

Act No. 426
Public Acts of 1996
Approved by the Governor
July 3, 1996
Filed with the Secretary of State
July 3, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Rep. Nye

ENROLLED HOUSE BILL No. 5257

AN ACT to amend sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14a, 15, 16, 17, 18, 19, 20, 21, 21a, 21b, 22, 23, 24, 25, 34, 51, 76a, 77, 79, 82, 83, 84a, 85, 86, 89, 101, 102, 105, 107, 127, 133, 136, 151, 153, 155, 176, 179, 180, 181, 182, 183, 184, 201, and 202 of Act No. 327 of the Public Acts of 1945, entitled as amended "An act relating to aeronautics in this state; providing for the development and regulation thereof; creating a state aeronautics commission; prescribing powers and duties; providing for the licensing, or registration, or supervision and control of all aircraft, airports and landing fields, schools of aviation, flying clubs, airmen, aviation instructors, airport managers, manufacturers, dealers, and commercial operation in intrastate commerce; providing for rules pertaining thereto; prescribing a privilege tax for the use of the aeronautical facilities on the lands and waters of this state; providing for the acquisition, development, and operation of airports, landing fields, and other aeronautical facilities by the state and by political subdivisions; providing jurisdiction of crimes, torts, and contracts; providing police powers for those entrusted to enforce this act; providing for civil liability of owners, operators, and others; making hunting from aircraft unlawful; providing for repair station operators lien; providing for appeals from rules or orders issued by the commission; providing for the transfer from the Michigan board of aeronautics to the aeronautics commission all properties and funds held by the board of aeronautics; providing for a state aeronautics fund and making an appropriation therefor; prescribing penalties; and making uniform the law with reference to state development and regulation of aeronautics," section 51 as amended by Act No. 385 of the Public Acts of 1982, section 77 as amended by Act No. 391 of the Public Acts of 1988, and section 86 as amended by Act No. 466 of the Public Acts of 1982, being sections 259.2, 259.3, 259.4, 259.5, 259.6, 259.7, 259.8, 259.9, 259.10, 259.11, 259.14a, 259.15, 259.16, 259.17, 259.18, 259.19, 259.20, 259.21, 259.21a, 259.21b, 259.22, 259.23, 259.24, 259.25, 259.34, 259.51, 259.76a, 259.77, 259.79, 259.82, 259.83, 259.84a, 259.85, 259.86, 259.89, 259.101, 259.102, 259.105, 259.107, 259.127, 259.133, 259.136, 259.151, 259.153, 259.155, 259.176, 259.179, 259.180, 259.181, 259.182, 259.183, 259.184, 259.201, and 259.202 of the Michigan Compiled Laws; to add sections 17a, 17b, 20a, 20b, 20c, 24a, 24b, 25a, 25b, 25c, 25d, 25e, 79a, 80a, 80b, 80c, 80d, 80e, 86a, 86b, 86c, 91, 126b, 126c, and 176a; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Section 1. Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14a, 15, 16, 17, 18, 19, 20, 21, 21a, 21b, 22, 23, 24, 25, 34, 51, 76a, 77, 79, 82, 83, 84a, 85, 86, 89, 101, 102, 105, 107, 127, 133, 136, 151, 153, 155, 176, 179, 180, 181, 182, 183, 184, 201, and 202 of Act No. 327 of the Public Acts of 1945, section 51 as amended by Act No. 385 of the Public Acts of 1982, section 77 as amended by Act No. 391 of the Public Acts of 1988, and section 86 as amended by Act No. 466 of the Public Acts of 1982, being sections 259.2, 259.3, 259.4, 259.5, 259.6, 259.7, 259.8, 259.9, 259.10, 259.11, 259.14a, 259.15, 259.16, 259.17, 259.18, 259.19, 259.20, 259.21, 259.21a, 259.21b, 259.22, 259.23, 259.24, 259.25, 259.34, 259.51, 259.76a, 259.77, 259.79, 259.82, 259.83, 259.84a, 259.85, 259.86, 259.89, 259.101, 259.102, 259.105, 259.107, 259.127, 259.133, 259.136, 259.151, 259.153, 259.155, 259.176, 259.179, 259.180, 259.181, 259.182, 259.183, 259.184, 259.201, and 259.202 of the Michigan Compiled Laws, are amended and sections 17a, 17b, 20a, 20b, 20c, 24a, 24b, 25a, 25b, 25c, 25d, 25e, 79a, 80a, 80b, 80c, 80d, 80e, 86a, 86b, 86c, 91, 126b, 126c, and 176a are added to read as follows:

Sec. 2. "Aeronautics" means any and all acts or matters that treat or deal with flight in the airspace.

Sec. 3. "Aeronautical facilities" means any or all devices, physical or otherwise, objects of nature or human-made, which aid and are used in aeronautics.

Sec. 4. "Aircraft" means any contrivance used or designed for navigation of or flight in the air.

Sec. 5. "Aircraft, civil" means any aircraft other than a public aircraft.

Sec. 6. "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.

Sec. 7. "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.

Sec. 8. "Air navigation" means the operation or navigation of aircraft in the airspace over the land and waters of the state.

Sec. 9. "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.

Sec. 10. "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.

Sec. 11. "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.

Sec. 14a. "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.

Sec. 15. "Commission" means the Michigan aeronautics commission.

Sec. 16. "Department" means the state transportation department, bureau of aeronautics.

Sec. 17. "Director" means the deputy director of the department, bureau of aeronautics.

Sec. 17a. "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.

Sec. 17b. "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:

- (a) Advertising or calling oneself a flight school or anything equivalent to a flight school.
- (b) Hiring, contracting, or otherwise using 1 or more flight instructors in an endeavor described in this section.
- (c) Providing aircraft for the purposes of flight training.

Sec. 18. "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.

Sec. 19. "Fuel" means any or all gasoline, distillates, benzine, naphtha, benzol, and other volatile and inflammable liquids produced, compounded, and used for propelling aircraft.

Sec. 20. "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.

Sec. 20a. "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.

Sec. 20b. "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.

Sec. 20c. "Hospital heliport" means a heliport limited to serving helicopters engaged in air ambulance or other hospital related functions.

Sec. 21. "Landing field" means any location, either on land or water, that is used for the landing or take-off of aircraft.

Sec. 21a. "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.

Sec. 21b. "Manufacturer" means a person engaged in the business of manufacturing aircraft, aircraft engines, propellers, component parts, appliances, or accessories.

Sec. 22. "Operation of aircraft" or "operate aircraft" means 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 within the meaning of the statutes of this state.

Sec. 23. "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

Sec. 24. "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 which is or may be authorized by law to acquire, establish, construct, maintain, improve, and operate airports, landing fields, and other aeronautical facilities.

Sec. 24a. "Private landing area" means any location, either on land or water, that is used for the take-off or landing of aircraft, and is to be used by the owner or persons authorized by the owner. Commercial operations shall not be conducted on private landing areas.

Sec. 24b. "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.

Sec. 25. "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

Sec. 25a. "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.

Sec. 25b. "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.

Sec. 25c. "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:

- (a) One hundred feet for basic utility airports.
- (b) Two hundred and fifty feet for general utility airports.

Sec. 25d. "Temporary commercial operations" means any commercial operation conducted for a period not to exceed 120 days per calendar year.

Sec. 25e. "Ultralight" means an aircraft meeting requirements of 14 C.F.R. part 103.

Sec. 34. There is hereby created a fund to be known as the "state aeronautics fund." All money received from aviation fuel taxes, licensing of schools of aviation, airports, landing fields, airport managers, registration of aircraft and airmen, and from the operation of state operated airports, landing fields, and other aeronautical facilities, shall be paid into the state treasury and credited to this fund.

Sec. 51. (1) The commission has general supervision over aeronautics within this state, with exclusive authority to approve the operation of airports, landing fields, and other aeronautical facilities within the state, so as to assure a uniformity in regulations covering aeronautics. The commission shall encourage, foster, and participate with and provide grants to the political subdivisions of this state in the development of aeronautics within this state. The commission shall establish and encourage the establishment of airports, landing fields, and other aeronautical facilities. The commission shall promulgate rules that it considers necessary and advisable for the public safety governing the designing, laying out, location, building, equipping, and operation of airports and landing fields. In order to implement this act, the commission may establish programs of state financial assistance in the form of grants, leases, loans, and purchases, or a combination of grants, leases, loans, and purchases, for assisting political subdivisions or other persons. The commission shall not grant an exclusive right for the use of an aeronautical facility. The commission may by the issuance of appropriate and effective rules register pilot's certificates issued by the civil aeronautics authority or other similar federal authority to resident pilots of the state for which it may charge a fee not to exceed \$5.00; govern and regulate commercial operations in intrastate commerce for which it may charge a fee of not more than \$25.00; and provide for the licensing of aircraft dealers for which it may charge a fee of not more than \$25.00.

(2) The commission shall cooperate with and assist the federal government, state governments, authorities of political subdivisions, and individuals engaged in aeronautics or the development of aeronautics, and shall seek to coordinate the aeronautical activities of these entities. The commission may confer with or hold joint hearings with any federal or state governments, their agencies, the authorities of political subdivisions, and individuals, in connection with any matter arising under this act, and avail itself of the cooperation, services, records, and facilities of those agencies in the administration and enforcement of this act. The commission shall reciprocate by furnishing governments and their agencies its cooperation, services, records, and facilities, insofar as may be practicable.

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

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

(5) The commission, a commission member or employee, the director, and every state, county, and municipal officer charged with the enforcement of state and municipal laws shall enforce and assist in the enforcement of this act and of rules promulgated under this act, and of all other laws of this state relating to aeronautics. In the aid of enforcement, general police powers are conferred upon the commission, each of its members, the director, and the officers and employees of the commission designated by the commission to exercise those powers. The commission is further authorized to enforce this act and rules promulgated under this act by injunction in the circuit court. The prosecuting attorney of the county in which an offense is committed shall prosecute offenders against this act and other aeronautical laws of this state, or any rule promulgated under this act or order issued by the commission. When a complaint is made before the recorder's court in the city of Detroit, a municipal court in a city having such a court, or the district court in the county, district, or political subdivision in which venue is proper, that court may take cognizance, hear, try, and determine such matters and pass sentence upon offenders in accordance with law.

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

(7) In order to facilitate investigations by the commission in the interest of public safety and development of aeronautics, the reports of investigations or hearings, or any part of them, shall not be admitted in evidence or used for any purpose in an action or proceeding growing out of a matter referred to in the investigation, hearing, or report,

except in case of criminal or other proceedings instituted in behalf of the state under this act or any other law of this state relating to aeronautics. A commissioner, director, or an officer or employee of the commission shall not be required to testify to facts ascertained in, or information gained by reason of, his or her official capacity, or be required to testify as an expert witness in an action or proceeding involving an aircraft. Except as otherwise provided in this section, the commission may make available to appropriate federal and state agencies information and material developed in the course of its hearings and investigations.

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

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Sec. 83. A person shall not operate a civil aircraft over or upon the lands and waters of this state unless the person is in full compliance with the federal airman certification requirements under subpart D of chapter 1 of title 14 of the code of federal regulations.

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.

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 prior to 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 expiration.

(5) A change in the name of the flight school, without change in ownership, does not cause a current license to expire 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 secure a license for each location.

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

(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 secure 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, 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. These facilities shall be 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) The aircraft shall possess a valid airworthiness certificate issued by the federal aviation administration.

(b) The aircraft shall be properly registered with the commission.

(c) The aircraft shall have the equipment and performance characteristics appropriate to the curriculum, and 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 show that all required items of maintenance have been performed. 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. In addition, a flight school shall include lessons pertaining to Michigan laws relating to aviation and this act.

(17) A flight school shall make available 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 as

provided in this subsection, the surety shall be relieved of liability for any breach of conditions occurring after the effective date of cancellation.

(24) 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.

(25) 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.

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) Upon receipt of an application for a public use landing area, the commission shall cause the proposed landing area to be inspected. If the proposed or completed facility is found to meet the minimum requirements for issuance of site approval, the commission shall issue a license of approval. 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, Act No. 206 of the Public Acts of 1893, being section 211.7y of the Michigan Compiled Laws. Licensed public use facilities shall be included on the Michigan aeronautical charts and in other aviation publications made available to the public.

(4) Aeronautical facility licenses expire on December 31 annually.

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

(6) 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 requires aircraft to fly in a manner that may endanger persons or property.

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

(8) The official name of an aeronautical facility, as designated in a license issued by the commission, shall not be changed unless written request is made by the airport owner or by resolution of the governing body of the airport authorizing the name change.

(9) Commercial operations shall not be performed on any 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.

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

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

(12) The area proposed to be covered by a temporary field permit shall be inspected by the commission, and if found to meet minimum requirements of a licensed public use aeronautical facility, the commission may issue a temporary field permit for a period not to exceed 120 days.

(13) 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.

Sec. 86a. Licensed aeronautical facilities shall be licensed under 1 of the following categories:

(a) Basic utility airport. A basic utility airport license shall be granted if the following minimum requirements are met:

(i) The airport has an airport manager licensed by the commission.

(ii) The airport contains a runway with a 1,200-foot landing length in each direction from a clear approach slope of 20 to 1. Unpaved runways shall have a minimum width of 50 feet with an additional 25 feet minimum width on each side clear of obstructions. Paved runways shall have a minimum width of 25 feet with an additional 38 feet minimum width on each side clear of obstructions.

(iii) The airport maintains a state primary surface for each runway clear of all obstructions. The state primary surface shall be at least 100 feet wide, but no less than the width of the runway.

(iv) The airport maintains a state approach surface that extends outward and upward from the end of the state primary surface for a distance of 5,000 feet. The shape of the state approach surface is rectangular with a minimum width of 100 feet and a length of 5,000 feet. The width of the state approach surface shall be at least as wide as the width of the runway. The state approach surface extends for a horizontal distance of 5,000 feet at a slope of 20 to 1 including 15 feet clearance over roads, 17 feet clearance over interstate highways, 23 feet clearance over railroads, and 25 feet clearance over property lines. The state approach surface begins at the runway end for unpaved runways.

(v) The airport establishes a permanent monument located on the centerline at or beyond each end of the runway.

(vi) The airport maintains the following pilot aids:

(A) Runway surface markings shall conform to federal aviation administration published standards.

(B) A windcone.

(C) Airports with right traffic patterns shall have a segmented circle conforming to federal aviation administration published standards.

(D) Runway lighting, if available for public use, shall conform to federal aviation administration standard color and layout.

(b) General utility airport. A general utility airport license shall be granted if the following minimum requirements are met:

(i) The airport has an airport manager licensed by the commission.

(ii) The airport contains a runway with a 1,800-foot landing length in each direction from a clear approach slope of 20 to 1. Unpaved runways shall have a minimum width of 100 feet. Paved runways shall have a minimum width of 35 feet.

(iii) The airport maintains a state primary surface for each runway clear of all obstructions. The state primary surface shall be at least 250 feet wide.

(iv) The airport maintains a state approach surface for each runway end that extends outward and upward from the end of the state primary surface for a distance of 5,000 feet. The shape of this approach surface is a trapezoid with a width of 250 feet at the runway end and expands uniformly to a width of 1,200 feet. The state approach surface extends for a horizontal distance of 5,000 feet at a slope of 20 to 1, including 15 feet clearance over roads, 17 feet clearance over interstate highways, 23 feet clearance over railroads, and 25 feet clearance over property lines. The state approach surface begins at the runway end for unpaved runways.

(v) The airport contains a permanent monument located on the centerline at or beyond each end of the runway.

(vi) The airport maintains the following pilot aids:

(A) Paved runways shall have centerline marking and runway numbering conforming to the published standards of the federal aviation administration.

(B) Unpaved runways marked in accordance with commission standards.

(C) Any crosswind runways must meet minimum requirements set for a basic utility airport.

(D) A lighted windcone.

(E) Runway lighting shall be available from sunset to sunrise daily. Lighting configuration shall conform to the requirements of the federal aviation administration regarding standard color and layout.

(F) Airports with right traffic patterns shall have a segmented circle with traffic pattern indicators conforming to the published standards of the federal aviation administration.

(vii) The airport provides the following services:

(A) An administration building or terminal building with sanitary facilities available to the public.

(B) Adequate means to deter the unauthorized or inadvertent access to the aircraft operations area.

(C) A telephone that is available to the public 24 hours daily on the airport and its location shall be clearly indicated.

(D) A formally adopted emergency service plan prepared by the airport owner.

(E) Airport rules and regulations that are adopted by the airport owner and available to the public.

(F) Itinerant aircraft parking and tie-downs, including adequate ropes, chains, or equivalent.

(c) Air carrier airport. An air carrier airport license shall be granted if the following minimum requirements are met:

(i) The airport has an airport manager licensed by the commission.

(ii) The airport has a valid airport operating certificate, or a limited airport operating certificate, issued by the federal aviation administration regulations.

(d) Seaplane base. A seaplane base license shall be granted if the following minimum requirements are met:

(i) The airport has an airport manager licensed by the commission.

(ii) The airport contains at least 1 unobstructed straight line channel of at least 5,000 feet in length, and 200 feet in width.

(iii) The airport has a suitable float, mooring facility, or ramp at some point on the shore adjoining the landing area.

(iv) The airport provides and maintains a fire extinguisher.

(e) Heliport. A heliport license shall be granted if the following minimum requirements are met:

(i) The heliport has an airport manager licensed by the commission.

(ii) The heliport contains a length and width of the landing area of at least 1 1/2 times the length of the helicopter using the facility.

(iii) The heliport contains at least 2 heliport approach surfaces free of obstructions. The heliport approach surface begins 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. Two of the heliport approach surfaces provided shall be located to provide that their centerline shall form an arc of not less than 90 degrees at their intersection. Each heliport approach surface shall provide an area suitable for an emergency landing during takeoff, climb-out and landing.

(iv) If a heliport is located on an elevated structure or roof, local building and fire codes shall be complied with. The landing area should be designed to support 1.5 times the maximum gross weight of the largest helicopter authorized to use the heliport. When applying for a license, the applicant shall file a certificate signed by a professional engineer registered in this state, certifying structural compliance of the heliport.

(v) The heliport contains a windcone or means of identifying wind direction.

(vi) Ground level heliports have operational areas fenced or marked with caution signs to prevent the inadvertent or unauthorized entry of persons or vehicles.

(vii) Signs indicating a heliport, located on its perimeter.

(f) Hospital heliport. A hospital heliport license shall be granted if the following minimum requirements are met:

(i) The hospital heliport complies with all provisions of subdivision (e).

(ii) The hospital heliport contains markings in conformance with federal aviation administration published standards for hospital heliports.

(iii) Hospital heliports are reserved for aeromedical or official hospital business flights only.

Sec. 86b. (1) The owner or operator of a licensed aeronautical facility in the state shall appoint an airport manager. The airport manager may designate an individual to fulfill the duties of the airport manager in his or her absence.

(2) The airport manager shall be furnished, by appropriate resolution of the appointing political subdivision, adequate power and authority to exercise the control over the aeronautical facility for the enforcement of federal, state, and local rules and regulations pertaining to the landing area and its use.

(3) The issuance of a license to an airport manager or his or her designated representative shall require a passing grade on a test that is based on knowledge of this act and the rules promulgated under this act. Tests will be developed by the commission.

Sec. 86c. An airport manager shall do all of the following:

(a) Assist appropriate authorities in enforcement of this act and the rules promulgated under this act.

(b) Determine that all licensed aeronautical facility requirements for the class under which the site is licensed are maintained.

(c) Determine and take appropriate action to assure that all locally based commercial activities operating on the licensed aeronautical facility have appropriate licenses and registrations as issued by the appropriate state and federal agencies.

(d) Post local rules, traffic patterns, and noise abatement procedures, if any.

(e) File notice with the proper federal agency indicating any change in the aeronautical facility condition.

(f) Note and advise the commission of a proposed construction or zoning change adjacent to or near the licensed aeronautical facility that would affect air navigation safety or use.

(g) Advise sponsors of new and proposed construction of federal regulations pertaining to objects affecting navigable airspace.

Sec. 89. Sections 86, 86b, 86c, 87, and 88 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.

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.

Sec. 101. The commission may, on behalf of and in the name of this state, acquire by purchase, gift, devise, lease, condemnation proceedings, or otherwise, property real or personal, for the purpose of establishing and constructing airports, landing fields, and other aeronautical facilities, and may acquire in the same manner, own, control, establish, construct, enlarge, improve, maintain, equip, operate, regulate, and police these facilities, within this state. The commission may dispose of any property acquired under this section, in accordance with the laws of this state governing the disposition of other similar property of the state.

Sec. 102. Where necessary, in order to provide unobstructed air space for the landing and taking off of aircraft utilizing airports, landing fields, and other aeronautical facilities acquired or operated under this act, the commission may acquire, in the same manner as is provided for the acquisition of property for airport purposes, easements through or other interests in air space over land or water, interests in airport hazards outside the boundaries of the airports, landing fields, or other aeronautical facilities and other airport protection privileges as are necessary to insure safe approaches to the landing areas of airports, landing fields, and other aeronautical facilities, and the safe and efficient operation of these airports, landing fields, and aeronautical facilities. The commission may also acquire, in the same manner, the right or easement, for a term of years or perpetually, to place or maintain suitable marks for the daytime marking and suitable lights for the nighttime marking of airport hazards, including the right of ingress and egress to or from such airport hazards for the purpose of maintaining and repairing the lights and marks. This authority shall not be so construed to limit the right, power, or authority of the state or any political subdivision to zone property adjacent to any airport pursuant to laws of this state.

Sec. 105. The commission may do 1 or more of the following, provided that in each case the public is not deprived of its rightful, equal, and uniform use:

(a) Lease for a term not exceeding 50 years, airports, landing fields, or other aeronautical facilities, or real property acquired or set apart for airport purposes, to any person, any municipal or state government or the national government, or any department of either for operation or use consistent with the purposes of this act.

(b) Lease or assign for a term not exceeding 50 years to any person, any municipal or state government or the national government, or any department of either, for operation or use consistent with the purposes of this act, space, area, improvements, or equipment on such airports.

(c) Sell any part of an airport, landing field, other aeronautical facility, or real or personal property to any municipal or state government, or to the United States or any department or instrumentality of the United States, for aeronautical purposes or purposes incidental to aeronautical purposes.

(d) Confer the privilege of concessions.

(e) Subject to the approval of the state administrative board, lease at any state airport, landing field, or aeronautical facility any real property acquired or set apart for airport purposes to persons for nonaeronautical uses.

Sec. 107. (1) The commission may promulgate rules establishing a traffic code governing the operation, parking, and speed of motor vehicles upon the lands comprising state-owned and operated airports, landing fields, and aeronautical facilities and for the purpose of enforcing and imposing penalties for the violation of the traffic code. The traffic code may establish a prima facie presumption of evidence regarding the person who is responsible for parking a vehicle in an unauthorized place. The traffic code shall not be in contravention of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

(2) Any law enforcement agency may enforce the traffic code.

(3) A violation of the traffic code is a misdemeanor.

Sec. 126b. The governing body of a political subdivision in the state of Ohio whose laws permit may acquire, establish, construct, enlarge, own, control, lease, equip, improve, maintain, and operate airports, landing fields, and other aeronautical facilities in this state, subject to all laws, rules, and regulations of this state applicable to its political subdivisions in such aeronautical projects, but subject to the laws of Ohio in all matters relating to financing of such projects. A political subdivision of the state of Ohio shall have the same privileges, rights, and duties of like political subdivisions of this state. This section does not apply unless the laws of Ohio permit political subdivisions of this state to acquire, establish, construct, enlarge, own, control, lease, equip, improve, maintain, operate, and otherwise control an airport, landing field, and other aeronautical facility in Ohio with all privileges, rights, and duties applicable to the other political subdivisions of the state of Ohio in such aeronautical projects.

Sec. 126c. The governing body of a political subdivision in the state of Indiana whose laws permit may acquire, establish, construct, enlarge, own, control, lease, equip, improve, maintain, and operate airports, landing fields, and other aeronautical facilities in this state, subject to all laws, rules, and regulations of this state applicable to its political subdivisions in such aeronautical projects, but subject to the laws of Indiana in all matters relating to financing such projects. A political subdivision of the state of Indiana shall have the same privileges, rights, and duties of like political subdivisions of this state. This section does not apply unless the laws of Indiana permit political subdivisions of this state to acquire, establish, construct, enlarge, own, control, lease, equip, improve, maintain, operate, and otherwise control an airport, landing field, and other aeronautical facility in Indiana with all privileges, rights, and duties applicable to the other political subdivisions of the state of Indiana in such aeronautical projects.

Sec. 127. Where necessary, in order to provide unobstructed air space for the safe landing or taking off of aircraft utilizing airports, landing fields, or other aeronautical facilities acquired or operated under this act, every political subdivision of this state is authorized to acquire, in the same manner as is provided for the acquisition of property for airport purposes, easements through or other interests in air space over land or water, interests in airport hazards outside the boundaries of the airports, landing fields, and other aeronautical facilities, and such other airport protection privileges as are necessary to insure safe approaches to the landing and takeoff areas. Political subdivisions are also authorized to acquire, in the same manner, the right or easement, for a term of years or perpetually, to place or maintain suitable marks for the daytime marking and suitable lights for the nighttime marking of airport hazards, including the right of ingress and egress to or from airport hazards, for the purpose of maintaining and repairing the lights and marks.

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

(a) Vest authority for the construction, enlargement, improvement, maintenance, equipment, operation, and regulation of the airport, landing field, or other aeronautical facility, in an officer, a board, or body of a political subdivision, by ordinance or resolution that prescribes the powers and duties of the officer, board, or body. In counties operating under the county road system with a population of more than 2,000,000, the board of county road commissioners may implement this section for that county.

(b) Employ a regular airport manager for the airport, landing field, or other aeronautical facility under its control, or in cases where an airport board or body is established, the airport manager may be employed by the board or body.

(c) Adopt and amend all necessary rules, regulations, and ordinances, for the management, government, and use of any properties under its control, whether within or outside of its territorial limits; appoint airport guards or police, with full police powers; establish penalties for the violation of the rules, regulations, and ordinances, and enforce the penalties.

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

(e) Lease for a term of years, donate, or sell, the airport, landing field, or other aeronautical facility, or buildings and structures relating to the airport, landing field, or other aeronautical facility, or real property acquired or set apart for these purposes, to any person or persons, any other political subdivision or the state, or the federal government, or any department of a political subdivision, or the state or federal government, either exclusively or in common with others, for operation and public use; confer the privileges of concessions of supplying upon its airports goods, commodities, things, services, and facilities; enter into leases, contracts, agreements, or grants of privileges of concessions with any person or persons, any other political subdivision or the state government or the federal government, or any department of a political subdivision or the state or federal government, for the operation, use, or occupancy, either exclusively or in common with others, of all or any part of the airport, landing field, or other aeronautical facility, including any buildings and structures of the airport, landing field, or aeronautical facility, under its control, for a term or terms not to exceed 50 years, establishing the charges, rentals, or fees at a fixed or variable rate binding upon the

parties for the full term of the lease, contract, agreement, or grant, which lease, contract, agreement, or grant may provide for the resolution of disputes or for the fixing of variable terms through arbitration or similar procedure. The terms, charges, rentals, and fees shall be equal and uniform for the same type of facilities provided, services rendered, or privileges granted with no discrimination between users of the same class for like facilities provided, services rendered, or privileges granted. However, the public shall not be deprived of its rightful, equal, and uniform use of facilities provided, services rendered, or privileges granted. Terms, charges, rentals, and fees may vary if necessary, to provide security and funds for payment of bonds to be issued as authorized by this act to finance improvements to any airport, or to allow for other differing costs of financing, construction of facilities, or maintenance and operation of the facility.

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

(g) Determine the charges, rentals, or fees for the use of any properties under its control, and the charges for any services or accommodations, and the terms and conditions under which the properties may be used, which rentals, fees, charges, terms, and conditions shall be equal and uniform for the same type of use provided, services rendered, or accommodations granted with no discrimination between users of the same class for like use provided, services rendered, or accommodations granted, except that any charges, rentals, and fees as may be fixed or determined by any lease, contract, agreement, or grant of privileges of concessions to which the political subdivision is a party or is the grantor, shall be binding upon all parties for the full term prescribed in the lease, contract, agreement, or grant unless the same is sooner modified or terminated by mutual consent of the parties. However, the public shall not be deprived of its rightful, equal, and uniform use of such property. Terms, charges, rentals, and fees may vary if necessary, to provide security and funds for payment of bonds to be issued as authorized by this act to finance improvements to any airport, or to allow for other differing costs of financing, construction of facilities, or maintenance and operation of any such facility. Liens may be attached and enforced by law, as provided in such cases, and their enforcement, for repairs to or improvements or storage or care of any personal property, to enforce the payment of the charges.

(h) Exercise all powers necessarily incidental to the exercise of the general and special powers granted under this section.

Sec. 136. The county board of commissioners of any county may vote to provide aid for any publicly owned or operated airport, landing field, or other aeronautical facility within the county, and include the aid in the county tax, or provide for the payment of the aid from money available in the general fund of the county.

Sec. 151. The commission may create and establish a state plan for approach protection areas surrounding airports, landing fields, and other aeronautical facilities, by establishing standards of height to which any structure or obstruction of any nature, whether object of nature or man-created, may be erected or maintained within a distance from the boundaries of any airport, landing field or other aeronautical facility necessary for the safe landing, take-off or other use of such facilities by aircraft operating within this state.

Sec. 153. Upon receipt of an order to abate a hazard from the commission, the owner of any public-owned airport, landing field, or other aeronautical facility shall immediately institute proper proceedings under the applicable effective laws of this state or ordinances of the political subdivisions owning the facilities, to effectuate the order. Failure upon the part of any owner of a public-owned airport, landing field, or other aeronautical facility to abate the hazard as determined by the commission in its order, shall make the owner liable to either restrictive use of, or the entire closing of, the airport, landing field, or other aeronautical facility.

Sec. 155. Whenever any obstructions of whatever nature shall be determined to be a hazard adjacent to or surrounding a state-owned airport, landing field, or other aeronautical facility, the commission shall notify the state administrative board of the hazard with an order for its abatement, and the state administrative board may institute proper proceedings in the name of and for the state of Michigan for the abatement of the hazard. Failure to effectively comply with an order shall subject the airport, landing field, or other aeronautical facility to either restrictive use of the airport, landing field, or other aeronautical facility, or its entire closing, in the interest of the safety, health, and welfare of the public, and the safe use of aeronautical facilities in this state.

Sec. 176. Except as otherwise provided in this act, a person who violates this act is responsible for a state civil infraction as provided for in chapter 88 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.8801 to 600.8835 of the Michigan Compiled Laws, and is subject to a civil fine of not more than \$500.00.

Sec. 176a. The commission or its authorized representative, after consideration of the issues of fact and after hearing held, may suspend or permanently revoke, or both, a license, certificate, or letter of authority of any person who does any of the following:

(a) Knowingly forges, counterfeits, alters, or falsely makes a certificate authorized to be issued under this act or the rules promulgated under this act, or uses or attempts to use any such certificate.

(b) Knowingly makes a false statement in an application for a license or registration or in a report required by the commission.

(c) Violates a condition or provision of a license or letter of authority issued by the commission.

(d) Fails to render reports requested by, and within the time limits prescribed by, the commission.

(e) Fails to maintain the minimum standards determined by the commission.

(f) Commits an act on the part of a flight school by a flight instructor or representative that is contrary to public safety or to the proper training of students enrolled in a flight school.

(g) Fails to comply, in whole or part, with any rule promulgated by the commission.

(h) Fails to abate a hazard certified by the commission.

Sec. 179. (1) A person shall not hunt, pursue, or kill any wild waterfowl or other birds or animals by any means whatever during the time the person is upon any kind of aircraft.

(2) A person who violates this section is subject to a state civil infraction as provided for in section 176, and is prohibited from obtaining or possessing a hunting license for a period of 1 year.

Sec. 180. A person who operates any aircraft within the airspace over, above, and upon the lands and waters of the state, carelessly and heedlessly in willful or wanton disregard of the rights or safety of others, or without due caution and circumspection and in a manner so as to endanger or be likely to endanger any person or property, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, a fine of not more than \$500.00, or community service of not more than 30 days, or any combination of these penalties.

Sec. 181. A person shall not tamper with, alter, destroy, remove, carry away, or cause to be carried away any objects used for the marking of licensed airports, landing fields, or other aeronautical facilities, or in any way change their position or location, except by the direction of the proper authorities charged with the maintenance and operation of the facilities. A person who violates this section or has illegally in his or her possession any objects or devices used for marking of airports, landing fields, or other aeronautical facilities is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, a fine of not more than \$500.00, or community service of not more than 30 days, or any combination of these penalties.

Sec. 182. The owner or keeper of any domestic animal or fowl shall not allow the domestic animal or fowl to run at large and enter or be upon any airport, landing field, or other aeronautical facility.

Sec. 183. A person who willfully and without authority takes possession of or uses an aircraft, or unlawfully removes or takes any component parts of an aircraft, and a person who assists in, or is a party to taking illegal possession of or use of an aircraft or component parts belonging to another, and a person who willfully and unlawfully makes an aircraft unsafe, and a person who assists in, or is a party to making an aircraft unsafe, is guilty of a felony punishable by imprisonment for not more than 5 years, a fine of not more than \$2,000.00, or community service of not more than 6 months, or any combination of these penalties.

Sec. 184. A person shall not trespass upon the area within the boundary of an approved or licensed airport, landing field, or other aeronautical facility, or operate or cause to be operated a vehicle or device, or conduct an activity upon or across a licensed airport, landing field, or other aeronautical facility, unless that operation or activity is authorized by the airport management.

Sec. 201. If the commission rejects an application for permission to operate an aeronautical facility, flight school, or flying club, or if the commission rejects an application for permission to act as an airport manager, or if the commission issues an order requiring certain things to be done, the commission shall set forth its reasons and shall state the requirements to be met before approval is given or the order modified or changed. If the commission considers it necessary, the commission may order restrictions on the use of or on the closing of any aeronautical facility, flight school, or flying club, or may require an airport manager to cease operations, until all of the requirements determined by the commission have been complied with.

Sec. 202. A person who is aggrieved by an order of the commission may, within 10 days after the issuance of the order, appeal to, or have the action of the commission reviewed by, the circuit court of Ingham county, at Lansing, Michigan, in the manner provided for the review of the orders of other administrative bodies of this state, and rules of law applicable to such appeals or reviews shall apply.

Section 2. (1) Sections 12, 13, 14, 15b, 22a, 81, 84, 88, 90, and 131a of Act No. 327 of the Public Acts of 1945, being sections 259.12, 259.13, 259.14, 259.15b, 259.22a, 259.81, 259.84, 259.88, 259.90, and 259.131a of the Michigan Compiled Laws, are repealed.

(2) Enacting section 3 of Act No. 228 of the Public Acts of 1996 is repealed.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.