

HOUSE BILL NO. 6361

August 17, 2022, Introduced by Rep. Yaroch and referred to the Committee on Transportation.

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending the title and sections 3, 5, 7, 8, 26, 27, 33, 34, 35, 51, 52, 53, 55, 76a, 77, 80b, 86, 89, 91, 109, and 155 (MCL 259.3, 259.5, 259.7, 259.8, 259.26, 259.27, 259.33, 259.34, 259.35, 259.51, 259.52, 259.53, 259.55, 259.76a, 259.77, 259.80b, 259.86, 259.89, 259.91, 259.109, and 259.155), the title as amended by 2015 PA 95, sections 3, 5, 8, 51, 86, and 89 as amended by 2002 PA 35, section 7 as amended by 2015 PA 261, section 26 as amended by 1992 PA 308, section 34 as amended by 2015 PA 259, section 35 as amended by 2015 PA 258, sections 76a, 77, and 155 as amended and sections

80b and 91 as added by 1996 PA 370, and section 109 as added by 2002 PA 90, and by adding section 80i; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act relating to aeronautics in this state; providing for the development and regulation of aeronautics; creating a state aeronautics commission; prescribing powers and duties; providing for the licensing, registration, and supervision and control of all aircraft, airports and landing fields, schools of aviation, flying clubs, airmen, aviation instructors, airport managers, manufacturers, dealers, and commercial operation in intrastate commerce; providing for rules pertaining thereto; prescribing a privilege tax for the use of the aeronautical facilities on the lands and waters of this state; providing for the acquisition, development, and operation of airports, landing fields, and other aeronautical facilities by this state, by political subdivisions, or by airport authorities; providing for the incorporation of airport authorities and providing for the powers, duties, and obligations of airport authorities; providing for the transfer of airport management to airport authorities, including the transfer of airport liabilities, employees, and operational jurisdiction; providing jurisdiction of crimes, torts, and contracts; providing ~~police powers for those entrusted to enforce this act; for the~~ **inspecting of aeronautical facilities**; providing for civil liability of owners, operators, and others; making hunting from aircraft unlawful; providing for a repair station operators lien; providing for appeals from rules or orders issued by the commission; ~~providing for the transfer from the Michigan board of~~

1 ~~aeronautics to the aeronautics commission all properties and funds~~
 2 ~~held by the board of aeronautics;~~ providing for a state aeronautics
 3 fund and making an appropriation therefor; prescribing penalties;
 4 and making uniform the law with reference to state development and
 5 regulation of aeronautics.

6 Sec. 3. As used in this act:

7 (a) "Balloon" means a lighter-than-air aircraft that is not
 8 engine driven and that sustains flight through the use of either
 9 gas buoyancy or an airborne heater.

10 (b) ~~"Commercial activity or operations"~~ **"operation"** means,
 11 **except as otherwise provided in subdivision (c),** an activity or
 12 operation ~~such as that offers aeronautical facilities or services~~
 13 **to the public and includes, but is not limited to, the any of the**
 14 **following:**

15 (i) **The sale of gasoline or oil, the soliciting or engaging in**
 16 **charter flying or paid flight instruction, the providing of**
 17 **skydiving services in any form, the provision providing** of shelter
 18 or the tie-down of an aircraft, ~~the overhaul or repair of and the~~
 19 **overhauling or repairing of** an aircraft or ~~of engines. , or other~~
 20 ~~activity or operation that offers aeronautic facilities or services~~
 21 ~~to the public.~~

22 (ii) **Aeronautical facilities or services provided by any**
 23 **entity, regardless of that entity's for-profit, not-for-profit, or**
 24 **nonprofit status.**

25 (c) **Commercial activity or operation does not include**
 26 **agricultural applications, balloon use, or emergency medical**
 27 **flights from private property, including hospital heliports or**
 28 **hospital helistops.**

29 (d) ~~(e)~~ **"Commission"** means the Michigan aeronautics

1 commission.

2 **(e)** ~~(d)~~ "Dealer" means a person engaged in the business of
3 purchasing, selling, brokering, exchanging, or dealing in aircraft
4 parts or in aircraft of a type required to be registered.

5 **(f)** ~~(e)~~ "Decal plate" means that distinctive tab, sticker,
6 decal, or plate issued by the commission with the registration
7 certificate for an aircraft.

8 **(g)** ~~(f)~~ "Department" means the state transportation
9 department, ~~bureau~~ **office** of aeronautics.

10 **(h)** ~~(g)~~ "Director" means the ~~deputy director of the~~
11 ~~department, bureau~~ **executive administrator of the office** of
12 aeronautics who is the director of the Michigan aeronautics
13 commission.

14 **(i)** "Drop zone" means any predetermined area upon which
15 parachutists or objects land after making an intentional parachute
16 jump or drop. The center-point target of a drop zone is expressed
17 in nautical miles from the nearest very high frequency
18 omnidirectional range facility when 30 nautical miles or less; or
19 from the nearest airport, town, or city depicted on the appropriate
20 Coast and Geodetic Survey World Aeronautical Chart or Sectional
21 Aeronautical Chart, when the nearest very high frequency
22 omnidirectional range facility is more than 30 nautical miles from
23 the drop zone.

24 Sec. 5. As used in this act:

25 **(a)** "Hazards to air navigation" means any obstruction of
26 whatever character, object of natural growth, or use of land, upon
27 or surrounding or adjacent to an airport, landing field, or other
28 aeronautical facility, that prevents the safe use of the facilities
29 for the take-off or landing of aircraft.

1 (b) "Helipport" means an area of land, water, or a fixed
2 structure used or intended to be used for the landing and takeoff
3 of helicopters or other rotary wing aircraft.

4 (c) "Helipport approach surface" means an imaginary plane
5 beginning at the end of the helipport landing area with the same
6 width as the landing area and extending outward and upward for a
7 horizontal distance of 4,000 feet where its width is 500 feet. The
8 slope of the approach surface is 8 to 1.

9 (d) "Historic aircraft" means an aircraft that is over ~~30~~**50**
10 years old and that is owned solely as a collector's item or for
11 participation in club activities, exhibitions, tours, parades, or
12 similar uses, but that is not used for general transportation.

13 (e) "Hospital" means that term as defined in section 20106 of
14 the public health code, 1978 PA 368, MCL 333.20106.

15 (f) "Hospital helipport" means a helipport limited to serving
16 helicopters engaged in air ambulance or other hospital-related
17 functions.

18 (g) "Hospital helistop" means a minimally developed facility
19 for the boarding and discharging of helicopter crew and passengers
20 and the loading and unloading of helicopter cargo solely for an air
21 ambulance or other hospital-related functions.

22 (h) "In-flight" is that time from the beginning of an
23 aircraft's take off run to the end of the landing run.

24 Sec. 7. As used in this act:

25 (a) "Person" means an individual, partnership, corporation,
26 association, governmental entity, or other legal entity.

27 (b) "Political subdivision" means a county, city, village, or
28 township of this state, and any other political subdivision, public
29 corporation, authority, or district in this state that is or may be

1 authorized by law to acquire, establish, construct, maintain,
2 improve, and operate airports, landing fields, and other
3 aeronautical facilities.

4 (c) "Private-use airport" means any location, either on land
5 or water, that is used for aircraft operations for 30 days or more
6 per year or for more than 10 aircraft operations per day, the use
7 of which is restricted to the owner or persons authorized by the
8 owner that do not pay valuable consideration for using the
9 location. Notwithstanding any existing limitation or regulation to
10 the contrary, the owner and any person authorized by the owner has
11 the right to use the private-use airport.

12 (d) ~~(c)~~ "Private-**Private-use** landing area" means any
13 location, either on land or water, that is used for ~~the takeoff or~~
14 ~~landing of aircraft~~ **operations for less than 30 days per year** and
15 **for no more than 10 aircraft operations per day**, the use of which
16 is restricted to the owner or persons authorized by the owner **that**
17 **do not pay valuable consideration for using the location.**

18 Notwithstanding any existing limitation or regulation to the
19 contrary, the owner and any person authorized by the owner has the
20 right to use the ~~private~~ **private-use** landing area. ~~Commercial~~
21 ~~operations shall not be conducted on a private landing area.~~

22 (e) ~~(d)~~ "Public use facility" means an airport, landing field,
23 or other aeronautical facility that is available for use by the
24 general public without prior approval of the owner or operator.

25 (f) ~~(e)~~ "Qualified airport" means that term as defined in
26 section 109.

27 (g) ~~(f)~~ "Rule" means a rule promulgated pursuant to the
28 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
29 24.328.

1 Sec. 8. As used in this act:

2 (a) "Seaplane" means an aircraft that is capable of landing
3 and taking off on the water.

4 (b) "Seaplane base" means an area of water used or intended to
5 be used for the landing and takeoff of aircraft, together with
6 appurtenant shoreside buildings and facilities.

7 (c) "State approach surface" means an imaginary plane
8 longitudinally centered on the extended runway centerline and
9 extending outward and upward from each end of the state primary
10 surface.

11 (d) "State primary surface" means a surface longitudinally
12 centered on a runway. For a paved runway, the state primary surface
13 extends 200 feet beyond each end of that runway. ~~for~~ **For** an unpaved
14 runway, ~~or a planned paved runway,~~ the state primary surface ends
15 at each end of that runway. The elevation of any point on the state
16 primary surface is the same as the elevation of the nearest point
17 on the runway centerline. The width of a state primary surface is
18 as follows:

19 (i) One hundred feet for basic utility airports.

20 (ii) Two hundred and fifty feet for general utility airports.

21 Sec. 26. (1) There is created and established an aeronautics
22 commission to be known as the Michigan aeronautics commission.

23 (2) The commission ~~shall consist~~ **consists** of the director of
24 the state transportation department, the director of the department
25 of state police, the director of the department of natural
26 resources, the director of the department of military **and veterans**
27 affairs, and 5 other members who ~~shall be~~ **are** appointed by the
28 governor with the advice and consent of the senate and who ~~shall~~
29 continue in office until their successors are appointed.

1 (3) Members of the commission ~~shall be~~ **are** appointed for terms
2 of 4 years.

3 Sec. 27. ~~Director of aeronautics. There is hereby established~~
4 ~~and created the~~ **The** office of director of aeronautics **is**
5 **established and created** within the department. ~~of aeronautics.~~ ~~The~~
6 **state transportation department shall appoint the** director shall be
7 appointed by the commission, to serve for an indefinite term,
8 during his efficient, honest and businesslike execution of his
9 duties. He shall be appointed with due regard to his ~~the~~
10 **individual's** fitness and by reason of his ~~the individual's~~
11 aeronautical knowledge and practical experience in the field of
12 aeronautics. He ~~The director~~ shall devote his ~~the director's~~ entire
13 time to the duties of his ~~the~~ office as required and prescribed by
14 this act, and shall not be actively engaged or employed in any
15 other business, vocation, or employment. ~~, nor~~ **The director** shall
16 ~~he not~~ have any pecuniary interest in or any stock in or bonds of
17 any civil aeronautics enterprise. He shall ~~The director must~~
18 receive ~~such~~ compensation as the ~~commission~~ **state transportation**
19 **department** may determine and shall ~~must~~ be reimbursed for all
20 traveling and other expenses incurred by him in the discharge of
21 his ~~in discharging the director's~~ official duties.

22 Sec. 33. ~~Office and expense employees of department of~~
23 ~~aeronautics. The commission is hereby authorized to~~ **The department**
24 **may** employ ~~such assistants, clerks, stenographers,~~ **staff** and other
25 help, and ~~to make such expenditures as it may deem~~ **considers**
26 necessary for the carrying out of the provisions of this act.

27 Sec. 34. (1) The state aeronautics fund is created. All money
28 received from aviation fuel taxes imposed under section 203(1), the
29 portion of sales and use taxes to be deposited into the state

1 aeronautics fund under section 25 of the general sales tax act,
2 1933 PA 167, MCL 205.75, and section 21 of the use tax act, 1937 PA
3 94, MCL 205.111, any money required to be deposited into the state
4 aeronautics fund under section 35(3), and all money received from
5 licensing of schools of aviation, airports, landing fields, airport
6 managers, registration of aircraft and airmen, and from the
7 operation of ~~state-operated~~ **state-operated** airports, landing
8 fields, **state-owned or state-maintained weather observation**
9 **stations, transportation reimbursements, and any** other aeronautical
10 facilities **or services**, must be paid into the state treasury and
11 credited to the state aeronautics fund.

12 (2) The qualified airport fund is created. All money to be
13 deposited into the qualified airport fund under section 25 of the
14 general sales tax act, 1933 PA 167, MCL 205.75, and section 21 of
15 the use tax act, 1937 PA 94, MCL 205.111, must be paid into the
16 state treasury and credited to the qualified airport fund.

17 Sec. 35. (1) All money in and credited to the state
18 aeronautics fund created under section 34(1) is appropriated for
19 carrying out this act, and to meet the expenses of the department.
20 However, money in and credited to the state aeronautics fund is not
21 appropriated for carrying out subsection (2), except as provided in
22 subsection (4). Upon appropriation, the state treasurer may draw a
23 warrant on the state treasury to make payments in the amounts and
24 to the persons as directed by the department. ~~subject to approval~~
25 ~~and release by the state administrative board of the authorized~~
26 ~~amounts.~~ However, money appropriated under this subsection or later
27 made available must not be expended on an aviation project not
28 carried out under the supervision and direction of the department
29 **and with the approval of the commission.**

1 (2) Subject to subsection (3), all money in and credited to
2 the qualified airport fund created under section 34(2) is
3 appropriated for carrying out the purposes described in this
4 subsection. On a quarterly basis, the state treasurer shall
5 disburse from the qualified airport fund to the operator of a
6 qualified airport an amount equal to the amount deposited into the
7 qualified airport fund. If there is more than 1 qualified airport
8 the state treasurer shall disburse the amount deposited into the
9 qualified airport fund to each operator of a qualified airport in
10 the same proportion that the amount of taxable gallons of fuel sold
11 at the qualified airport during the preceding fiscal year bears to
12 the total amount of taxable gallons of fuel sold at all qualified
13 airports during the preceding fiscal year. An operator of a
14 qualified airport shall use money disbursed to the operator under
15 this subsection in the following order of priority:

16 (a) For deposit in a bond and interest redemption account
17 created by ordinance of the qualified airport solely to pay the
18 next scheduled payments for revenue bonds issued by the operator of
19 the qualified airport pursuant to an ordinance under the revenue
20 bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140, to finance
21 capital improvements to landing areas at the qualified airport. The
22 capital improvements to landing areas may include, but are not
23 limited to, runway and taxiway design, construction, repair or
24 rehabilitation, lighting, drainage systems, land acquisition,
25 airfield roadways, noise mitigation systems, deicing pads, and
26 surveillance systems at the qualified airport.

27 (b) To defray the costs of capital improvements to landing
28 areas of the qualified airport. The capital improvements to landing
29 areas may include, but are not limited to, runway and taxiway

1 design, construction, repair or rehabilitation, lighting, drainage
2 systems, land acquisition, airfield roadways, noise mitigation
3 systems, deicing pads, and surveillance systems at the qualified
4 airport.

5 (3) If the Federal Aviation Administration or a federal court
6 of competent jurisdiction issues a final decision, decision and
7 order, or order in a proceeding finding that the deposit or credit
8 of money to the qualified airport fund under this act, section 25
9 of the general sales tax act, 1933 PA 167, MCL 205.75, and section
10 21 of the use tax act, 1937 PA 94, MCL 205.111, does not comply
11 with, or disbursements from the qualified airport fund as
12 authorized under subsection (2) do not comply with, the federal
13 airport revenue use requirements under 49 USC 47107(b) or 49 USC
14 47133, the state treasurer shall transfer money in the qualified
15 airport fund to the state aeronautics fund as necessary to comply
16 with the final decision, decision and order, or order. The state
17 treasurer shall only transfer money from the qualified airport fund
18 under this subsection while the final decision, decision and order,
19 or order is in effect and binding on this state.

20 (4) The department shall, on a quarterly basis, disburse all
21 money transferred from the qualified airport fund to the state
22 aeronautics fund under subsection (3) to the operator of a
23 qualified airport. The department shall not disburse money under
24 this subsection if the disbursement would violate the terms of the
25 final decision, decision and order, or order of the Federal
26 Aviation Administration or federal court. If there is more than 1
27 qualified airport, the department shall disburse the money to each
28 operator of a qualified airport in the same proportion that the
29 amount of taxable gallons of fuel sold at the qualified airport

1 during the preceding fiscal year bears to the total amount of
2 taxable gallons of fuel sold at all qualified airports during the
3 preceding fiscal year. An operator of a qualified airport that
4 receives money under this subsection shall only use the money for
5 the purposes, and in the order of priority, described in subsection
6 (2).

7 (5) By April 1 ~~, 2017, and by April 1~~ of each year, ~~after~~
8 ~~2017,~~ the operator of a qualified airport shall file a report with
9 the department describing how the money disbursed to the operator
10 of the qualified airport under this section was spent or otherwise
11 used by the operator of the qualified airport during the preceding
12 calendar year. The report must be on a form or in a format
13 prescribed or approved by the department.

14 (6) As used in this section, "ordinance" means that term as
15 defined in section 3 of the revenue bond act of 1933, 1933 PA 94,
16 MCL 141.103.

17 Sec. 51. (1) The commission has general supervision over
18 aeronautics within this state. The commission shall encourage,
19 foster, and participate with and provide grants to the political
20 subdivisions of this state in the development of aeronautics within
21 this state. The commission shall establish and encourage the
22 establishment of airports, landing fields, and other aeronautical
23 facilities. The commission shall promulgate rules that it considers
24 necessary and advisable for the public safety governing the
25 designing, laying out, location, building, equipping, and operation
26 of airports and landing fields and shall exercise exclusive
27 authority to approve the location and operation of airports,
28 landing fields, and other aeronautical facilities within ~~the~~ **this**
29 state, ~~so as to assure~~ **ensure** a uniformity in regulations covering

1 aeronautics. In order to implement this act, the commission may
 2 establish programs of state financial assistance in the form of
 3 grants, leases, loans, and purchases, or a combination of grants,
 4 leases, loans, and purchases, for assisting political subdivisions
 5 or other persons. The commission shall not grant an exclusive right
 6 for the use of an aeronautical facility. The commission may by the
 7 issuance of appropriate and effective rules register pilot's
 8 certificates issued by the ~~civil aeronautics authority~~ **Federal**
 9 **Aviation Administration** or other similar federal authority to
 10 resident pilots of ~~the~~ **this** state for which it may charge a fee not
 11 to exceed \$5.00; govern and regulate commercial operations in
 12 intrastate commerce for which it may charge a fee of not more than
 13 \$25.00; and provide for the licensing of aircraft dealers for which
 14 it may charge a fee of not more than \$25.00.

15 (2) The commission shall cooperate with and assist the federal
 16 government, state governments, authorities of political
 17 subdivisions, and individuals engaged in aeronautics or the
 18 development of aeronautics, and shall seek to coordinate the
 19 aeronautical activities of these entities. The commission may
 20 confer with or hold joint hearings with any federal or state
 21 governments, their agencies, the authorities of political
 22 subdivisions, and individuals, in connection with any matter
 23 arising under this act, and avail itself of the cooperation,
 24 services, records, and facilities of those agencies in the
 25 administration and enforcement of this act. The commission shall
 26 reciprocate by furnishing governments and their agencies its
 27 cooperation, services, records, and facilities, ~~insofar as may be~~
 28 **to the extent that it is** practicable.

29 (3) The commission may perform acts, issue and amend orders,

1 and make, promulgate, and amend reasonable general or special rules
2 and procedures, and establish minimum standards, consistent with
3 this act, which it considers necessary to implement this act and to
4 perform its duties under this act, all commensurate with and for
5 the purpose of protecting and insuring the general public interest,
6 health, welfare, and safety. The commission may adopt and enforce
7 the provisions of the currently effective federal legislation
8 governing aeronautics. The commission shall promulgate rules to
9 implement this act. The commission may deviate from or add to rules
10 if necessary for the public safety and for the safety of aircraft
11 and airmen within ~~the~~**this** state. A rule of the commission ~~shall~~
12 **does** not apply to aeronautical facilities owned by the federal
13 government.

14 (4) For the safety of aircraft and airmen within this state
15 the commission may designate, establish, or modify a state airways
16 system. The commission may publish and distribute maps, charts, and
17 information relating to that system.

18 (5) The commission, a commission member or employee, the
19 director, and every state, county, and municipal officer charged
20 with the enforcement of state and municipal laws shall enforce and
21 assist in the enforcement of this act and of rules promulgated
22 under this act, and of all other laws of this state relating to
23 aeronautics. In the aid of enforcement, general police powers are
24 conferred upon the commission, each of its members, the director,
25 and the officers and employees of the commission designated by the
26 commission to exercise those powers. The commission is further
27 authorized to enforce this act and rules promulgated under this act
28 by injunction in the circuit court. The prosecuting attorney of the
29 county in which an offense is committed shall prosecute offenders

1 against this act and other aeronautical laws of this state, or any
2 rule promulgated under this act or order issued by the commission.
3 When a complaint is made before a municipal court in a city having
4 such a court, or the district court in the county, district, or
5 political subdivision in which venue is proper, that court may take
6 cognizance, hear, try, and determine such matters and pass sentence
7 upon offenders in accordance with law.

8 (6) The commission, a commission member, the director, or an
9 employee designated by the commission may hold investigations,
10 inquiries, and hearings concerning matters covered by this act,
11 aircraft accidents, or orders and rules of the commission. Each
12 person designated may administer oaths and affirmations, certify to
13 official acts, issue subpoenas, and compel the attendance and
14 testimony of witnesses, and the production of papers, books, and
15 documents. In case of failure to comply with a subpoena or order
16 issued under this act, the commission, or its authorized
17 representative, may invoke the aid of a court of general
18 jurisdiction. The court may order the witness to comply with the
19 requirements of the subpoena or order, or to give evidence touching
20 the matter in question. Failure to obey the order of the court may
21 be punished by the court as contempt.

22 (7) In order to facilitate investigations by the commission in
23 the interest of public safety and development of aeronautics, the
24 reports of investigations or hearings, or any part of them, ~~shall~~
25 **may** not be admitted in evidence or used for any purpose in an
26 action or proceeding growing out of a matter referred to in the
27 investigation, hearing, or report, except in case of criminal or
28 other proceedings instituted in behalf of ~~the~~**this** state under this
29 act or any other law of this state relating to aeronautics. A

1 commissioner, director, or an officer or employee of the commission
2 ~~shall~~ **may** not be required to testify to facts ascertained in, or
3 information gained by reason of, ~~his or her~~ **that individual's**
4 official capacity, or be required to testify as an expert witness
5 in an action or proceeding involving an aircraft. Except as
6 otherwise provided in this section, the commission may make
7 available to appropriate federal and state agencies information and
8 material developed in the course of its hearings and
9 investigations.

10 (8) For the purposes of executing its powers and duties under
11 this act, the commission, upon recommendations ~~to~~ **of** the state
12 ~~administrative board,~~ **department**, may enter into necessary
13 contracts.

14 Sec. 52. ~~Powers and duties of director of aeronautics.~~ The
15 director ~~of aeronautics shall be~~ **is** the executive officer of the
16 commission and ~~the~~ department ~~of aeronautics~~ and under the
17 commission's supervision shall administer the provisions of this
18 and all other acts relating to aeronautics within this state.

19 Sec. 53. ~~Delegation of powers to director of aeronautics.~~ The
20 commission ~~may~~ **shall** delegate to the director ~~of aeronautics~~ any of
21 the powers or duties vested in or imposed upon it by this act. ~~Such~~
22 **The** delegated powers and duties may be exercised by ~~such~~ **the**
23 director in the name of the commission.

24 Sec. 55. (1) The commission may prescribe the duties and
25 conditions of employment of its ~~enforcement~~ **inspection** officers.
26 The **inspection** officers shall ~~be law enforcement officers of the~~
27 state and shall have the authority of police officers as provided
28 by law, ~~except as otherwise provided in this section.~~ The officers
29 shall ~~be vested with power and authority of deputy sheriffs except~~

1 ~~that such power and authority shall be restricted to the~~
 2 ~~investigation and enforcement of **investigate and enforce** rules~~
 3 ~~promulgated and orders issued by the commission and to the statutes~~
 4 ~~relating to Michigan airports and the Michigan aeronautics code.~~
 5 ~~The officers may issue summons, make arrests, and initiate criminal~~
 6 ~~proceedings against offenders. The commission shall be responsible~~
 7 ~~for all actions of its officers committed under color of their~~
 8 ~~official position and authority.~~

9 ~~(2) A summons issued by the law enforcement officers of the~~
 10 ~~commission for violations of the aeronautics code, the statutes~~
 11 ~~relating to Michigan airports, or the rules and orders promulgated~~
 12 ~~by the commission, shall be answerable before the recorder's court~~
 13 ~~or municipal court of the city in which the violation took place or~~
 14 ~~before the district court in the county, district or political~~
 15 ~~subdivision in which the violation took place.~~**this act.**

16 **(2) An aeronautical facility or facility licensed, permitted,**
 17 **or approved by the commission is subject to inspection by an**
 18 **inspection officer at any time.**

19 Sec. 76a. (1) A person shall not operate nor shall an owner
 20 knowingly permit to be operated, except as provided in this act, an
 21 aircraft of a type required to be registered, which is not
 22 registered or for which a current certificate of registration has
 23 not been issued, or for which the current fee has not been paid.

24 (2) A person shall not operate nor shall an owner knowingly
 25 permit to be operated, except as provided in this act, an aircraft
 26 of a type required to be registered, unless there is carried in, as
 27 required by this act, a valid registration certificate issued by
 28 the commission for the current registration year.

29 (3) An application for registration ~~shall~~**must** be made on

1 forms provided by the commission, and ~~shall~~**must** be signed and
2 sworn to by the applicant. The registration ~~shall~~**must** be issued
3 subject to approval of the commission. Fees ~~shall~~**must** be paid to
4 the commission in the form of cash paid in person or in the form of
5 a **credit card payment**, check, money order, or bank draft made
6 payable to the state of Michigan.

7 Sec. 77. (1) If an aircraft is registered under this act, the
8 commission shall send an application for renewal registration to
9 the owner of the aircraft on or after ~~November~~**October** 1 preceding
10 the year to be designated on the registration. The registration
11 application ~~shall~~**must** be executed and returned to the commission
12 with payment of the registration fee as provided by this section
13 before the expiration date of the prior registration. If an owner
14 of an aircraft fails to receive a registration application form by
15 ~~December~~**January** 1, ~~he or she~~**the owner** shall inform the
16 commission.

17 (2) The owner of an aircraft that had not been previously
18 subject to registration under this act but has become subject to
19 registration under this act shall inform the commission within 30
20 days after becoming subject to registration, shall register the
21 aircraft, and shall pay the appropriate fee as provided by this
22 section.

23 (3) A registration fee ~~shall be~~**is** payable annually on or
24 before December 31. However, for an aircraft being registered for
25 the first time, a registration certificate issued after July 1
26 ~~shall~~**must** be issued at the rate of 50% of the annual fee. All
27 aircraft registrations ~~shall~~ expire on January 1 of each year.

28 (4) A registration fee ~~shall be~~**is** in lieu of all property
29 taxes on the aircraft, either general or local.

1 (5) A registration fee ~~shall~~**must** be paid at the rate of 1
2 cent per pound of either maximum gross weight or maximum takeoff
3 weight, whichever is greater, for which the aircraft is certified
4 under the ~~federal aviation administration~~**Federal Aviation**
5 **Administration** airworthiness certificate.

6 (6) If an aircraft owner fails to register or pay the aircraft
7 registration fee due under this act by the time specified, a
8 penalty of \$50.00 ~~shall~~**must** be added if the failure is not more
9 than 1 month, with an additional \$5.00 penalty for each additional
10 month or fraction of a month during which the registration fee and
11 penalty are not paid.

12 (7) If an aircraft registration fee is not paid within the
13 time specified and it is shown to the satisfaction of the
14 commission that the failure or refusal was due to reasonable cause
15 and not willful neglect, the penalty may be waived at the
16 discretion of the director of the state transportation department
17 or ~~his or her~~**the director's** designated representative. The period
18 for which a penalty is assessed ~~shall~~**must** not exceed 1 year.

19 (8) If an aircraft registration fee is paid by mail, the
20 postmark date is the date of payment.

21 Sec. 80b. (1) A person operating an aircraft shall conform to
22 standard traffic patterns recommended by federal air regulations
23 except as follows:

24 (a) ~~When~~**If** meteorological conditions are such that compliance
25 with visual flight rules as prescribed by federal air regulations
26 is impossible at the prescribed traffic pattern altitudes,
27 altitudes may be reduced as necessary down to but no lower than
28 altitudes in accordance with the appropriate federal air
29 regulations, this act, and the rules promulgated under this act.

1 (b) If local conditions require, and the traffic pattern has
2 been altered to fit these conditions and approved by the
3 commission.

4 (2) Aircraft ~~shall~~**must** conform with ~~properly established~~
5 local noise abatement procedures **approved by the Federal Aviation**
6 **Administration.**

7 (3) A person shall not fly an aircraft acrobatically over a
8 licensed aeronautical facility except upon written authority of the
9 airport manager, and then only when the site is closed to traffic.

10 (4) Airmen, before departing from a licensed aeronautical
11 facility, shall make satisfactory arrangements for the payment of
12 storage, repair, and supply charges.

13 (5) The owner, operator, or pilot of an aircraft, or a person
14 to whom ~~he or she~~**the owner, operator, or pilot** has given
15 permission to use the aircraft, is directly responsible for its
16 safe operation.

17 (6) ~~When~~**If** an aircraft is involved in an accident in this
18 state that causes injury or death, the owner or person in control
19 of the aircraft shall immediately report the accident to the
20 nearest state police post.

21 (7) A person shall not operate an aircraft in a careless or
22 reckless manner so as to endanger, or be likely to endanger, the
23 life or property of another. Other than at a licensed or approved
24 landing area, a person shall not fly an aircraft less than 25 feet
25 (7.6 meters) above the ground at the field boundary, or closer than
26 25 feet (7.6 meters) to any object or structure while landing or
27 taking off.

28 (8) A person shall not fly an aircraft within 500 feet (153
29 meters) of another aircraft, except by prearrangement of each

1 aircraft's pilot in command.

2 **Sec. 80i. (1) A person providing skydiving services shall not**
3 **use as a drop zone any land that is within 1,000 feet of**
4 **residential property.**

5 **(2) An owner of residential property that is within 1,000 feet**
6 **of land used as a drop zone in violation of subsection (1) may**
7 **bring a cause of action against the person that provided the**
8 **skydiving services for actual damages, equitable relief, and actual**
9 **and reasonable attorney fees.**

10 **Sec. 86. (1) Any individual appointed as an airport manager by**
11 **the owner of a licensed aeronautical facility, before operating as**
12 **an airport manager, shall**~~must~~ **be licensed by the department for**
13 **which the department may make a reasonable charge not to exceed**
14 **\$5.00. An airport manager license expires on December 31, annually.**

15 **(2) All airports, landing fields, and other aeronautical**
16 **facilities, except those owned or operated by the United States**
17 **government, before operating as such, shall**~~must~~ **be approved by the**
18 **department before operating as an airport, landing field, or other**
19 **aeronautical facility.**

20 **(3) The department shall issue annually a license of approval**
21 **in each case and charge an annual fee not in excess of \$100.00. The**
22 **fee shall be**~~is~~ **in lieu of all real property taxes on the landing**
23 **area and improvements to the landing area to the extent permitted**
24 **by section 7y of the general property tax act, 1893 PA 206, MCL**
25 **211.7y. The department shall use a fee collected under this**
26 **subsection to support the safety inspection of the airport, landing**
27 **field, or other aeronautical facility for which the fee was**
28 **collected. If the department determines that multiple safety**
29 **inspections are necessary to license an airport, landing field, or**

1 **other aeronautical facility with deficiencies, reinspection fees**
 2 **must be charged.**

3 (4) Commercial operations ~~shall~~**must** not be performed on any
 4 ~~land based~~**land-based** landing area other than at a licensed
 5 aeronautical facility except that temporary field permits may be
 6 issued under this section. All commercial operations ~~shall~~**must** be
 7 based out of a licensed aeronautical facility.

8 (5) If the owner of an aircraft uses, or proposes to use, an
 9 area of land for temporary commercial landing areas, ~~he or she~~
 10 ~~shall~~**the owner must** apply to the commission for a temporary field
 11 permit on forms furnished by the commission.

12 (6) The annual license of approval issued pursuant to
 13 subsection (2) ~~shall~~**must** include a statement, certified by the
 14 director, describing the approach clear zones and transitional
 15 surface areas for the airport for which the license is applicable.
 16 Standards for describing approach clear zones and transitional
 17 surface areas ~~shall~~**must** be uniform according to type of runway and
 18 ~~shall~~**must** conform with regularly accepted definitions and usage in
 19 the aeronautics field.

20 Sec. 89. **(1)** Sections 86 and 87a do not apply to **private-use**
 21 **airports or private-use** landing areas ~~designated and operated for~~
 22 ~~private use~~ if commercial operations are not performed on the
 23 **private-use airport or private-use** landing areas.~~area.~~ A **private-**
 24 **use airport or private-use** landing area ~~for private use~~ shall not
 25 be established, without commission approval, within 5 nautical
 26 miles of a public use facility certified by the commission or that
 27 would violate section 87.

28 **(2) A person shall not perform commercial operations at a**
 29 **private-use airport or private-use landing area. A person that owns**

1 a private-use airport or private-use landing area shall not allow a
2 person to perform commercial operations on that private-use airport
3 or private-use landing area or accept valuable consideration for
4 access to that private-use airport or private-use landing area. A
5 person that violates this subsection is responsible for a state
6 civil infraction as provided for in chapter 88 of the revised
7 judicature act of 1961, 1961 PA 236, MCL 600.8801 to 600.8835, and
8 is subject to a civil fine of not more than \$100.00 for each
9 commercial operation or transaction in violation of this
10 subsection.

11 (3) A private-use landing area that is used for aircraft
12 operations for 30 days or more per year or for more than 10
13 aircraft operations per day is considered a private-use airport. A
14 person that owns a private-use landing area shall not operate the
15 private-use landing area as a private-use airport without notifying
16 the commission. A person that violates this subsection is
17 responsible for a state civil infraction as provided for in chapter
18 88 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8801
19 to 600.8835, and is subject to a civil fine of not more than
20 \$100.00 for each aircraft operation in violation of this
21 subsection.

22 Sec. 91. (1) A flying club ~~shall be~~ **is** a nonprofit entity
23 organized for the express purpose of providing its members with an
24 aircraft for their personal use and enjoyment. The ownership of the
25 aircraft ~~shall~~ **must** be vested in the name of the flying club or
26 owned in equal shares by all of its members. The property rights of
27 the members of ~~the~~ **a flying** club ~~shall~~ **must** be equal and **if the**
28 **flying club pays** any part of the ~~net earnings~~ **funds** of the **flying**
29 club ~~to be distributed to the members, shall be in it~~ **must pay an**

1 equal ~~shares~~ amount to all of the members.

2 (2) A flying club shall give each member of the flying club an
3 annual notice that describes that member's share of the flying club
4 and any flying club aircraft, whether that member will receive a
5 payment under subsection (1) for that year, and the amount of the
6 payment. If a flying club does not make a payment required by
7 subsection (1), the member entitled to the payment may file suit in
8 a court of competent jurisdiction to compel payment. As used in
9 this subsection, "member" includes a former member of a flying club
10 who is entitled to a payment under subsection (1).

11 (3) A member of a flying club must be provided information on
12 the member's rights described in this section by the flying club
13 upon joining the flying club.

14 (4) A flying club that fails to provide a notice required by
15 subsection (2) or (3) is responsible for a state civil infraction
16 as provided for in chapter 88 of the revised judicature act of
17 1961, 1961 PA 236, MCL 600.8801 to 600.8835, and is subject to a
18 civil fine of not more than \$100.00 for each violation.

19 (5) ~~The~~ A flying club shall not derive greater revenue from
20 the use of its aircraft than the amount necessary for its actual
21 operation, maintenance, and replacement or upgrade of its aircraft.
22 Flying club aircraft ~~shall~~ must not be used by members for rental,
23 or by anyone for charter or lease. **If a flying club offers its**
24 **aircraft for use in violation of this section, both of the**
25 **following apply:**

26 (a) The flying club is responsible for a state civil
27 infraction as provided for in chapter 88 of the revised judicature
28 act of 1961, 1961 PA 236, MCL 600.8801 to 600.8835, and is subject
29 to a civil fine of not more than \$100.00 for each violation.

1 (b) The department shall notify the attorney general, the
2 department of treasury, and the Federal Aviation Administration of
3 each violation.

4 (6) As used in this section, "charter" means accepting money
5 or any other valuable consideration from an individual who is not a
6 member of a flying club for accessing, using, or flying on the
7 flying club's aircraft.

8 Sec. 109. As used in this chapter:

9 (a) "Airport" means a publicly owned airport licensed by the
10 ~~state transportation department, bureau of aeronautics department~~
11 under section 86 and includes all airport facilities at the
12 airport. An airport is "publicly owned" if the portion used for the
13 landing and taking off of aircraft is owned, operated, controlled,
14 leased to, or leased by the United States or any agency or
15 department of the United States, this state, a local government or
16 any municipality or other political subdivision of this state, or
17 any other governing body, public agency, or other public
18 corporation. Property to be included as part of an airport ~~shall~~
19 ~~include~~**includes** all of the following:

20 (i) Property within the area identified in the latest exhibit
21 A, the property map based on deeds, title opinions, land surveys,
22 an approved airport layout plan, and project documentation included
23 with or attached to federal grant agreements executed by the local
24 government that owns or operates the airport ~~prior to~~**before** the
25 transfer of operational jurisdiction over the airport to an
26 authority created under this chapter, and lands purchased with
27 federal funds and passenger facility charges related to the
28 airport.

29 (ii) Other property acquired with the proceeds of any airport

1 generated revenues, passenger facility charges, federal grants-in-
2 aid related to the airport, or other federal grants for airport
3 purposes by the local government that owns the airport over which
4 operational jurisdiction is being transferred to an authority.

5 (iii) Other property owned or acquired by an authority for
6 airport purposes.

7 (b) "Airport facilities" means any of the following at an
8 airport:

9 (i) Real or personal property, or interest in real or personal
10 property, used for the landing, taking off, taxiing, parking,
11 storing, shelter, supply, or care of aircraft, or for receiving or
12 discharging passengers or cargo, and all appurtenant areas used for
13 airport buildings or other airport facilities, and all appurtenant
14 rights-of-way.

15 (ii) Real or personal property, and easements above, on, or
16 under the surface of real or personal property, used or intended to
17 be used for over-flight, for noise abatement or noise buffers, for
18 clear zones, or for side transition zones.

19 (iii) Real or personal property, and easements above, on, or
20 under the surface of real or personal property, used or intended to
21 be used for the full or partial satisfaction of environmental
22 mitigation requirements imposed by any federal, state, county, or
23 other municipal government or agency as a condition of approving
24 the acquisition, construction, expansion, or operation of other
25 airport facilities, whether or not located within the boundaries of
26 the local unit of government that owns the airport over which
27 operational jurisdiction is transferred pursuant to this chapter.

28 (iv) Other structures, improvements, and buildings of all types
29 used or useful for airport related purposes for the convenience of

1 the public or for commercial or general aviation activities,
 2 located on the property acquired by or under the operational
 3 jurisdiction of the authority, including, but not limited to,
 4 restaurants, hotels, motels, exhibition halls, convention
 5 facilities, automotive parking facilities, retail stores, aircraft
 6 fueling systems, automotive service centers, cargo buildings,
 7 warehouses, kitchen facilities, drainage systems, utilities,
 8 roadways, automobile and aircraft bridges, and surface
 9 transportation terminals and facilities.

10 (v) Beacons, markers, communications systems, **automated**
 11 **weather systems**, and all navigation facilities for use in aid of
 12 air navigation.

13 (vi) Any and all other improvements or facilities necessary,
 14 useful, or desirable to serve the occupants, passengers, users,
 15 employees, operators, airlines, or lessees of any portion of the
 16 property or facilities of the authority, or which are otherwise
 17 ~~deemed~~**considered** by the authority to be in the public interest,
 18 including, but not limited to, facilities necessary, used, useful,
 19 or intended for use for handling, parking, storing, ~~display, sale,~~
 20 **displaying, selling**, or servicing of aircraft, either private or
 21 commercial; for the accommodation of persons and handling of
 22 freight, mail, and other items transported by air, for the
 23 furnishing and supplying of goods, commodities, services, things,
 24 and facilities that are ~~deemed~~**considered** by the authority to be
 25 appropriate for the safety or convenience of the traveling public
 26 or of the operators of aircraft, or otherwise in the public
 27 interest; and in or for the equipping, ~~operation,~~**operating**, and
 28 ~~maintenance~~**maintaining** of any airport facilities of the authority.

29 (c) "Approval date" means the effective date of the issuance

1 by the ~~federal aviation administration~~ **Federal Aviation**
 2 **Administration** to the authority assuming operational jurisdiction
 3 of an airport of a certificate under ~~part 139 of chapter 14 of the~~
 4 ~~code of federal regulations~~ **14 CFR part 139** with respect to the
 5 airport, and the concurrence by the FAA of the designation of the
 6 authority as a sponsor of the airport, including the FAA's approval
 7 of the assignment of existing grant agreements to the authority.

8 (d) "Authority" means a public airport authority created by or
 9 pursuant to section 110 and governed by a board.

10 (e) "Board" means the governing body of an authority appointed
 11 pursuant to section 111.

12 (f) "Department" means the state transportation department.

13 (g) "Enplanement" means a domestic, territorial, or
 14 international revenue passenger who boards an aircraft at an
 15 airport in scheduled or nonscheduled service of aircraft in
 16 intrastate, interstate, or foreign service and includes an in-
 17 transit passenger who boards an international flight that transits
 18 an airport in the United States for nontraffic purposes.

19 (h) "FAA" means the ~~federal aviation administration~~ **Federal**
 20 **Aviation Administration** of the United States ~~department of~~
 21 ~~transportation,~~ **Department of Transportation**, or any successor
 22 agency.

23 (i) "Fiscal year" means that annual period that is the fiscal
 24 year of the local government that owns the airport over which an
 25 authority has assumed operational jurisdiction or, if the local
 26 government is not required to include the authority in the
 27 financial statements of the local government, that annual period
 28 established by the board.

29 (j) "Legislative body" means the elected body of a local

1 government having legislative powers.

2 (k) "Local chief executive officer" means the mayor or manager
3 of a city or village, the township supervisor of a township, or the
4 county executive of a county or, if a county does not have a county
5 executive, the chairperson of the county board of commissioners.

6 (l) "Local government" means a county, city, township, or
7 village that owns or operates an airport.

8 (m) "Passenger facility charge" or "PFC" means a passenger
9 facility fee authorized under ~~section 40117 of title 49 of the~~
10 ~~United States Code, 49 U.S.C. USC 40117,~~ and designated as a
11 passenger facility charge under ~~part 158 of title 14 of the code of~~
12 ~~federal regulations.~~ **14 CFR part 158.**

13 (n) "Qualified airport" means an airport, other than a
14 military airport, that has 10,000,000 or more enplanements in any
15 12-month period.

16 (o) "Sponsor" means the public agency authorized ~~by subchapter~~
17 ~~I of chapter 471 of title 49 of the United States Code, 49 U.S.C.~~
18 **under 49 USC 47101 to 47134, 47144** to submit requests for, and
19 thereafter accept, and be responsible for performing all of the
20 assurances associated with accepting grant agreements with respect
21 to airports from the FAA or this state and to impose a passenger
22 facility charge at airports, and to perform certain duties and
23 responsibilities previously assumed by the local government that
24 owns or operates the airport ~~prior to~~ **before** the transfer of
25 operational jurisdiction of the airport to an authority created
26 under this chapter by virtue of the local government's acceptance
27 ~~prior to~~ **before** the approval date of grants for the benefit of the
28 airport from the FAA or any other agency of the United States or
29 this state.

1 Sec. 155. ~~Whenever~~**If** any obstructions of whatever nature
2 ~~shall be~~**are** determined to be a hazard adjacent to or surrounding a
3 state-owned airport, landing field, or other aeronautical facility,
4 the commission shall notify the ~~state administrative board~~
5 **department** of the hazard with an order for its abatement, and the
6 ~~state administrative board~~**department** may institute proper
7 proceedings in the name of and for ~~the state of Michigan~~**this state**
8 for the abatement of the hazard. Failure to effectively comply with
9 an order ~~shall subject~~**subjects** the airport, landing field, or
10 other aeronautical facility to either restrictive use of the
11 airport, landing field, or other aeronautical facility, or its
12 entire closing, in the interest of the safety, health, and welfare
13 of the public, and the safe use of aeronautical facilities in this
14 state.

15 Enacting section 1. Section 36 of the aeronautics code of the
16 state of Michigan, 1945 PA 327, MCL 259.36, is repealed.

17 Enacting section 2. This amendatory act does not take effect
18 unless Senate Bill No. ____ or House Bill No. 6362 (request no.
19 01192'21 a) of the 101st Legislature is enacted into law.