

REPRINT

HOUSE SUBSTITUTE FOR

SENATE BILL NO. 541

(As passed the House, February 5, 2002)

(As amended by the Senate, February 12, 2002)

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending sections 2, 3, 4, 5, 6, 7, 8, 9, 51, 83, 86, 87, 89, 133, 151, and 205 (MCL 259.2, 259.3, 259.4, 259.5, 259.6, 259.7, 259.8, 259.9, 259.51, 259.83, 259.86, 259.87, 259.89, 259.133, 259.151, and 259.205), sections 2, 3, 4, 5, 6, 7, 8, 51, 83, 86, and 133 as amended by 1996 PA 370, sections 9 and 151 as amended by 2000 PA 382, and section 89 as amended by 1998 PA 81, and by adding sections 80g, 80h, 83a, 83b, 87a, 89a, 205a, and 205b; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. ~~"Aeronautics" means any and all acts or matters~~
2 ~~that treat or deal with flight in the airspace.~~ AS USED IN THIS
3 ACT:

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

2

1 (A) "ACCIDENT" MEANS AN EVENT INVOLVING AN AIRCRAFT THAT IS
2 IN-FLIGHT OR TAXIING, RESULTING IN DEATH OR INJURY TO ANY PERSON,
3 DAMAGE TO THE AIRCRAFT AFFECTING ITS ABILITY TO SAFELY OPERATE,
4 OR DAMAGE TO PUBLIC PROPERTY OR PROPERTY OF ANOTHER PERSON.

5 (B) "AERONAUTICAL FACILITIES" MEANS ANY DEVICE, PHYSICAL OR
6 OTHERWISE, THAT IS AN OBJECT OF NATURE OR THAT IS HUMAN-MADE,
7 THAT AIDS AND IS USED IN AERONAUTICS.

8 (C) "AERONAUTICS" MEANS ANY ACT OR MATTER THAT TREATS OR
9 DEALS WITH FLIGHT IN THE AIRSPACE.

10 (D) "AIR NAVIGATION" MEANS THE OPERATION OR NAVIGATION OF
11 AIRCRAFT IN THE AIRSPACE OVER THE LAND AND WATERS OF THIS STATE.

12 (E) "AIRCRAFT" MEANS ANY CONTRIVANCE USED OR DESIGNED FOR
13 NAVIGATION OF OR FLIGHT IN THE AIR.

14 (F) "AIRCRAFT, CIVIL" MEANS ANY AIRCRAFT OTHER THAN A PUBLIC
15 AIRCRAFT.

16 (G) "AIRCRAFT, PUBLIC" MEANS ANY AIRCRAFT USED EXCLUSIVELY
17 IN THE SERVICE OF ANY GOVERNMENT OR OF ANY POLITICAL SUBDIVISION
18 OF A GOVERNMENT, INCLUDING THE GOVERNMENT OF ANY STATE, TERRITO-
19 RY, OR POSSESSION OF THE UNITED STATES, OR THE DISTRICT OF
20 COLUMBIA, BUT NOT INCLUDING ANY GOVERNMENT-OWNED AIRCRAFT ENGAGED
21 IN CARRYING PERSONS OR PROPERTY FOR COMMERCIAL PURPOSES.

22 (H) "AIRMAN" MEANS ANY INDIVIDUAL, INCLUDING THE 1 IN COM-
23 MAND, AND ANY PILOT, MECHANIC, OR MEMBER OF THE CREW, WHO ENGAGES
24 IN THE NAVIGATION OF AIRCRAFT WHILE UNDER WAY, AND ANY INDIVIDUAL
25 WHO IS IN CHARGE OF THE INSPECTION, OVERHAULING, OR REPAIR OF
26 AIRCRAFT, AND ANY INDIVIDUAL WHO SERVES IN THE CAPACITY OF
27 AIRCRAFT DISPATCHER OR AIR TRAFFIC CONTROL TOWER OPERATOR.

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

3

1 (I) "AIRPORT" MEANS ANY LOCATION, EITHER ON LAND OR WATER,
2 THAT IS USED FOR THE LANDING OR TAKE-OFF OF AIRCRAFT, AND
3 INCLUDES THE BUILDINGS AND FACILITIES, IF ANY, ON THAT LOCATION.

4 (J) "AIRPORT APPROACH PLAN" MEANS A PLAN, OR AN AMENDMENT TO
5 A PLAN, ADOPTED UNDER SECTION 12 OF THE AIRPORT ZONING ACT, 1950
6 (EX SESS) PA 23, MCL 259.442.

7 (K) "AIRPORT LAYOUT PLAN" MEANS A PLAN, OR AN AMENDMENT TO A
8 PLAN, THAT SHOWS CURRENT OR PROPOSED LAYOUT OF AN AIRPORT AND
9 THAT IS APPROVED BY THE COMMISSION.

10 (L) "AIRPORT MANAGER" MEANS ANY INDIVIDUAL WHO IS PROPERLY
11 APPOINTED AND DESIGNATED BY THE AIRPORT OWNER AS THE AIRPORT MAN-
12 AGER, AND WHO IS RESPONSIBLE FOR THE SUPERVISION AND OPERATION OF
13 THE AIRPORT TO THE AIRPORT OWNER.

14 (M) "AIRSPACE APPROVAL" MEANS THAT APPROVAL ISSUED BY THE
15 APPROPRIATE FEDERAL AUTHORITY PERTAINING TO THE SAFE AND EFFI-
16 CIENT USE OF AIRSPACE BY AIRCRAFT FOR AN ESTABLISHED OR PROPOSED
17 AIRPORT OR LANDING FIELD.

18 (N) "AIRSPACE, NAVIGABLE" MEANS AIRSPACE AT AND ABOVE THE
19 MINIMUM FLIGHT ALTITUDES PRESCRIBED IN THE FEDERAL AIR REGULA-
20 TIONS INCLUDING AIRSPACE NEEDED FOR SAFE TAKEOFF AND LANDING.

21 Sec. 3. ~~"Aeronautical facilities" means any or all~~
22 ~~devices, physical or otherwise, objects of nature or human-made,~~
23 ~~which aid and are used in aeronautics.~~ AS USED IN THIS ACT:

24 (A) "BALLOON" MEANS A LIGHTER-THAN-AIR AIRCRAFT THAT IS NOT
25 ENGINE DRIVEN AND THAT SUSTAINS FLIGHT THROUGH THE USE OF EITHER
26 GAS BUOYANCY OR AN AIRBORNE HEATER.

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

4

1 (B) "COMMERCIAL ACTIVITY OR OPERATIONS" MEANS AN ACTIVITY OR
2 OPERATION SUCH AS THE SALE OF GASOLINE OR OIL, THE SOLICITING OR
3 ENGAGING IN CHARTER FLYING OR FLIGHT INSTRUCTION, THE PROVISION
4 OF SHELTER OR THE TIE-DOWN OF AN AIRCRAFT, THE OVERHAUL OR REPAIR
5 OF AN AIRCRAFT OR OF ENGINES, OR OTHER ACTIVITY OR OPERATION THAT
6 OFFERS AERONAUTIC FACILITIES OR SERVICES TO THE PUBLIC.

7 (C) "COMMISSION" MEANS THE MICHIGAN AERONAUTICS COMMISSION.

8 (D) "DEALER" MEANS A PERSON ENGAGED IN THE BUSINESS OF PUR-
9 CHASING, SELLING, BROKERING, EXCHANGING, OR DEALING IN AIRCRAFT
10 PARTS OR IN AIRCRAFT OF A TYPE REQUIRED TO BE REGISTERED.

11 (E) "DECAL PLATE" MEANS THAT DISTINCTIVE TAB, STICKER,
12 DECAL, OR PLATE ISSUED BY THE COMMISSION WITH THE REGISTRATION
13 CERTIFICATE FOR AN AIRCRAFT.

14 (F) "DEPARTMENT" MEANS THE STATE TRANSPORTATION DEPARTMENT,
15 BUREAU OF AERONAUTICS.

16 (G) "DIRECTOR" MEANS THE DEPUTY DIRECTOR OF THE DEPARTMENT,
17 BUREAU OF AERONAUTICS WHO IS THE DIRECTOR OF THE MICHIGAN AERO-
18 NAUTICS COMMISSION.

19 Sec. 4. ~~"Aircraft" means any contrivance used or designed~~
20 ~~for navigation of or flight in the air.~~ AS USED IN THIS ACT:

21 (A) "FLIGHT INSTRUCTOR" MEANS ANY PERSON WHO POSSESSES A
22 VALID FLIGHT INSTRUCTOR CERTIFICATE OR OTHER AIRMAN CERTIFICATE
23 ISSUED BY THE FEDERAL AVIATION ADMINISTRATION AUTHORIZING THAT
24 INDIVIDUAL TO INSTRUCT IN AIRCRAFT.

25 (B) "FLIGHT SCHOOL" MEANS ANY PERSON PROVIDING OR OFFERING
26 TO PROVIDE FLIGHT TRAINING LEADING TO PILOT OR FLIGHT INSTRUCTOR

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

5

1 CERTIFICATION, FOR HIRE OR COMPENSATION, AND ENGAGED IN ANY OF
2 THE FOLLOWING:

3 (i) ADVERTISING OR CALLING ONESELF A FLIGHT SCHOOL OR ANY-
4 THING EQUIVALENT TO A FLIGHT SCHOOL.

5 (ii) HIRING, CONTRACTING, OR OTHERWISE USING 1 OR MORE
6 FLIGHT INSTRUCTORS IN AN ENDEAVOR DESCRIBED IN THIS SECTION.

7 (C) "FLYING CLUB" MEANS ANY GROUP OF PERSONS OWNING, LEAS-
8 ING, OR OPERATING 1 OR MORE AIRCRAFT, NOT FOR PROFIT OR REWARD,
9 AND USING THE AIRCRAFT FOR THE PURPOSE OF PROVIDING ITS MEMBERS
10 WITH AN AIRCRAFT FOR THEIR PERSONAL USE AND ENJOYMENT.

11 (D) "FUEL" MEANS ANY GASOLINE, DISTILLATE, BENZINE, NAPHTHA,
12 BENZOL, OR OTHER VOLATILE AND INFLAMMABLE LIQUID PRODUCED, COM-
13 POUNDED, AND USED FOR PROPELLING AIRCRAFT.

14 (E) "GARAGE KEEPER" MEANS ANY PERSON WHO, FOR HIRE OR
15 REWARD, PUBLICLY OFFERS TO STORE, MAINTAIN, KEEP, OR REPAIR AIR-
16 CRAFT OR ANY ACCESSORY USED IN THE OPERATION OF AIRCRAFT AND TO
17 FURNISH ACCESSORIES AND SUPPLIES FOR AIRCRAFT OR ANY ACCESSORY
18 USED IN THE OPERATION OF AIRCRAFT.

19 Sec. 5. ~~"Aircraft, civil" means any aircraft other than a~~
20 ~~public aircraft.~~ AS USED IN THIS ACT:

21 (A) "HAZARDS TO AIR NAVIGATION" MEANS ANY OBSTRUCTION OF
22 WHATEVER CHARACTER, OBJECT OF NATURAL GROWTH, OR USE OF LAND,
23 UPON OR SURROUNDING OR ADJACENT TO AN AIRPORT, LANDING FIELD, OR
24 OTHER AERONAUTICAL FACILITY, THAT PREVENTS THE SAFE USE OF THE
25 FACILITIES FOR THE TAKE-OFF OR LANDING OF AIRCRAFT.

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

6

1 (B) "HELIPORT" 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) "HELIPORT APPROACH SURFACE" MEANS AN IMAGINARY PLANE
5 BEGINNING AT THE END OF THE HELIPORT 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.
8 THE SLOPE OF THE APPROACH SURFACE IS 8 TO 1.

9 (D) "HISTORIC AIRCRAFT" MEANS AN AIRCRAFT THAT IS OVER 30
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
14 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.20106.

15 (F) "HOSPITAL HELIPORT" MEANS A HELIPORT 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 PASSEN-
20 GERS AND THE LOADING AND UNLOADING OF HELICOPTER CARGO SOLELY FOR
21 AN AIR 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. 6. ~~"Aircraft, public" means any aircraft used exclu-~~
25 ~~sively in the service of any government or of any political sub-~~
26 ~~division of a government, including the government of any state,~~
27 ~~territory, or possession of the United States, or the District of~~

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

7

1 ~~Columbia, but not including any government-owned aircraft engaged~~
2 ~~in carrying persons or property for commercial purposes.~~ AS USED
3 IN THIS ACT:

4 (A) "LANDING AREA" MEANS AN AREA OF AN AIRPORT, LANDING
5 FIELD, OR OTHER AERONAUTICAL FACILITY USED OR INTENDED FOR USE IN
6 LANDING, TAKING OFF, OR TAXIING OF AIRCRAFT, EXCLUDING AREA AND
7 FACILITIES FOR SHELTER, SERVICING, OR REPAIR OF AIRCRAFT OR FOR
8 RECEIVING OR DISCHARGING PASSENGERS OR CARGO.

9 (B) "LANDING FIELD" MEANS ANY LOCATION, EITHER ON LAND OR
10 WATER, THAT IS USED FOR THE LANDING OR TAKE-OFF OF AIRCRAFT.

11 (C) "MANUFACTURER" MEANS A PERSON ENGAGED IN THE BUSINESS OF
12 MANUFACTURING AIRCRAFT, AIRCRAFT ENGINES, PROPELLERS, COMPONENT
13 PARTS, APPLIANCES, OR ACCESSORIES.

14 (D) "NONRESIDENT" MEANS A PERSON WHO IS NOT A RESIDENT OF
15 THIS STATE.

16 (E) "OPERATION OF AIRCRAFT" OR "OPERATE AIRCRAFT" MEANS THE
17 USE OF AIRCRAFT FOR THE PURPOSE OF AIR NAVIGATION, INCLUDING THE
18 NAVIGATION OR PILOTING OF AIRCRAFT. ANY PERSON WHO CAUSES OR
19 AUTHORIZES THE OPERATION OF AIRCRAFT, WHETHER WITH OR WITHOUT THE
20 RIGHT OF LEGAL CONTROL IN THE CAPACITY OF OWNER, LESSEE, OR OTH-
21 ERWISE, OF THE AIRCRAFT, IS ENGAGING IN THE OPERATION OF
22 AIRCRAFT.

23 Sec. 7. ~~"Airman" means any individual, including the 1 in~~
24 ~~command, and any pilot, mechanic, or member of the crew, who~~
25 ~~engages in the navigation of aircraft while under way, and any~~
26 ~~individual who is in charge of the inspection, overhauling, or~~
27 ~~repair of aircraft, and any individual who serves in the capacity~~

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

8

1 ~~of aircraft dispatcher or air traffic control tower operator.~~ AS

2 USED IN THIS ACT:

3 (A) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
4 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

5 (B) "POLITICAL SUBDIVISION" MEANS A COUNTY, CITY, VILLAGE,
6 OR TOWNSHIP OF THIS STATE, AND ANY OTHER POLITICAL SUBDIVISION,
7 PUBLIC CORPORATION, AUTHORITY, OR DISTRICT IN THIS STATE THAT IS
8 OR MAY BE AUTHORIZED BY LAW TO ACQUIRE, ESTABLISH, CONSTRUCT,
9 MAINTAIN, IMPROVE, AND OPERATE AIRPORTS, LANDING FIELDS, AND
10 OTHER AERONAUTICAL FACILITIES.

11 (C) "PRIVATE LANDING AREA" MEANS ANY LOCATION, EITHER ON
12 LAND OR WATER, THAT IS USED FOR THE TAKEOFF OR LANDING OF AIR-
13 CRAFT, AND ITS USE IS RESTRICTED TO THE OWNER OR PERSONS AUTHORIZED BY
14 THE OWNER. NOTWITHSTANDING ANY EXISTING LIMITATION OR REGULATION
15 TO THE CONTRARY, THE OWNER AND ANY PERSON AUTHORIZED BY THE OWNER
16 HAS THE RIGHT TO USE THAT PRIVATE LANDING AREA. COMMERCIAL OPER-
17 ATIONS SHALL NOT BE CONDUCTED ON A PRIVATE LANDING AREA.

18 (D) "PUBLIC USE FACILITY" MEANS AN AIRPORT, LANDING FIELD,
19 OR OTHER AERONAUTICAL FACILITY THAT IS AVAILABLE FOR USE BY THE
20 GENERAL PUBLIC WITHOUT PRIOR APPROVAL OF THE OWNER OR OPERATOR.

21 (E) "RULE" MEANS A RULE PROMULGATED PURSUANT TO THE ADMINIS-
22 TRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
23 24.328.

24 Sec. 8. ~~"Air navigation" means the operation or navigation~~
25 ~~of aircraft in the airspace over the land and waters of the~~
26 ~~state.~~ AS USED IN THIS ACT:

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

9

1 (A) "SEAPLANE" MEANS AN AIRCRAFT THAT IS CAPABLE OF LANDING
2 AND TAKING OFF ON THE WATER.

3 (B) "SEAPLANE BASE" MEANS AN AREA OF WATER USED OR INTENDED
4 TO BE USED FOR THE LANDING AND TAKEOFF OF AIRCRAFT, TOGETHER WITH
5 APPURTENANT SHORESIDE BUILDINGS AND FACILITIES.

6 (C) "STATE APPROACH SURFACE" MEANS AN IMAGINARY PLANE LONGI-
7 TUDINALLY CENTERED ON THE EXTENDED RUNWAY CENTERLINE AND EXTEND-
8 ING OUTWARD AND UPWARD FROM EACH END OF THE STATE PRIMARY
9 SURFACE.

10 (D) "STATE PRIMARY SURFACE" MEANS A SURFACE LONGITUDINALLY
11 CENTERED ON A RUNWAY. FOR A PAVED RUNWAY, THE STATE PRIMARY SUR-
12 FACE EXTENDS 200 FEET BEYOND EACH END OF THAT RUNWAY FOR AN
13 UNPAVED RUNWAY OR A PLANNED PAVED RUNWAY, THE STATE PRIMARY SUR-
14 FACE ENDS AT EACH END OF THAT RUNWAY. THE ELEVATION OF ANY POINT
15 ON THE STATE PRIMARY SURFACE IS THE SAME AS THE ELEVATION OF THE
16 NEAREST POINT ON THE RUNWAY CENTERLINE. THE WIDTH OF A STATE
17 PRIMARY SURFACE IS AS FOLLOWS:

18 (i) ONE HUNDRED FEET FOR BASIC UTILITY AIRPORTS.

19 (ii) TWO HUNDRED AND FIFTY FEET FOR GENERAL UTILITY
20 AIRPORTS.

21 Sec. 9. ~~(1) "Airport" means any location, either on land~~
22 ~~or water, that is used for the landing or take-off of aircraft,~~
23 ~~and includes the buildings and facilities, if any, on that~~
24 ~~location.~~

25 ~~(2) "Airport approach plan" means a plan, or an amendment to~~
26 ~~a plan, adopted under section 12 of the airport zoning act, 1950~~
27 ~~(Ex Sess) PA 23, MCL 259.442.~~

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

10

1 ~~(3) "Airport layout plan" means a plan, or an amendment to a~~
2 ~~plan, that shows current or proposed layout of an airport and~~
3 ~~that is approved by the commission.~~ AS USED IN THIS ACT:

4 (A) "TAXI" MEANS THE MOVING OF AN AIRCRAFT UNDER ITS OWN
5 POWER EITHER ON THE GROUND OR ON THE SURFACE OF THE WATER, PRIOR
6 TO THE BEGINNING OF THE TAKE-OFF RUN AND AFTER THE END OF THE
7 LANDING RUN.

8 (B) "TEMPORARY COMMERCIAL OPERATIONS" MEANS ANY COMMERCIAL
9 OPERATION CONDUCTED FOR A PERIOD NOT TO EXCEED 120 DAYS PER CAL-
10 ENDAR YEAR.

11 (C) "ULTRALIGHT" MEANS AN AIRCRAFT MEETING REQUIREMENTS OF
12 14 C.F.R. PART 103.

13 (D) "VEHICLE" MEANS ANY DEVICE IN, UPON, OR BY WHICH A
14 PERSON OR PROPERTY IS OR MAY BE TRANSPORTED, EXCEPT AN AIRCRAFT.

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

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

11

1 EXERCISE EXCLUSIVE AUTHORITY TO APPROVE THE LOCATION AND
2 OPERATION OF AIRPORTS, LANDING FIELDS, AND OTHER AERONAUTICAL
3 FACILITIES WITHIN THE STATE, SO AS TO ASSURE A UNIFORMITY IN REG-
4 ULATIONS COVERING AERONAUTICS.

5

6

7

8

9

In order to

10 implement this act, the commission may establish programs of
11 state financial assistance in the form of grants, leases, loans,
12 and purchases, or a combination of grants, leases, loans, and
13 purchases, for assisting political subdivisions or other
14 persons. The commission shall not grant an exclusive right for
15 the use of an aeronautical facility. The commission may by the
16 issuance of appropriate and effective rules register pilot's cer-
17 tificates issued by the civil aeronautics authority or other sim-
18 ilar federal authority to resident pilots of the state for which
19 it may charge a fee not to exceed \$5.00; govern and regulate com-
20 mercial operations in intrastate commerce for which it may charge
21 a fee of not more than \$25.00; and provide for the licensing of
22 aircraft dealers for which it may charge a fee of not more than
23 \$25.00.

24 (2) The commission shall cooperate with and assist the fed-
25 eral government, state governments, authorities of political sub-
26 divisions, and individuals engaged in aeronautics or the
27 development of aeronautics, and shall seek to coordinate the

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

12

1 aeronautical activities of these entities. The commission may
2 confer with or hold joint hearings with any federal or state gov-
3 ernments, their agencies, the authorities of political subdivi-
4 sions, and individuals, in connection with any matter arising
5 under this act, and avail itself of the cooperation, services,
6 records, and facilities of those agencies in the administration
7 and enforcement of this act. The commission shall reciprocate by
8 furnishing governments and their agencies its cooperation, serv-
9 ices, records, and facilities, insofar as may be practicable.

10 (3) The commission may perform acts, issue and amend orders,
11 and make, promulgate, and amend reasonable general or special
12 rules and procedures, and establish minimum standards, consistent
13 with this act, which it considers necessary to implement this act
14 and to perform its duties under this act, all commensurate with
15 and for the purpose of protecting and insuring the general public
16 interest, health, welfare, and safety. The commission may adopt
17 and enforce the provisions of the currently effective federal
18 legislation governing aeronautics. The commission shall promul-
19 gate rules to implement this act. The commission may deviate
20 from or add to rules if necessary for the public safety and for
21 the safety of aircraft and airmen within the state. A rule of
22 the commission shall not apply to aeronautical facilities owned
23 by the federal government.

24 (4) For the safety of aircraft and airmen within this state
25 the commission may designate, establish, or modify a state air-
26 ways system. The commission may publish and distribute maps,
27 charts, and information relating to that system.

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

13

1 (5) The commission, a commission member or employee, the
2 director, and every state, county, and municipal officer charged
3 with the enforcement of state and municipal laws shall enforce
4 and assist in the enforcement of this act and of rules promul-
5 gated under this act, and of all other laws of this state relat-
6 ing to aeronautics. In the aid of enforcement, general police
7 powers are conferred upon the commission, each of its members,
8 the director, and the officers and employees of the commission
9 designated by the commission to exercise those powers. The com-
10 mission is further authorized to enforce this act and rules
11 promulgated under this act by injunction in the circuit court.
12 The prosecuting attorney of the county in which an offense is
13 committed shall prosecute offenders against this act and other
14 aeronautical laws of this state, or any rule promulgated under
15 this act or order issued by the commission. When a complaint is
16 made before ~~the recorder's court in the city of Detroit,~~ a
17 municipal court in a city having such a court, or the district
18 court in the county, district, or political subdivision in which
19 venue is proper, that court may take cognizance, hear, try, and
20 determine such matters and pass sentence upon offenders in
21 accordance with law.

22 (6) The commission, a commission member, the director, or an
23 employee designated by the commission may hold investigations,
24 inquiries, and hearings concerning matters covered by this act,
25 aircraft accidents, or orders and rules of the commission. Each
26 person designated may administer oaths and affirmations, certify
27 to official acts, issue subpoenas, and compel the attendance and

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

14

1 testimony of witnesses, and the production of papers, books, and
2 documents. In case of failure to comply with a subpoena or order
3 issued under this act, the commission, or its authorized repre-
4 sentative, may invoke the aid of a court of general
5 jurisdiction. The court may order the witness to comply with the
6 requirements of the subpoena or order, or to give evidence touch-
7 ing the matter in question. Failure to obey the order of the
8 court may be punished by the court as contempt.

9 (7) In order to facilitate investigations by the commission
10 in the interest of public safety and development of aeronautics,
11 the reports of investigations or hearings, or any part of them,
12 shall not be admitted in evidence or used for any purpose in an
13 action or proceeding growing out of a matter referred to in the
14 investigation, hearing, or report, except in case of criminal or
15 other proceedings instituted in behalf of the state under this
16 act or any other law of this state relating to aeronautics. A
17 commissioner, director, or an officer or employee of the commis-
18 sion shall not be required to testify to facts ascertained in, or
19 information gained by reason of, his or her official capacity, or
20 be required to testify as an expert witness in an action or pro-
21 ceeding involving an aircraft. Except as otherwise provided in
22 this section, the commission may make available to appropriate
23 federal and state agencies information and material developed in
24 the course of its hearings and investigations.

25 (8) For the purposes of executing its powers and duties
26 under this act, the commission, upon recommendations to the state
27 administrative board, may enter into necessary contracts.

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

15

1 SEC. 80G. (1) A PERSON SHALL NOT OPERATE AN ULTRALIGHT IN A
2 MANNER THAT CREATES A HAZARD TO OTHER PERSONS OR PROPERTY.

3 (2) A PERSON SHALL NOT ALLOW AN OBJECT TO BE DROPPED FROM AN
4 ULTRALIGHT IF IT CREATES A HAZARD TO OTHER PERSONS OR PROPERTY.

5 (3) A PERSON SHALL NOT OPERATE AN ULTRALIGHT BETWEEN SUNSET
6 AND SUNRISE. EACH PERSON OPERATING AN ULTRALIGHT SHALL MAINTAIN
7 VIGILANCE SO AS TO SEE AND AVOID AIRCRAFT AND SHALL YIELD THE
8 RIGHT-OF-WAY TO ALL AIRCRAFT.

9 (4) A PERSON SHALL NOT OPERATE AN ULTRALIGHT IN A MANNER
10 THAT CREATES A COLLISION HAZARD WITH ANY OTHER AIRCRAFT.

11 (5) A POWERED ULTRALIGHT SHALL YIELD THE RIGHT-OF-WAY TO AN
12 UNPOWERED ULTRALIGHT.

13 (6) A PERSON SHALL NOT OPERATE AN ULTRALIGHT OVER ANY CON-
14 GESTED AREA OF A CITY, TOWN, OR SETTLEMENT, OR OVER AN OPEN AIR
15 ASSEMBLY OF PERSONS.

16 (7) NOTWITHSTANDING SUBSECTION (3), AN ULTRALIGHT MAY BE
17 OPERATED UP TO 30 MINUTES BEFORE SUNRISE OR 30 MINUTES AFTER
18 SUNSET IF BOTH OF THE FOLLOWING APPLY:

19 (A) THE ULTRALIGHT IS EQUIPPED WITH AN OPERATING ANTICOLLI-
20 SION LIGHT VISIBLE FOR AT LEAST 3 STATUTE MILES.

21 (B) THE ULTRALIGHT IS OPERATING IN UNCONTROLLED AIRSPACE AS
22 DEFINED BY FEDERAL REGULATIONS.

23 SEC. 80H. A SEAPLANE OPERATOR CONDUCTING COMMERCIAL OPERA-
24 TIONS SHALL ASSURE THAT THE SEAPLANE BASE USED FOR TAKEOFF OR
25 LANDING HAS SUFFICIENT TAKEOFF AND LANDING DISTANCE FOR THE OPER-
26 ATION BEING CONDUCTED AS SPECIFIED BY THE MANUFACTURER'S
27 OPERATING LIMITATIONS FOR THE AIRCRAFT BEING OPERATED.

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

16

1 Sec. 83. (1) A person shall not operate a civil aircraft
2 over or upon the lands and waters of this state unless ~~the~~
3 ~~person is in full compliance with the federal airman certifica-~~
4 ~~tion requirements under subpart D of chapter 1 of title 14 of the~~
5 ~~code of federal regulations~~ HE OR SHE IS COMPLYING WITH THE FED-
6 ERAL AIRMAN CERTIFICATION REQUIREMENTS UNDER THE CODE OF FEDERAL
7 REGULATIONS.

8 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A
9 CRIME AS FOLLOWS:

10 (A) FOR A FIRST VIOLATION, THE PERSON IS GUILTY OF A MISDE-
11 MEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A
12 FINE OF NOT MORE THAN \$500.00, OR BOTH.

13 (B) FOR A SECOND VIOLATION WITHIN 5 YEARS OF THE FIRST VIO-
14 LATION, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISON-
15 MENT FOR NOT MORE THAN 2 YEARS OR A FINE OF NOT MORE THAN
16 \$1,000.00, OR BOTH.

17 (C) FOR A THIRD OR SUBSEQUENT VIOLATION WITHIN 5 YEARS OF
18 THE SECOND OR SUBSEQUENT VIOLATION, THE PERSON IS GUILTY OF A
19 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A
20 FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

21 SEC. 83A. (1) A PERSON HOLDING A VALID FEDERAL AIR CARRIER
22 OPERATING CERTIFICATE OR COMMERCIAL OPERATOR'S CERTIFICATE SHALL
23 NOT CONDUCT FLIGHT OPERATIONS IN VIOLATION OF THAT CERTIFICATE.

24 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A MIS-
25 DEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR
26 A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

17

1 SEC. 83B. (1) A PERSON SHALL NOT CONDUCT FLIGHT OPERATIONS
2 REQUIRING A FEDERAL AVIATION REGULATION AIR CARRIER OR COMMERCIAL
3 OPERATOR'S CERTIFICATION WITHOUT FIRST HAVING BEEN ISSUED A VALID
4 FEDERAL AVIATION REGULATION AIR CARRIER OR OPERATING CERTIFICATE
5 OR VALID COMMERCIAL OPERATOR'S CERTIFICATE.

6 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A
7 CRIME AS FOLLOWS:

8 (A) FOR A FIRST VIOLATION, THE PERSON IS GUILTY OF A FELONY
9 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF
10 NOT MORE THAN \$5,000.00, OR BOTH.

11 (B) FOR A SECOND VIOLATION WITHIN 5 YEARS AFTER THE FIRST
12 VIOLATION, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRIS-
13 ONMENT FOR NOT LESS THAN 1 YEAR OR MORE THAN 5 YEARS OR A FINE OF
14 NOT LESS THAN \$5,000.00 OR MORE THAN \$50,000.00, OR BOTH.

15 (C) FOR A THIRD OR SUBSEQUENT VIOLATION WITHIN 5 YEARS AFTER
16 A CONVICTION FOR A VIOLATION OF THIS SECTION, THE PERSON IS
17 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT LESS THAN
18 4 YEARS OR MORE THAN 10 YEARS OR A FINE OF NOT LESS THAN
19 \$10,000.00 OR MORE THAN \$100,000.00, OR BOTH.

20 Sec. 86. (1) Any individual appointed as an airport manager
21 by the owner of a licensed aeronautical facility, before operat-
22 ing as an airport manager, shall be licensed by the department
23 for which the department may make a reasonable charge not to
24 exceed \$5.00. An airport manager license expires on December 31,
25 annually.

26 (2) All airports, landing fields, and other aeronautical
27 facilities, except those owned or operated by the United States

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

18

1 government, before operating as such, shall be approved by the
2 department.

3 (3) ~~Upon receipt of an application for a public use landing~~
4 ~~area, the commission shall cause the proposed landing area to be~~
5 ~~inspected. If the proposed or completed facility is found to~~
6 ~~meet the minimum requirements for issuance of site approval, the~~
7 ~~commission shall issue a license of approval. The department~~
8 shall issue annually a license of approval in each case and
9 charge an annual fee not in excess of \$100.00. The fee shall be
10 in lieu of all real property taxes on the landing area and
11 improvements to the landing area to the extent permitted by sec-
12 tion 7y of the general property tax act, ~~Act No. 206 of the~~
13 ~~Public Acts of 1893, being section 211.7y of the Michigan~~
14 ~~Compiled Laws 1893 PA 206, MCL 211.7Y. Licensed public use~~
15 ~~facilities shall be included on the Michigan aeronautical charts~~
16 ~~and in other aviation publications made available to the public.~~
17 (4) ~~Aeronautical facility licenses expire on December 31~~
18 ~~annually.~~

19 (5) ~~A facility intended for the use of aircraft shall not be~~
20 ~~established, without prior commission approval, within 5 nautical~~
21 ~~miles of a public use facility licensed by the commission.~~

22 (6) ~~A facility shall not be licensed or approved that~~
23 ~~requires aircraft to be airborne under a bridge or power line~~
24 ~~during the approach to or takeoff from a landing area, or~~
25 ~~requires aircraft to fly in a manner that may endanger persons or~~
26 ~~property.~~

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

19

1 ~~(7) The commission may refuse issuance of license or~~
2 ~~approval if the location of a proposed landing area is at or near~~
3 ~~a licensed landfill, a game refuge, a fishery, or other refuge~~
4 ~~designated by the department of natural resources.~~

5 ~~(8) The official name of an aeronautical facility, as desig-~~
6 ~~nated in a license issued by the commission, shall not be changed~~
7 ~~unless written request is made by the airport owner or by resolu-~~
8 ~~tion of the governing body of the airport authorizing the name~~
9 ~~change.~~

10 (4) ~~-(9)-~~ Commercial operations shall not be performed on
11 any LAND BASED landing area other than at a licensed aeronautical
12 facility except that temporary field permits may be issued under
13 this section. All commercial operations shall be based out of a
14 licensed aeronautical facility.

15 (5) ~~-(10)-~~ If the owner of an aircraft uses, or proposes to
16 use, an area of land ~~or water~~ for temporary commercial
17 ~~operations~~ LANDING AREAS, he or she shall apply to the commis-
18 sion for a temporary field permit on forms furnished by the
19 commission.

20 ~~-(11) The application for a temporary field permit shall be~~
21 ~~received at least 14 days before the date of requested issuance,~~
22 ~~and shall be accompanied by a \$50.00 fee.~~

23 ~~(12) The area proposed to be covered by a temporary field~~
24 ~~permit shall be inspected by the commission, and if found to meet~~
25 ~~minimum requirements of a licensed public use aeronautical facil-~~
26 ~~ity, the commission may issue a temporary field permit for a~~
27 ~~period not to exceed 120 days.~~

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

20

1 (6) ~~(13)~~ The annual license of approval issued pursuant to
2 subsection (2) shall include a statement, certified by the direc-
3 tor, describing the approach clear zones and transitional surface
4 areas for the airport for which the license is applicable.

5 Standards for describing approach clear zones and transitional
6 surface areas shall be uniform according to type of runway and
7 shall conform with regularly accepted definitions and usage in
8 the aeronautics field.

9 Sec. 87. (1) ~~Airports, landing fields and other aeronauti-~~
10 ~~cal facilities; rejection of application.~~ In any case ~~where~~ IN
11 WHICH the department rejects an application for permission to
12 operate an airport, landing field, or other aeronautical facili-
13 ty, or in any case where the department shall issue any order
14 requiring certain things to be done, it shall set forth its rea-
15 sons ~~therefor~~ FOR THE ORDER and shall state the requirements to
16 be met before ~~such~~ approval will be given. ~~or such order modi-~~
17 ~~fied or changed.~~ In any case ~~where~~ IN WHICH the department
18 ~~may deem~~ CONSIDERS it necessary, ~~it~~ THE DEPARTMENT may order
19 the closing of any airport, landing field, or other aeronautical
20 facility, until compliance is made with the requirements ordered
21 by the department.

22 (2) A FACILITY SHALL NOT BE LICENSED OR APPROVED THAT
23 REQUIRES AIRCRAFT TO BE AIRBORNE UNDER A BRIDGE OR POWER LINE
24 DURING THE APPROACH TO OR TAKEOFF FROM A LANDING AREA, OR THAT
25 REQUIRES AIRCRAFT TO FLY IN A MANNER THAT MAY ENDANGER PERSONS OR
26 PROPERTY.

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

21

1 SEC. 87A. EACH CERTIFICATE OF APPROVAL OF AN AIRPORT,
2 LANDING FIELD, OR OTHER AERONAUTICAL FACILITY SHALL BE REGISTERED
3 ANNUALLY, AND THE DEPARTMENT IS AUTHORIZED TO ESTABLISH A REASON-
4 ABLE FEE IN ACCORDANCE WITH ISSUED RULES AND REGULATIONS.

5 Sec. 89. Sections 86 ~~, 86a, 86b, 86c, 87,~~ and ~~88~~ 87A do
6 not apply to landing areas designated and operated for private
7 use if commercial operations are not performed on the landing
8 areas. A landing area for private use shall not be established,
9 without commission approval, within 5 nautical miles of a public
10 use facility certified by the commission OR THAT WOULD VIOLATE
11 SECTION 87.

12 SEC. 89A. SECTIONS 86 AND 87A DO NOT APPLY TO LANDING AREAS
13 DESIGNATED AND OPERATED FOR THE EXCLUSIVE USE OF EITHER ULTRA-
14 LIGHTS OR BALLOONS. A LANDING AREA FOR ULTRALIGHT OR BALLOON USE
15 SHALL NOT BE ESTABLISHED, WITHOUT COMMISSION APPROVAL, WITHIN 5
16 NAUTICAL MILES OF A PUBLIC USE FACILITY CERTIFIED BY THE
17 COMMISSION. FOR THE PURPOSES OF THIS SECTION, "ESTABLISHED"
18 MEANS ANY FACILITY THAT IS USED OR INTENDED TO BE USED FOR THE
19 OPERATION OF BALLOONS OR ULTRALIGHTS MORE THAN 10 TIMES IN ANY
20 12-MONTH PERIOD.

21 Sec. 133. In addition to the general powers conferred by
22 this act, a political subdivision that has established or estab-
23 lishes an airport, landing field, or other aeronautical facility
24 may do 1 or more of the following:

25 (a) Vest authority for the construction, enlargement,
26 improvement, maintenance, equipment, operation, and regulation of
27 the airport, landing field, or other aeronautical facility, in an

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

22

1 officer, a board, or body of a political subdivision, by
2 ordinance or resolution that prescribes the powers and duties of
3 the officer, board, or body. In counties operating under the
4 county road system with a population of more than 2,000,000, the
5 board of county road commissioners may implement this section for
6 that county.

7 (b) Employ a regular airport manager for the airport, land-
8 ing field, or other aeronautical facility under its control, or
9 in cases where an airport board or body is established, the air-
10 port manager may be employed by the board or body.

11 (c) Adopt and amend all necessary rules, regulations, and
12 ordinances, for the management, government, and use of any prop-
13 erties under its control, whether within or outside of its terri-
14 torial limits; appoint airport guards or police, with full police
15 powers; establish penalties for the violation of the rules, regu-
16 lations, and ordinances, and enforce the penalties.

17 (d) Adopt and enact rules, regulations, and ordinances
18 designed to safeguard the public upon or beyond the limits of
19 private airports, landing fields, or other aeronautical facili-
20 ties within the political subdivision or its police jurisdiction
21 against the perils and hazards of instrumentalities used in
22 aerial navigation. Rules adopted pursuant to this subdivision
23 shall be consistent with and conform as nearly as possible with
24 the laws of this state and the rules of the state transportation
25 department.

26 (e) Lease for a term of years, donate, or sell, the airport,
27 landing field, or other aeronautical facility, or buildings and

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

23

1 structures relating to the airport, landing field, or other
2 aeronautical facility, or real property acquired or set apart for
3 these purposes, to any person or persons, any other political
4 subdivision or the state , or the federal government, or any
5 department of a political subdivision, or the state or federal
6 government, either exclusively or in common with others, for
7 operation and public use; confer the privileges of concessions of
8 supplying upon its airports goods, commodities, things, services,
9 and facilities; enter into leases, contracts, agreements, or
10 grants of privileges of concessions with any person or persons,
11 any other political subdivision or the state government or the
12 federal government, or any department of a political subdivision
13 or the state or federal government, for the operation, use, or
14 occupancy, either exclusively or in common with others, of all or
15 any part of the airport, landing field, or other aeronautical
16 facility, including any buildings and structures of the airport,
17 landing field, or aeronautical facility, under its control, for a
18 term or terms not to exceed 50 years, establishing the charges,
19 rentals, or fees at a fixed or variable rate binding upon the
20 parties for the full term of the lease, contract, agreement, or
21 grant, which lease, contract, agreement, or grant may provide for
22 the resolution of disputes or for the fixing of variable terms
23 through arbitration or similar procedure. The terms, charges,
24 rentals, and fees shall be equal and uniform for the same type of
25 facilities provided, services rendered, or privileges granted
26 with no UNJUST discrimination between users of the same class for
27 like facilities provided, services rendered, or privileges

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

24

1 granted. However, the public shall not be deprived of its
2 rightful, equal, and uniform use of facilities provided, services
3 rendered, or privileges granted. Terms, charges, rentals, and
4 fees may vary if necessary, to provide security and funds for
5 payment of bonds to be issued as authorized by this act to
6 finance improvements to any airport, or to allow for other dif-
7 fering costs of financing, construction of facilities, or mainte-
8 nance and operation of the facility.

9 (f) Sell, donate, or lease any property, real or personal,
10 acquired for such purposes and belonging to the political subdi-
11 vision, which in the judgment of its governing body, may not be
12 subsequently required for aeronautic purposes, in accordance with
13 the laws of this state, or the provisions of the charter of the
14 political subdivision, governing the sale or leasing of similarly
15 owned property.

16 (g) Determine the charges, rentals, or fees for the use of
17 any properties under its control, and the charges for any serv-
18 ices or accommodations, and the terms and conditions under which
19 the properties may be used, which rentals, fees, charges, terms,
20 and conditions shall be equal and uniform for the same type of
21 use provided, services rendered, or accommodations granted with
22 no UNJUST discrimination between users of the same class for like
23 use provided, services rendered, or accommodations granted,
24 except that any charges, rentals, and fees as may be fixed or
25 determined by any lease, contract, agreement, or grant of privi-
26 leges of concessions to which the political subdivision is a
27 party or is the grantor, shall be binding upon all parties for

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

25

1 the full term prescribed in the lease, contract, agreement, or
2 grant unless the same is sooner modified or terminated by mutual
3 consent of the parties. However, the public shall not be
4 deprived of its rightful, equal, and uniform use of such
5 property. Terms, charges, rentals, and fees may vary if neces-
6 sary, to provide security and funds for payment of bonds to be
7 issued as authorized by this act to finance improvements to any
8 airport, or to allow for other differing costs of financing, con-
9 struction of facilities, or maintenance and operation of any such
10 facility. Liens may be attached and enforced by law, as provided
11 in such cases, and their enforcement, for repairs to or improve-
12 ments or storage or care of any personal property, to enforce the
13 payment of the charges.

14 (h) Exercise all powers necessarily incidental to the exer-
15 cise of the general and special powers granted under this
16 section.

17 Sec. 151. (1) The commission may create and establish a
18 state plan for approach protection areas surrounding airports,
19 landing fields, and other aeronautical facilities, by establish-
20 ing standards OF HEIGHT AND USE to which any structure or
21 obstruction, whether natural or human-made, may be erected or
22 maintained within a distance from the boundaries of any airport,
23 landing field or other aeronautical facility necessary for ~~the~~
24 ~~safe landing, take-off or other use of such facilities by air-~~
25 ~~craft operating within this state~~ PUBLIC SAFETY.

26 (2) The airport manager of an airport licensed under this
27 act shall promptly file all of the following with any city,

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

26

1 village, township, or county that is located in whole or in part
2 within the approach protection area:

3 (a) A copy of the airport approach plan for the airport, if
4 any.

5 (b) A copy of the airport layout plan for the airport, if
6 any.

7 (c) A registration of the airport's name and mailing address
8 for the purposes of receipt of notice under section 4 of the city
9 and village zoning act, 1921 PA 207, MCL 125.584, section 9 of
10 the county zoning act, 1943 PA 183, MCL 125.209, or section 9 of
11 the township zoning act, 1943 PA 184, MCL 125.279.

12 (3) The filing under subsection (2) shall be made with the
13 zoning board, zoning commission, or other commission appointed to
14 recommend zoning regulations or, if there is no body exercising
15 the powers of such a commission, with the legislative body of the
16 city, village, township, or county.

17 Sec. 205. ~~Repair station operator lien. Every individual,~~
18 ~~firm or corporation, who regularly, for hire or reward, services,~~
19 ~~repairs, stores or maintains aircraft, shall have a lien upon any~~
20 ~~aircraft so serviced, repaired, stored or maintained, by any of~~
21 ~~them, for the proper charges thereon due; or for gasoline, elec=~~
22 ~~tric current or other accessories and supplies furnished or~~
23 ~~expenses bestowed or labor performed thereon or in connection~~
24 ~~therewith, at the request, or with the consent, of the registered~~
25 ~~owner of the aircraft, whether such owner be a conditional sale~~
26 ~~vendee or a mortgagor remaining in possession or otherwise, in~~
27 ~~accordance with the laws and procedure provided for the~~

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

27

1 ~~establishment and execution of garage keeper's lien, in the state~~
2 ~~of Michigan.~~ A GARAGE KEEPER WHO IN PURSUANCE OF ANY CONTRACT,
3 EXPRESSED OR IMPLIED, WRITTEN OR UNWRITTEN, FURNISHES ANY LABOR,
4 MATERIAL, OR SUPPLIES HAS A LIEN UPON ANY AIRCRAFT STORED, MAIN-
5 TAINED, SUPPLIED, OR REPAIRED BY HIM OR HER FOR THE PROPER
6 CHARGES DUE FOR THE STORAGE, MAINTENANCE, KEEPING, AND REPAIR OF
7 THE AIRCRAFT AND FOR GASOLINE OR AVIATION FUEL, ELECTRIC CURRENT,
8 OR OTHER ACCESSORIES AND SUPPLIES FURNISHED OR EXPENSES BESTOWED
9 OR LABOR PERFORMED ON THE AIRCRAFT AT THE REQUEST OR WITH THE
10 CONSENT OF THE REGISTERED OWNER OF THE AIRCRAFT, WHETHER THE
11 OWNER IS A CONDITIONAL SALE VENDEE OR A MORTGAGOR REMAINING IN
12 POSSESSION OR OTHERWISE. THE GARAGE KEEPER MAY DETAIN THE AIR-
13 CRAFT AT ANY TIME IT IS IN HIS OR HER POSSESSION WITHIN 90 DAYS
14 AFTER PERFORMING THE LAST LABOR OR FURNISHING THE LAST SUPPLIES
15 FOR WHICH THE LIEN IS CLAIMED. THE LIEN, TO THE EXTENT IT IS FOR
16 LABOR AND MATERIAL FURNISHED IN MAKING REPAIRS UPON AN AIRCRAFT,
17 HAS PRIORITY OVER ALL OTHER LIENS UPON THE AIRCRAFT.

18 SEC. 205A. (1) IF THE VEHICLE SUBJECT TO A LIEN UNDER
19 SECTION 1 IS AN AIRCRAFT, THE GARAGE KEEPER'S LIEN SHALL TAKE
20 PRIORITY OVER ANY PRIOR LIEN UNLESS THE PRIOR LIENHOLDER PAYS TO
21 THE GARAGE KEEPER THE AMOUNT OF THE LIEN ATTRIBUTABLE TO LABOR
22 AND MATERIALS, OR THE FOLLOWING APPLICABLE AMOUNT, WHICHEVER IS
23 LESS:

24 (A) \$5,000.00 IN THE CASE OF AN AIRCRAFT THAT HAS A SINGLE
25 ENGINE OF LESS THAN 150 HORSEPOWER.

26 (B) \$10,000.00 IN THE CASE OF AN AIRCRAFT THAT HAS A SINGLE
27 ENGINE OF 150 OR MORE HORSEPOWER.

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

28

1 (C) \$20,000.00 IN THE CASE OF A MULTIENGINE, NONTURBOCHARGED
2 AIRCRAFT, OR AN AIRCRAFT THAT IS RATED AT LESS THAN 6,000 POUNDS
3 MAXIMUM CERTIFICATED GROSS TAKEOFF WEIGHT.

4 (D) \$40,000.00 IN THE CASE OF A MULTIENGINE TURBOCHARGED
5 AIRCRAFT, OR AN AIRCRAFT THAT IS RATED AT 6,000 POUNDS OR MORE
6 MAXIMUM CERTIFICATED GROSS TAKEOFF WEIGHT.

7 (E) \$100,000.00 IN THE CASE OF A TURBOPROP OR TURBOJET
8 AIRCRAFT.

9 (2) A PAYMENT MADE TO A GARAGE KEEPER UNDER SUBSECTION (1)
10 SHALL BE ADDED TO THE AMOUNT OF THE LIEN OF THE PRIOR LIENHOLDER
11 WHO MADE THE PAYMENT, AND SHALL BE SUBTRACTED FROM THE AMOUNT OF
12 THE GARAGE KEEPER'S LIEN.

13 (3) THE GARAGE KEEPER'S LIEN ESTABLISHED IN THIS ACT IS THE
14 SOLE LIEN AVAILABLE TO A GARAGE KEEPER AS TO AN AIRCRAFT, AND THE
15 COMMON LAW GARAGE KEEPER'S LIEN AS TO AN AIRCRAFT IS ABOLISHED.

16 SEC. 205B. (1) IF THE CHARGES DESCRIBED IN SECTION 1 FOR AN
17 AIRCRAFT ARE NOT PAID WHEN DUE, THE GARAGE KEEPER MAY, WITHIN 60
18 DAYS AFTER THE LAST WORK OR SERVICE IS PERFORMED, FILE WITH THE
19 FEDERAL AVIATION ADMINISTRATION AIRCRAFT REGISTRY, A CLAIM OF
20 LIEN, DULY ACKNOWLEDGED, STATING THE NAME AND ADDRESS OF THE LIEN
21 CLAIMANT, THE AMOUNT DUE, AND DESCRIBING THE AIRCRAFT BY MAKE,
22 MODEL, SERIAL NUMBER, AND REGISTRATION NUMBER. IF CHARGES
23 DESCRIBED IN SECTION 1 FOR AN AIRCRAFT ARE NOT PAID WITHIN 60
24 DAYS AFTER A CLAIM OF LIEN TOGETHER WITH AN ITEMIZED STATEMENT OF
25 THE ACCOUNT IS DELIVERED TO THE REGISTERED OWNER OF THE AIRCRAFT
26 BY PERSONAL SERVICE OR SERVICE BY REGISTERED OR CERTIFIED MAIL
27 ADDRESSED TO THE LAST KNOWN ADDRESS OF THE REGISTERED OWNER OF

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541

29

1 THE AIRCRAFT, AND A RECORD OF THE LIEN DESCRIBED ABOVE HAS BEEN
2 FILED WITH THE FEDERAL AVIATION ADMINISTRATION AIRCRAFT REGISTRY,
3 THE GARAGE KEEPER MAY SELL THE AIRCRAFT AT PUBLIC AUCTION. THE
4 SALE SHALL BE HELD NOT LESS THAN 20 DAYS OR MORE THAN 60 DAYS
5 AFTER THE EXPIRATION OF THE 60-DAY PERIOD.

6 (2) NOT LATER THAN 20 DAYS BEFORE ANY SALE IS HELD, THE
7 GARAGE KEEPER SHALL GIVE WRITTEN NOTICE OF THE TIME AND PLACE OF
8 THE SALE TO THE FEDERAL AVIATION ADMINISTRATION AIRCRAFT REGIS-
9 TRY, TO ANY LIENHOLDER AS SHOWN BY THE RECORDS OF THE FEDERAL
10 AVIATION ADMINISTRATION AIRCRAFT REGISTRY, AND TO THE REGISTERED
11 OWNER OF THE AIRCRAFT. NOTICE TO THE FEDERAL AVIATION ADMINIS-
12 TRATION AIRCRAFT REGISTRY AND THE LIENHOLDERS SHALL BE GIVEN BY
13 FIRST-CLASS MAIL, ADDRESSED TO THE FEDERAL AVIATION ADMINISTRA-
14 TION AIRCRAFT REGISTRY, AND TO THE ADDRESS OF THE LIENHOLDERS.
15 NOTICE TO THE REGISTERED OWNER OF THE AIRCRAFT SHALL BE GIVEN
16 PERSONALLY OR BY CERTIFIED MAIL, DIRECTLY TO THE LAST KNOWN
17 ADDRESS OF THE REGISTERED OWNER. NOTICE OF THE TIME AND PLACE OF
18 THE SALE ALSO SHALL BE POSTED IN A CONSPICUOUS PLACE AT THE PLACE
19 OF THE SALE AND AT EVERY AIRPORT WITHIN A 25-MILE RADIUS OF THE
20 PLACE OF THE SALE.

21 (3) THE GARAGE KEEPER MAY BID FOR AND PURCHASE THE AIRCRAFT
22 AT THE SALE. IF THE GARAGE KEEPER DIRECTLY OR INDIRECTLY PUR-
23 CHASES THE AIRCRAFT AT THE SALE, THE PROCEEDS OF THE SALE SHALL
24 BE DETERMINED TO BE EITHER THE AMOUNT PAID BY THE GARAGE KEEPER
25 OR THE FAIR CASH MARKET VALUE OF THE AIRCRAFT AS DETERMINED BY A
26 NEUTRAL AIRCRAFT APPRAISER IMMEDIATELY BEFORE THE TIME OF SALE,
27 WHICHEVER IS THE GREATER.

SB 541, As Passed Senate, February 12, 2002

Senate Bill No. 541 as amended February 12, 2002

30

1 (4) ANY SURPLUS RECEIVED AT THE SALE, AFTER ALL CHARGES OF
2 THE GARAGE KEEPER HAVE BEEN PAID AND SATISFIED AND ALL COSTS OF
3 SALE HAVE BEEN DEDUCTED, SHALL BE RETURNED TO ANY LIENHOLDER WHO
4 HAS A PROPERLY RECORDED SECURITY INTEREST IN THE AIRCRAFT OR PART
5 OF THE AIRCRAFT BEFORE DISTRIBUTION OF THE PROCEEDS OF THE SALE
6 IS COMPLETE, AND THE BALANCE SHALL BE RETURNED TO THE REGISTERED
7 OWNER OF THE AIRCRAFT.

8 Enacting section 1. Sections 10, 10a, 11, 14a, 15, 15a,
9 15b, 16, 17, 17a, 17b, 18, 19, 20, 20a, 20a1, 20b, 20c, 20d,
10 21, 21a, 21b, 21c, 22, 23, 24, 24a, 24b, 25, 25a, 25a1, 25b,
11 25c, 25d, 25e, 86a, 86b, and 86c of the aeronautics code of the
12 state of Michigan, 1945 PA 327, MCL 259.10, 259.10a, 259.11,
13 259.14a, 259.15, 259.15a, 259.15b, 259.16, 259.17, 259.17a,
14 259.17b, 259.18, 259.19, 259.20, 259.20a, 259.20a1, 259.20b,
15 259.20c, 259.20d, 259.21, 259.21a, 259.21b, 259.21c, 259.22,
16 259.23, 259.24, 259.24a, 259.24b, 259.25, 259.25a, 259.25a1,
17 259.25b, 259.25c, 259.25d, 259.25e, 259.86a, 259.86b, and
18 259.86c, are repealed.

19 Enacting section 2. This amendatory act takes effect
20 May 15, 2002.