

AERONAUTICS CODE OF THE STATE OF MICHIGAN (EXCERPT)

Act 327 of 1945

CHAPTER II DEFINITIONS.

259.2 Definitions; A.

Sec. 2. As used in this act:

(a) "Accident" means an event involving an aircraft that is in-flight or taxiing, resulting in death or injury to any person, damage to the aircraft affecting its ability to safely operate, or damage to public property or property of another person.

(b) "Aeronautical facilities" means any device, physical or otherwise, that is an object of nature or that is human-made, that aids and is used in aeronautics.

(c) "Aeronautics" means any act or matter that treats or deals with flight in the airspace.

(d) "Air navigation" means the operation or navigation of aircraft in the airspace over the land and waters of this state.

(e) "Aircraft" means any contrivance used or designed for navigation of or flight in the air.

(f) "Aircraft, civil" means any aircraft other than a public aircraft.

(g) "Aircraft, public" means any aircraft used exclusively in the service of any government or of any political subdivision of a government, including the government of any state, territory, or possession of the United States, or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes.

(h) "Airman" means any individual, including the 1 in command, and any pilot, mechanic, or member of the crew, who engages in the navigation of aircraft while under way, and any individual who is in charge of the inspection, overhauling, or repair of aircraft, and any individual who serves in the capacity of aircraft dispatcher or air traffic control tower operator.

(i) "Airport" means any location, either on land or water, that is used for the landing or take-off of aircraft, and includes the buildings and facilities, if any, on that location.

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

(k) "Airport layout plan" means a plan, or an amendment to a plan, that shows current or proposed layout of an airport and that is approved by the commission.

(l) "Airport manager" means any individual who is properly appointed and designated by the airport owner as the airport manager, and who is responsible for the supervision and operation of the airport to the airport owner.

(m) "Airspace approval" means that approval issued by the appropriate federal authority pertaining to the safe and efficient use of airspace by aircraft for an established or proposed airport or landing field.

(n) "Airspace, navigable" means airspace at and above the minimum flight altitudes prescribed in the federal air regulations including airspace needed for safe takeoff and landing.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.2;—Am. 1996, Act 370, Imd. Eff. July 3, 1996;—Am. 2002, Act 35, Eff. May 15, 2002.

259.3 Definitions; B to D.

Sec. 3. As used in this act:

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

(b) "Commercial activity or operations" means an activity or operation such as the sale of gasoline or oil, the soliciting or engaging in charter flying or flight instruction, the provision of shelter or the tie-down of an aircraft, the overhaul or repair of an aircraft or of engines, or other activity or operation that offers aeronautic facilities or services to the public.

(c) "Commission" means the Michigan aeronautics commission.

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

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

(f) "Department" means the state transportation department, bureau of aeronautics.

(g) "Director" means the deputy director of the department, bureau of aeronautics who is the director of the Michigan aeronautics commission.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.3;—Am. 1996, Act 370, Imd. Eff. July 3, 1996;—Am. 2002, Act 35, Eff. May 15, 2002.

259.4 Definitions; F, G.

Sec. 4. As used in this act:

(a) "Flight instructor" means any person who possesses a valid flight instructor certificate or other airman certificate issued by the federal aviation administration authorizing that individual to instruct in aircraft.

(b) "Flight school" means any person providing or offering to provide flight training leading to pilot or flight instructor certification, for hire or compensation, and engaged in any of the following:

(i) Advertising or calling oneself a flight school or anything equivalent to a flight school.

(ii) Hiring, contracting, or otherwise using 1 or more flight instructors in an endeavor described in this section.

(c) "Flying club" means any group of persons owning, leasing, or operating 1 or more aircraft, not for profit or reward, and using the aircraft for the purpose of providing its members with an aircraft for their personal use and enjoyment.

(d) "Fuel" means any gasoline, distillate, benzine, naphtha, benzol, or other volatile and inflammable liquid produced, compounded, and used for propelling aircraft.

(e) "Garage keeper" means any person who, for hire or reward, publicly offers to store, maintain, keep, or repair aircraft or any accessory used in the operation of aircraft and to furnish accessories and supplies for aircraft or any accessory used in the operation of aircraft.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.4;—Am. 1996, Act 370, Imd. Eff. July 3, 1996;—Am. 2002, Act 35, Eff. May 15, 2002.

Former law: See section 1 of Act 63 of 1931.

259.5 Definitions; H, I.

Sec. 5. As used in this act:

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

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

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

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

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

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

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

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

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.5;—Am. 1996, Act 370, Imd. Eff. July 3, 1996;—Am. 2002, Act 35, Eff. May 15, 2002.

259.6 Definitions; L to O.

Sec. 6. As used in this act:

(a) "Landing area" means an area of an airport, landing field, or other aeronautical facility used or intended for use in landing, taking off, or taxiing of aircraft, excluding area and facilities for shelter, servicing, or repair of aircraft or for receiving or discharging passengers or cargo.

(b) "Landing field" means any location, either on land or water, that is used for the landing or take-off of aircraft.

(c) "Manufacturer" means a person engaged in the business of manufacturing aircraft, aircraft engines, propellers, component parts, appliances, or accessories.

(d) "Nonresident" means a person who is not a resident of this state.

(e) "Operation of aircraft" or "operate aircraft" means the use of aircraft for the purpose of air navigation,

including the navigation or piloting of aircraft. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control in the capacity of owner, lessee, or otherwise, of the aircraft, is engaging in the operation of aircraft.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.6;—Am. 1996, Act 370, Imd. Eff. July 3, 1996;—Am. 2002, Act 35, Eff. May 15, 2002.

259.7 Definitions; P to R.

Sec. 7. As used in this act:

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

(b) "Political subdivision" means a county, city, village, or township of this state, and any other political subdivision, public corporation, authority, or district in this state that is or may be authorized by law to acquire, establish, construct, maintain, improve, and operate airports, landing fields, and other aeronautical facilities.

(c) "Private landing area" means any location, either on land or water, that is used for the takeoff or landing of aircraft and the use of which is restricted to the owner or persons authorized by the owner. Notwithstanding any existing limitation or regulation to the contrary, the owner and any person authorized by the owner has the right to use the private landing area. Commercial operations shall not be conducted on a private landing area.

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

(e) "Qualified airport" means that term as defined in section 109.

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

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.7;—Am. 1996, Act 370, Imd. Eff. July 3, 1996;—Am. 2002, Act 35, Eff. May 15, 2002;—Am. 2015, Act 261, Eff. Mar. 22, 2016.

Former law: See section 1 of Act 177 of 1929, being CL 1929, § 4801; Act 53 of 1931; and Act 264 of 1939.

259.8 Definitions; S.

Sec. 8. As used in this act:

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

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

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

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

(i) One hundred feet for basic utility airports.

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

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.8;—Am. 1996, Act 370, Imd. Eff. July 3, 1996;—Am. 2002, Act 35, Eff. May 15, 2002.

259.9 Definitions; T to V.

Sec. 9. As used in this act:

(a) "Taxi" means the moving of an aircraft under its own power either on the ground or on the surface of the water, prior to the beginning of the take-off run and after the end of the landing run.

(b) "Temporary commercial operations" means any commercial operation conducted for a period not to exceed 120 days per calendar year.

(c) "Ultralight" means an aircraft meeting requirements of 14 C.F.R. part 103.

(d) "Vehicle" means any device in, upon, or by which a person or property is or may be transported, except an aircraft.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.9;—Am. 1996, Act 370, Imd. Eff. July 3, 1996;—Am. 2000, Act 382, Imd. Eff. Jan. 2, 2001;—Am. 2002, Act 35, Eff. May 15, 2002.

Former law: See section 1 of Act 177 of 1929, being CL 1929, § 4801; Act 53 of 1931; and Act 264 of 1939.

259.10a, 259.11 Repealed. 2002, Act 35, Eff. May 15, 2002.

Compiler's note: The repealed sections pertained to “airport manager,” “airspace approval,” and “airspace, navigable” defined.

259.12-259.14 Repealed. 1996, Act 370, Imd. Eff. July 3, 1996.

Compiler's note: The repealed sections pertained to “airspace reservations,” “aviation instructor,” and “aviation school” defined.

259.15, 259.15a Repealed. 2002, Act 35, Eff. May 15, 2002.

Compiler's note: The repealed sections pertained to definitions of certain terms.

259.15b Repealed. 1996, Act 370, Imd. Eff. July 3, 1996.

Compiler's note: The repealed section pertained to “decal plate” defined.

259.16-259.22 Repealed. 2002, Act 35, Eff. May 15, 2002.

Compiler's note: The repealed sections pertained to definitions of certain terms.

259.22a Repealed. 1996, Act 370, Imd. Eff. July 3, 1996.

Compiler's note: The repealed section pertained to “operation under certificate of public convenience and necessity” defined.

259.23-259.25e Repealed. 2002, Act 35, Eff. May 15, 2002.

Compiler's note: The repealed sections pertained to definitions of certain terms.