



**House
Legislative
Analysis
Section**

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**FLIGHT SCHOOL APPLICANTS;
CRIMINAL BACKGROUND
CHECKS**

**House Bill 5503
Sponsor: Rep. Bruce Patterson
Committee: Transportation**

Complete to 1-11-02

A SUMMARY OF HOUSE BILL 5503 AS INTRODUCED 12-12-01

House Bill 5503 would amend the Aeronautics Code to require criminal background checks on applicants for flight schools. A more detailed description of the bill follows.

Currently under the law, a person cannot operate a flight school in Michigan without an annual license issued by the Aeronautics Commission. The law requires that a flight school conduct itself in accordance with all applicable federal, state, and local laws and statutes, and that it be operated from an airport property licensed by the commission. Further, all aircraft used in any flight school operation must be operated in accordance with Federal Aviation Administration maintenance regulations and standards, and they must be insured. Under the law, a flight school must have a flight instructor available to dispatch and supervise each student, a written curriculum including lesson plans, current textbooks, and adequate instruction that properly prepares students for the appropriate Federal Aviation Administration examinations covering the grade of certificate or the rating sought.

House Bill 5503 would require that, beginning on the day the legislation goes into effect, a flight school request from the criminal records division of the Department of State Police a criminal history check and criminal records check through the Federal Bureau of Investigation on any applicant for training. The bill would require an applicant to cooperate in completing the criminal history and criminal record check. Further, the bill specifies that a flight school could not enroll, or would have to terminate the enrollment of, an applicant if in the preceding seven years the applicant had been convicted of a felony, incarcerated for a felony conviction, or was on probation or parole for a felony conviction.

Under the bill, at the time of application an applicant would be required to give written consent for the Criminal Records Division of the Department of State Police to conduct a criminal history and criminal records check. Then, the flight school would be required to request the criminal history report, and the division would be required to conduct the records check within 30 days after receiving that request. After completing the check, the division would provide a report to the flight school that described any criminal history record information maintained by the division, as well as information regarding criminal records maintained by the Federal Bureau of Investigation.

Under the bill, a flight school could enroll an applicant as a conditional student without first receiving the criminal history report, if (a) the flight school requested the checks before conditionally enrolling the applicant; and (b) the applicant signed a statement that identified all

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crimes for which he or she had been convicted, and agreed that if the reports was not the same as the applicant's statement, then his or her enrollment contract would be void. If the statement of convictions included any of the circumstances described in section 85(24) of the bill, then the enrollment contract would be void. [Those circumstances include conviction of a felony, incarceration for a felony conviction, and, probation or parole for a felony conviction.] If the enrollment contract of an applicant or conditional student were voided, enrollment would be terminated, and the flight school would not be liable for the termination or any money paid toward enrollment.

The bill specifies that if an applicant for enrollment was being considered by more than one flight school, and if the applicant agreed in writing to allow a flight school to share the criminal history report with another flight school, then the flight school could satisfy the requirements of the bill by obtaining a copy of the report from another flight school.

In addition, House Bill 5503 specifies that criminal history record information received from the Criminal Records Division of the Department of State Police could only be used by a flight school for the purpose of evaluating an applicant's qualifications for enrollment in the position for which he or she had applied, and for the purposes described in the bill. A flight school would be prohibited from disclosing the report or its content to any person who was not directly involved in evaluating the applicant's qualifications for enrollment. [However, under the bill, a copy of the report could be provided to an appropriate representative of another flight school.] A person who violated this provision would be guilty of a misdemeanor, punishable by a fine of not more than \$10,000.

MCL 259.85.

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