

AERONAUTICS CODE OF THE STATE OF MICHIGAN (EXCERPT)

Act 327 of 1945

CHAPTER V

REGULATION OF AIRCRAFT, AIRMEN, AIRPORTS AND AIR INSTRUCTION.

259.76 Registration of aircraft generally.

Sec. 76. (1) An aircraft tied down, moored, hangared, or based within this state and the number assigned to that aircraft by the federal aviation administration shall be registered annually with the commission and a registration fee paid. An aircraft shall not be issued a state registration certificate when it does not have a valid and effective registration certificate as issued by the federal aviation administration or a foreign government.

(2) An aircraft shall be subject to the registration provisions of this act except when it is 1 of the following:

(a) An aircraft engaged in scheduled passenger service flying in interstate or foreign commerce or in that part of interstate or foreign commerce which is intrastate in character, and operating exclusively under the provisions of a federal certificate issued under 14 CFR Part 121.

(b) An aircraft owned by the United States government.

(c) An aircraft of a resident of another state or an aircraft of a resident of this state that is tied down, moored, hangared, or based within another state, having complied with the registration requirements of that state, and operating within this state for a period of not more than 90 days in a calendar year. This aircraft shall not engage in intrastate commercial activity within this state.

(d) Aircraft owned by or registered to the United States, aircraft of the civil air patrol, or aircraft licensed by a foreign country with which the United States has reciprocal relations. This aircraft shall not engage in commercial activity within this state.

(e) An aircraft which, in the opinion of the commission, is in a condition that would reasonably preclude its operation during the registration period.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.76;—Am. 1962, Act 193, Eff. Mar. 28, 1963;—Am. 1976, Act 191, Imd. Eff. July 8, 1976;—Am. 1988, Act 391, Imd. Eff. Dec. 22, 1988.

Former law: See section 2 of Act 63 of 1931; Act 169 of 1933; and Act 265 of 1939.

259.76a Operation of aircraft; registration required; registration certificate; application forms; fees.

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

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

(3) An application for registration shall be made on forms provided by the commission, and shall be signed and sworn to by the applicant. The registration shall be issued subject to approval of the commission. Fees shall be paid to the commission in the form of cash paid in person or in the form of a check, money order, or bank draft made payable to the state of Michigan.

History: Add. 1976, Act 191, Imd. Eff. July 8, 1976;—Am. 1996, Act 370, Imd. Eff. July 3, 1996.

259.77 Application for renewal registration; execution and return; payment of registration fee; expiration of registration; registration fee in lieu of property taxes; rate of registration fee; penalty for failure to register or pay registration fee; waiver of penalty; postmark date as date of payment.

Sec. 77. (1) If an aircraft is registered under this act, the commission shall send an application for renewal registration to the owner of the aircraft on or after November 1 preceding the year to be designated on the registration. The registration application shall be executed and returned to the commission with payment of the registration fee as provided by this section before the expiration date of the prior registration. If an owner of an aircraft fails to receive a registration application form by December 1, he or she shall inform the commission.

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

(3) A registration fee shall be payable annually on or before December 31. However, for an aircraft being

registered for the first time, a registration certificate issued after July 1 shall be issued at the rate of 50% of the annual fee. All aircraft registrations shall expire on January 1 of each year.

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

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

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

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

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

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.77;—Am. 1962, Act 193, Eff. Mar. 28, 1963;—Am. 1976, Act 191, Imd. Eff. July 8, 1976;—Am. 1988, Act 391, Imd. Eff. Dec. 22, 1988;—Am. 1996, Act 370, Imd. Eff. July 3, 1996.

Former law: See section 2 of Act 63 of 1937; Act 169 of 1933; and Act 265 of 1939.

259.78 Sale, transfer, or assignment of interest in aircraft; transfer fee.

Sec. 78. When the owner of a registered aircraft sells, transfers, or assigns his or her interest thereto, the registration certificate issued for that aircraft shall be returned to the commission within 15 days together with the date and place of sale, transfer, or assignment, the value received, and the name and residence of the purchaser, transferee, or assignee. Within 15 days the purchaser, transferee, or assignee shall apply for the transfer of the registration certificate, if the aircraft remains subject to registration as defined in this act. The fee for the transfer of the registration certificate shall be \$5.00.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.78;—Am. 1976, Act 191, Imd. Eff. July 8, 1976;—Am. 1988, Act 391, Imd. Eff. Dec. 22, 1988.

Former law: See section 2 of Act 63 of 1931; Act 169 of 1933; and Act 265 of 1939.

259.79 Carrying or display of registration certificate or assigned number; exception.

Sec. 79. (1) The state registration certificate issued by the commission shall be carried in the aircraft at all times. Each aircraft shall display the number assigned to it by the United States or a foreign country.

(2) A person shall not carry or display upon an aircraft a registration certificate not issued for the aircraft or not otherwise lawfully used on the aircraft.

(3) Historic or restored aircraft or an authentic replica of a historic aircraft are not required to display any external state-required registration markings.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.79;—Am. 1962, Act 193, Eff. Mar. 28, 1963;—Am. 1976, Act 191, Imd. Eff. July 8, 1976;—Am. 1996, Act 370, Imd. Eff. July 3, 1996.

Former law: See section 2 of Act 63 of 1931; Act 169 of 1933; and Act 265 of 1939.

259.79a Aircraft inspection; access.

Sec. 79a. The commission may cause an aircraft to be inspected at any time to determine its compliance with the registration requirements of this act. The owner, operating agency, or airman shall give the inspector or officer representing the commission unhindered and uninterrupted access to the aircraft and to the shelter or field where the aircraft is located in order to conduct the inspection provided for in this section.

History: Add. 1996, Act 370, Imd. Eff. July 3, 1996.

259.80 Operation of aircraft; airworthiness requirements; operating limitations; waiver.

Sec. 80. (1) A person shall not operate nor an owner knowingly permit to be operated except as provided in this chapter, an aircraft which does not meet the airworthiness requirements of the United States or a foreign country.

(2) A person shall not operate nor shall an owner knowingly permit to be operated except as provided in this chapter an aircraft when the operation is in violation of the operating limitations of that aircraft as specified by the United States or a foreign country.

(3) This section does not apply to aircraft operated in conformance with the terms of a waiver issued by the appropriate federal authority.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.80;—Am. 1962, Act 193, Eff. Mar. 28, 1963;—Am. 1976, Act 191, Imd. Eff. July 8, 1976;—Am. 1996, Act 370, Imd. Eff. July 3, 1996.

Imd. Eff. July 8, 1976.

Former law: See section 2 of Act 63 of 1931; Act 169 of 1933; and Act 265 of 1939.

259.80a Prohibited conduct.

Sec. 80a. (1) A person shall not navigate an aircraft over; land upon; or fly from; or service, maintain, or repair an aircraft or an airport, landing field, or other aeronautical facility; or conduct an aircraft operation from an airport, landing field, or other aeronautical facility in this state except in conformity with this act.

(2) A person shall not use a licensed aeronautical facility as a base or terminal for a commercial activity without first securing a written agreement from the airport manager or his or her designated representative and paying the fees and charges prescribed.

(3) An airport manager or his or her designated representative at all times may take such action authorized by law as may be necessary in the handling, conduct, and management of the public in attendance at the licensed aeronautical facility.

(4) A person dealing, at wholesale or retail, in aviation fuel shall acquire and dispense the fuel in accordance with the laws of this state. A person shall not dispense fuels of different octane from the same pump.

History: Add. 1996, Act 370, Imd. Eff. July 3, 1996.

259.80b Conformance with standard traffic patterns recommended by federal air regulations; exceptions; flying aircraft acrobatically; payment of storage, repair, and supply charges; responsibility for safe operation; report of accident; distance requirements.

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

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

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

(2) Aircraft shall conform with properly established local noise abatement procedures.

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

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

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

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

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

(8) A person shall not fly an aircraft within 500 feet (153 meters) of another aircraft, except by prearrangement of each aircraft's pilot in command.

History: Add. 1996, Act 370, Imd. Eff. July 3, 1996.

259.80c Disposal of wrecked aircraft; report by participants in accident; admission of investigations or hearings as evidence; testimony as expert witness.

Sec. 80c. (1) An aircraft owner, pilot, or authorized agent is responsible for the prompt disposal of a wrecked aircraft and its parts to avoid interference with aircraft operations, unless specifically directed by the airport manager, commission, state police, or appropriate federal agency to delay removal pending investigation.

(2) Participants in an accident at or near a licensed aeronautical facility shall report to the airport manager or responsible authorities as soon after an accident as possible, furnishing their names, addresses, and rendering required reports.

(3) Reports of investigations or hearings, or any part of investigations or hearings, shall not be admitted in evidence or used for any purpose pertaining to a matter referred to in an investigation, hearing, or report, except in case of criminal or other proceedings in behalf of the commission.

(4) An officer or employee of the commission or the state transportation department shall not be required to testify as an expert witness in an action involving an aircraft.

History: Add. 1996, Act 370, Imd. Eff. July 3, 1996.

259.80d Landing aircraft.

Sec. 80d. (1) An aircraft shall not land, except in an emergency, on private property, other than upon recognized landing areas, unless express permission is secured from the owner or lessee.

(2) A person shall not land an aircraft on a public highway, except in an emergency. A person shall not operate an aircraft on a public highway unless traffic is controlled by law enforcement officials. Lighter-than-air and emergency evacuation aircraft may take off and land on any public highway with prearranged traffic control.

History: Add. 1996, Act 370, Imd. Eff. July 3, 1996.

259.80e Locations for flying of aircraft; limitations; altitude.

Sec. 80e. (1) Except when necessary for takeoff or landing, an aircraft shall not be flown at the following locations:

(a) Over any congested area of a city or village at an altitude below that which, if a power unit fails, will permit an emergency landing without undue hazard to persons or property on the surface, and in no case less than 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet from the aircraft.

(b) Over any other area at an altitude of less than 500 feet (153 meters) above the surface, except over open water or sparsely populated areas, in which case the aircraft shall not be operated less than 500 feet from any person, vessel, vehicle, or structure.

(2) A helicopter may be flown at altitudes less than the minimums prescribed in subsection (1), if the operation is conducted without hazard to persons or property on the surface.

History: Add. 1996, Act 370, Imd. Eff. July 3, 1996.

259.80f Possessing, carrying, or attempting to possess certain items in sterile area of airport; prohibitions; violations; penalties; exceptions; other violations; consecutive terms of imprisonment; definitions.

Sec. 80f. (1) An individual shall not possess, carry, or attempt to possess or carry any of the following in a sterile area of a commercial airport:

- (a) Firearm.
- (b) Explosive.
- (c) Knife with a blade of any length.
- (d) Razor, box cutter, or item with a similar blade.
- (e) Dangerous weapon.

(2) Except as provided in subsection (3), an individual who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(3) An individual who violates subsection (1) while doing any of the following is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$10,000.00, or both:

- (a) Getting on or attempting to get on an aircraft.
- (b) Placing, attempting to place, or attempting to have placed on an aircraft an item listed in subsection (1).
- (c) Committing or attempting to commit a felony.
- (4) This section does not apply to any of the following:

(a) A peace officer of a duly authorized police agency of this state, a political subdivision of this state, another state, a political subdivision of another state, or the United States.

(b) An individual regularly employed by the department of corrections and authorized in writing by the director of the department of corrections to possess or carry an item listed in subsection (1) during the performance of the individual's duties or while going to or returning from the individual's duties.

(c) A member of the United States Army, Air Force, Navy, Marine Corps, Space Force, or Coast Guard while possessing or carrying an item listed in subsection (1) in the line of duty.

(d) A member of the national guard, armed forces reserves, or other duly authorized military organization while on duty or drill or while possessing or carrying an item listed in subsection (1) for purposes of that military organization.

(e) Security personnel employed to enforce federal regulations for access to a sterile area.

(f) A court officer while engaged in the court officer's duties as authorized by a court.

(g) An airline or airport employee as authorized by the employee's employer.

(5) This section does not prohibit the individual from being charged with, convicted of, or punished for any other violation of law committed by that individual while violating this section.

(6) A term of imprisonment imposed under this section may be served consecutively to any other term of imprisonment imposed for a violation of law arising out of the same transaction.

(7) As used in this section:

(a) "Commercial airport" means an airport that has regularly scheduled commercial flights to and from other destinations.

(b) "Felony" means that term as defined in section 1 of chapter I of the code of criminal procedure, 1927 PA 175, MCL 761.1, or a violation of a law of the United States that is designated as a felony or that is punishable by death or by imprisonment for more than 1 year.

(c) "Sterile area" means a portion of an airport defined in an airport security program approved by the Transportation Security Administration under 49 CFR 1542.101 that provides passengers access to boarding aircraft and to which the access generally is controlled by the Transportation Security Administration, or by an aircraft operator under 49 CFR part 1544 or a foreign air carrier under 49 CFR part 1546, through the screening of individuals and property.

History: Add. 2001, Act 225, Eff. Apr. 1, 2002;—Am. 2023, Act 219, Eff. Feb. 13, 2024.

259.80g Operation of ultralight.

Sec. 80g. (1) A person shall not operate an ultralight in a manner that creates a hazard to other persons or property.

(2) A person shall not allow an object to be dropped from an ultralight if it creates a hazard to other persons or property.

(3) A person shall not operate an ultralight between sunset and sunrise. Each person operating an ultralight shall maintain vigilance so as to see and avoid aircraft and shall yield the right-of-way to all aircraft.

(4) A person shall not operate an ultralight in a manner that creates a collision hazard with any other aircraft.

(5) A powered ultralight shall yield the right-of-way to an unpowered ultralight.

(6) A person shall not operate an ultralight over any congested area of a city, town, or settlement, or over an open air assembly of persons.

(7) Notwithstanding subsection (3), an ultralight may be operated up to 30 minutes before sunrise or 30 minutes after sunset if both of the following apply:

(a) The ultralight is equipped with an operating anticollision light visible for at least 3 statute miles.

(b) The ultralight is operating in uncontrolled airspace as defined by federal regulations.

History: Add. 2002, Act 35, Eff. May 15, 2002.

259.80h Seaplane base; takeoff and landing distance.

Sec. 80h. A seaplane operator conducting commercial operations shall assure that the seaplane base used for takeoff or landing has sufficient takeoff and landing distance for the operation being conducted as specified by the manufacturer's operating limitations for the aircraft being operated.

History: Add. 2002, Act 35, Eff. May 15, 2002.

259.81 Repealed. 1996, Act 370, Imd. Eff. July 3, 1996.

Compiler's note: The repealed section pertained to inspection of aircraft.

259.82 Dealer's license; application; fee; form; signature; statement; expiration; renewal; display; record; report; general registration numbers for manufacturer and dealer aircraft; issuance, charge, and display; sale or exchange of aircraft subject to registration; application for registration; dismantling or wrecking registered aircraft; cancellation, revocation, or suspension of license.

Sec. 82. (1) A person shall not engage in the business of buying, selling, brokering, or dealing in aircraft of a type required to be registered, unless he or she has received a license from the commission.

(2) An application for a dealer's license shall be accompanied by a \$25.00 license fee and shall be submitted on the appropriate form furnished by the commission. Applications shall be signed and accompanied by a sworn statement containing the information required by the commission to determine whether the applicant is lawfully entitled to the license.

(3) A license granted under subsection (1) expires on January 1 of each calendar year and may be renewed upon application and payment of the required fee. The commission may issue a 1/2-year license for the balance of the current year if application is made after July 1 upon payment of 1/2 of the fee.

(4) A dealer or manufacturer shall display a dealer's license in a prominent location at his or her place of business.

(5) A licensee shall maintain a record, to be open to inspection by any law enforcement officer or authorized officer or investigator of the commission, of every aircraft subject to registration which is bought, sold, exchanged, received, or accepted by the licensee for sale or exchange. A licensee shall submit a report to the commission of aircraft sold to a resident of another state and include the notice of sale or transfer and the registration certificate, if any.

(6) The commission shall issue to aircraft manufacturers, aircraft engine manufacturers, and dealers a distinctive general registration number for each aircraft owned or controlled by them. These aircraft shall not be used except for demonstration, for sale, for ferrying, or for testing. General registration numbers for manufacturer and dealer aircraft shall be issued annually under the same conditions as registration certificates and a \$5.00 charge made for the general registration numbers for manufacturer and dealer aircraft. The general registration number issued to a manufacturer or dealer shall be displayed in the aircraft at all times.

(7) A manufacturer or dealer selling or exchanging aircraft subject to registration, before delivering an aircraft to the purchaser, shall apply to the commission for aircraft registration, and the purchaser shall sign the application for registration and other necessary papers to enable the manufacturer or dealer to apply to the commission.

(8) A dealer dismantling or wrecking any registered aircraft shall forward the registration certificate for that aircraft to the commission within 15 days for cancellation.

(9) The commission may cancel, revoke, or suspend the dealer's license for failure to comply with this section.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.82;—Am. 1976, Act 191, Imd. Eff. July 8, 1976;—Am. 1996, Act 370, Imd. Eff. July 3, 1996.

Former law: See section 2 of Act 63 of 1931; Act 169 of 1933; and Act 265 of 1939.

259.83 Operation of civil aircraft; federal airman certification requirements; compliance required.

Sec. 83. (1) A person shall not operate a civil aircraft over or upon the lands and waters of this state unless he or she is complying with the federal airman certification requirements under the code of federal regulations.

(2) A person who violates subsection (1) is guilty of a crime as follows:

(a) For a first violation, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(b) For a second violation within 5 years of the first violation, the person is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$1,000.00, or both.

(c) For a third or subsequent violation within 5 years of the second or subsequent violation, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$5,000.00, or both.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.83;—Am. 1962, Act 193, Eff. Mar. 28, 1963;—Am. 1976, Act 191, Imd. Eff. July 8, 1976;—Am. 1996, Act 370, Imd. Eff. July 3, 1996;—Am. 2002, Act 35, Eff. May 15, 2002.

Former law: See section 4 of Act 63 of 1931; Act 265 of 1939.

259.83a Flight operations requiring federal aviation regulation air carrier or commercial operator's certification.

Sec. 83a. (1) A person holding a valid federal air carrier operating certificate or commercial operator's certificate shall not conduct flight operations in violation of that certificate.

(2) A person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$1,000.00, or both.

History: Add. 2002, Act 35, Eff. May 15, 2002.

259.83b Flight operations; prohibition; violation.

Sec. 83b. (1) A person shall not conduct flight operations requiring a federal aviation regulation air carrier or commercial operator's certification without first having been issued a valid federal aviation regulation air carrier or operating certificate or valid commercial operator's certificate.

(2) A person who violates subsection (1) is guilty of a crime as follows:

(a) For a first violation, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$5,000.00, or both.

(b) For a second violation within 5 years after the first violation, the person is guilty of a felony punishable

by imprisonment for not less than 1 year or more than 5 years or a fine of not less than \$5,000.00 or more than \$50,000.00, or both.

(c) For a third or subsequent violation within 5 years after a conviction for a violation of this section, the person is guilty of a felony punishable by imprisonment for not less than 4 years or more than 10 years or a fine of not less than \$10,000.00 or more than \$100,000.00, or both.

History: Add. 2002, Act 35, Eff. May 15, 2002.

259.84 Repealed. 1996, Act 370, Imd. Eff. July 3, 1996.

Compiler's note: The repealed section pertained to applicability of MCL 259.83.

259.84a Registration of aircraft; cancellation, revocation, or suspension; grounds; notice and hearing.

Sec. 84a. After notice and opportunity for the person to be heard, the commission may cancel, revoke, or suspend the registration of an aircraft if any of the following occur:

- (a) The commission is satisfied that the registration was fraudulently or erroneously issued.
- (b) The commission determines that the licensee has made or is making unlawful use of his or her registration certificate.
- (c) An aircraft has been dismantled or wrecked.
- (d) A registration certificate other than the 1 issued for that aircraft is knowingly carried within the aircraft.
- (e) The commission is authorized under any other provision of this act.
- (f) It is shown by satisfactory evidence that delivery of an aircraft in the possession of a dealer was not made to the applicant registered under this act.

History: Add. 1976, Act 191, Imd. Eff. July 8, 1976;—Am. 1996, Act 370, Imd. Eff. July 3, 1996.

259.85 Flight school.

Sec. 85. (1) A person shall not operate a flight school in this state unless the person holds an annual license issued by the commission.

(2) Upon receipt of an application and a \$25.00 license fee from a flight school, the commission shall review the qualifications of the applicant.

(3) Unless surrendered, suspended, or revoked before this date, a flight school license expires 1 year from date of issuance or upon the sale or transfer by the owner of property, equipment, or franchise of the flight school.

(4) The annual flight school license renewal fee is \$10.00 and is payable from the original date of issuance. An applicant shall file an initial application and pay the initial application fee if a license is not renewed before its expiration.

(5) A change in the name of the flight school, without change in ownership, does not void a current license if the owner of the flight school notifies the commission in writing within 15 days of the change. Upon receipt of notification under this subsection, the commission shall issue a license under the new name with the same expiration date as the license previously issued.

(6) A flight school operating facilities at more than 1 aeronautical facility shall obtain a license for each location.

(7) The flight school license shall be posted in the principal office of the flight school where it may be readily observed by the general public.

(8) A flight school shall at all times conduct itself in accordance with all applicable federal, state, and local laws and statutes.

(9) A flight school shall be operated from an airport properly licensed by the commission.

(10) A flight school operator shall obtain from the airport manager a written agreement to operate commercially from the airport at which the flight school is based.

(11) Each flight school student shall be advised in writing at the time of enrollment of the type and amount of insurance coverage provided for each aircraft used by the flight school.

(12) A flight school shall provide a suitable space of permanent nature that is properly heated, lighted, and ventilated to accommodate flight school students and to house adequate equipment necessary to properly conduct business matters and to prepare and preserve business records. The facilities described in this subsection shall be located at the licensed airport site.

(13) Each aircraft to be used for purposes of flight instruction at a flight school shall comply with all of the following:

- (a) Possess a valid airworthiness certificate issued by the federal aviation administration.
- (b) Be properly registered with the commission.

(c) Have the equipment and performance characteristics appropriate to the curriculum and to the airport to be used.

(14) All aircraft used in any flight school operation shall be operated in accordance with federal aviation administration maintenance regulations and standards. Adequate records shall be kept by the school to demonstrate performance of all required items of maintenance. The maintenance status of each aircraft, including discrepancies, shall be displayed by the school in a manner adequate to determine compliance.

(15) A flight school shall have a flight instructor available to dispatch and supervise each student pilot solo flight.

(16) A flight school shall have a written curriculum, including lesson plans, adequate to properly qualify the student to complete the particular course for the certificate or rating sought. A flight school shall also include lessons pertaining to Michigan laws relating to aviation and this act.

(17) A flight school shall make available to students current texts and reference material pertaining to the certificate or rating sought.

(18) A flight school shall provide adequate instruction to properly qualify a student completing its courses for the appropriate federal aviation administration examination covering the grade of certificate or rating sought.

(19) A flight school shall maintain training records adequate to show each student's progress and level of completion relative to the course of instruction in which the student is enrolled. These records shall be made available for inspection by any authorized representative of the commission.

(20) A copy of the airport and flight school regulations shall be made available to the students enrolled in the school for information and guidance.

(21) A flight school shall designate a practice area.

(22) A flight school or its representatives and instructors shall not make false claims of any kind pertaining to either flight training or employment following flight training. Only a licensed flight school may advertise flight instruction.

(23) A flight school accepting prepayment equal to or in excess of \$1,000.00 shall file with the commission a corporate surety bond payable to the state of Michigan in the sum of \$5,000.00 conditioned on the faithful performance of all contracts and agreements with students made by the flight school or its agent. The aggregate liability for the surety for all breaches of conditions of the bond shall not exceed the principal sum of \$5,000.00. The surety of any bond may cancel the bond upon giving 60 days' notice in writing to the commission and the flight school. If a bond is canceled in compliance with this subsection, the surety is relieved of liability for any breach of conditions occurring after the effective date of cancellation.

(24) A flight school shall implement a security program, acceptable to the commission, designed to limit aircraft accessibility and ensure the security of those aircraft on the ground that are used by the flight school.

(25) The security program described in subsection (24) shall include 1 or more of the following:

(a) Procedures for positive identification of a student pilot or renter pilot as a precondition to allowing access to aircraft.

(b) Procedures for control of aircraft ignition keys that prevent operation of an aircraft by a student pilot that is not in the presence of or under the authorization of a flight instructor or other authorized individual.

(c) Instructional procedures that ensure close student pilot supervision.

(26) The security program described in subsection (24) shall include all of the following:

(a) A requirement that the student present a federal aviation administration student medical certificate and student pilot certificate as a predicate to enrollment in the flight school. For purposes of this subdivision, enrollment is considered a flight instructor endorsement to operate an aircraft at a time during which the student is the sole occupant of the aircraft.

(b) Instructional materials that identify and offer examples of types of suspicious activity at or in proximity to an airport and that advise students and renter pilots of the means to report such activity to local law enforcement officials and appropriate federal authorities.

(c) The prominent display of signs requesting pilots to report suspicious activity at or in proximity to an airport. The signs must provide telephone numbers of local law enforcement officials and appropriate federal authorities.

(27) The requirements for a flight school set out in this section are conditions of the license. Failure to comply with any of these requirements is grounds for revocation of a flight school's license.

(28) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not less than \$100.00 or more than \$500.00, or both, together with costs of the prosecution.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.85;—Am. 1996, Act 370, Imd. Eff. July 3, 1996;—Am. 2002, Act

258, Eff. May 22, 2002;—Am. 2003, Act 133, Imd. Eff. Aug. 1, 2003.

Former law: See section 2 of Act 177 of 1929; being CL 1929, § 4802; Act 53 of 1931; Act 264 of 1939; section 3 of Act 177 of 1929, being CL 1929, § 4803.

259.85a Repealed. 2003, Act 133, Imd. Eff. Aug. 1, 2003.

Compiler's note: The repealed section pertained to criminal history, records check, and fingerprinting as conditions to enrollment in flight school.

259.86 Airport manager; license; fee; expiration; approval of aeronautical facilities; license of approval; requirements; fee in lieu of real property taxes; temporary field permits; statement describing approach clear zones and transitional surface areas.

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

(2) All airports, landing fields, and other aeronautical facilities, except those owned or operated by the United States government, before operating as such, shall be approved by the department.

(3) The department shall issue annually a license of approval in each case and charge an annual fee not in excess of \$100.00. The fee shall be in lieu of all real property taxes on the landing area and improvements to the landing area to the extent permitted by section 7y of the general property tax act, 1893 PA 206, MCL 211.7y.

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

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

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

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.86;—Am. 1962, Act 193, Eff. Mar. 28, 1963;—Am. 1969, Act 288, Imd. Eff. Aug. 11, 1969;—Am. 1982, Act 466, Imd. Eff. Dec. 30, 1982;—Am. 1996, Act 370, Imd. Eff. July 3, 1996;—Am. 2002, Act 35, Eff. May 15, 2002.

Former law: See section 2 of Act 177 of 1929, being CL 1929, § 4802; Act 53 of 1931; Act 264 of 1939; and section 3 of Act 177 of 1929, being CL 1929, § 4803.

259.86a-259.86c Repealed. 2002, Act 35, Eff. May 15, 2002.

Compiler's note: The repealed sections pertained to categories of licensed aeronautical facilities and appointment and duties of airport manager.

259.87 Airports and facilities; rejection of application for permission to operate.

Sec. 87. (1) In any case in which the department rejects an application for permission to operate an airport, landing field, or other aeronautical facility, or in any case where the department shall issue any order requiring certain things to be done, it shall set forth its reasons for the order and shall state the requirements to be met before approval will be given. In any case in which the department considers it necessary, the department may order the closing of any airport, landing field, or other aeronautical facility, until compliance is made with the requirements ordered by the department.

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

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.87;—Am. 2002, Act 35, Eff. May 15, 2002.

Former law: See section 4 of Act 177 of 1929, being CL 1929, § 4804; Act 53 of 1931.

259.87a Certificate of approval; registration; fee.

Sec. 87a. Each certificate of approval of an airport, landing field, or other aeronautical facility shall be registered annually, and the department is authorized to establish a reasonable fee in accordance with issued rules and regulations.

History: Add. 2002, Act 35, Eff. May 15, 2002.

259.88 Repealed. 1996, Act 370, Imd. Eff. July 3, 1996.

Compiler's note: The repealed section pertained to annual registration of airports and facilities.

259.89 Private use landing areas.

Sec. 89. Sections 86 and 87a do not apply to landing areas designated and operated for private use if commercial operations are not performed on the landing areas. A landing area for private use shall not be established, without commission approval, within 5 nautical miles of a public use facility certified by the commission or that would violate section 87.

History: 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.89;—Am. 1969, Act 288, Imd. Eff. Aug. 11, 1969;—Am. 1996, Act 370, Imd. Eff. July 3, 1996;—Am. 1998, Act 81, Eff. July 17, 1998;—Am. 2002, Act 35, Eff. May 15, 2002.

259.89a Ultralight or balloon use; landing areas.

Sec. 89a. Sections 86 and 87a do not apply to landing areas designated and operated for the exclusive use of either ultralights or balloons. A landing area for ultralight or balloon use shall not be established, without commission approval, within 5 nautical miles of a public use facility certified by the commission. For the purposes of this section, "established" means any facility that is used or intended to be used for the operation of balloons or ultralights more than 10 times in any 12-month period.

History: Add. 2002, Act 35, Eff. May 15, 2002.

259.90 Repealed. 1996, Act 370, Imd. Eff. July 3, 1996.

Compiler's note: The repealed section pertained to emergency public use.

259.91 Flying club.

Sec. 91. A flying club shall be a nonprofit entity organized for the express purpose of providing its members with an aircraft for their personal use and enjoyment. The ownership of the aircraft shall be vested in the name of the flying club or owned in equal shares by all of its members. The property rights of the members of the club shall be equal and any part of the net earnings of the club to be distributed to the members shall be in equal shares to all members. The club shall not derive greater revenue from the use of its aircraft than the amount necessary for its actual operation, maintenance, and replacement or upgrade of its aircraft. Flying club aircraft shall not be used by members for rental, or by anyone for charter or lease.

History: Add. 1996, Act 370, Imd. Eff. July 3, 1996.