able to maximize their payments to
10 Hawaii's public airports if the operating costs for doing
11 business at airports remain reasonable. However, operational
12 costs for airport concessionaires continue to rise due in part
13 to theft and misuse of inventory maintained at the airports.
14 One airport concessionaire has reported that, despite airport
15 security being in place, theft and misuse of inventory
16 experienced by the concessionaire has resulted in operational
17 costs being double that of the national average. The
18 legislature finds that controlling the theft and misuse of the
19 inventory of airport concessionaires would assist in reducing
20 their operational costs and be in the best interest of the
21 State.



1 The purpose of this Act is to assist airport
2 concessionaires in controlling theft of supplies or inventory to
3 reduce operational costs associated with doing business at
4 Hawaii's airports by establishing penalties for theft committed
5 against airport concessionaires.

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

9 "§261- Theft or damage of airport concession supplies or
10 inventory; civil liability. (a) Any person who takes
11 possession of any supplies or inventory displayed or offered for
12 sale or use by any airport concession without the written
13 consent of the owner of the airport concession for a period
14 longer than thirty-six hours and with the intention of
15 converting the supplies or inventory to the person's own use
16 without having paid the purchase price thereof, by causing
17 damage to the supplies or inventory in excess of \$50, by
18 altering the price indicia of the supplies or inventory, or by
19 taking any other action that constitutes theft under section
20 708-308, shall be civilly liable to the owner of the airport
21 concession for the value or aggregate value of the supplies or



1 inventory stolen, or the value or aggregate value of the
2 supplies or inventory stolen or damaged, and a minimum fine of
3 times the value or aggregate value involved."

4 SECTION 3. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.

6

INTRODUCED BY: Clarence K. Nishihara



S.B. NO. 1350

Report Title:

Airport Concessions; Theft; Damage; Penalties

Description:

Establishes penalties for theft or damage of airport concession supplies or inventory.

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

