

# HOUSE BILL No. 5503

December 12, 2001, Introduced by Reps. Patterson, Koetje, Toy, Julian, Bishop, Caul, Gosselin, Gilbert, Faunce, Meyer, Mead, Van Woerkom, Woronchak, Hummel, Birkholz, Newell, Voorhees, Tabor, Middaugh, Ruth Johnson, Schauer, Ehardt, Shackleton, Lockwood, Kowall, Jelinek, Rocca, Neumann, Bernero, Allen, Sheltroun, DeVuyst, Callahan, Hager, Pumford, Zelenko, Lipsey, Phillips, Frank, Jacobs, Pestka, Basham, Richardville, Kuipers, Bisbee, Shulman, George, Whitmer, McConico, Cassis and Pappageorge and referred to the Committee on Transportation.

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 85 (MCL 259.85), as amended by 1996 PA 370, and by adding section 85a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

4       (2) Upon receipt of an application and a \$25.00 license fee  
5 from a flight school, the commission shall review the qualifica-  
6 tions of the applicant.

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

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

5 (5) A change in the name of the flight school, without  
6 change in ownership, does not cause a current license to expire  
7 if the owner of the flight school notifies the commission in  
8 writing within 15 days of the change. Upon receipt of notifica-  
9 tion under this subsection, the commission shall issue a license  
10 under the new name, with the same expiration date as the license  
11 previously issued.

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

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

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

20 (9) A flight school shall be operated from an airport prop-  
21 erly licensed by the commission.

22 (10) A flight school operator shall secure from the airport  
23 manager a written agreement to operate commercially from the air-  
24 port at which the flight school is based.

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

1 (12) A flight school shall provide a suitable space of  
2 permanent nature, properly heated, lighted, and ventilated to  
3 accommodate flight school students and to house adequate equip-  
4 ment necessary to properly conduct business matters and to pre-  
5 pare and preserve business records. These facilities shall be at  
6 the licensed airport site.

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

10 (a) The aircraft shall possess a valid airworthiness certif-  
11 icate issued by the federal aviation administration.

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

14 (c) The aircraft shall have the equipment and performance  
15 characteristics appropriate to the curriculum, and the airport to  
16 be used.

17 (14) All aircraft used in any flight school operation shall  
18 be operated in accordance with federal aviation administration  
19 maintenance regulations and standards. Adequate records shall be  
20 kept by the school to show that all required items of maintenance  
21 have been performed. The maintenance status of each aircraft,  
22 including discrepancies, shall be displayed by the school in a  
23 manner adequate to determine compliance.

24 (15) A flight school shall have a flight instructor avail-  
25 able to dispatch and supervise each student pilot solo flight.

26 (16) A flight school shall have a written curriculum  
27 including lesson plans adequate to properly qualify the student

1 to complete the particular course for the certificate or rating  
2 sought. In addition, a flight school shall include lessons per-  
3 taining to Michigan laws relating to aviation and this act.

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

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

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

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

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

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

24 (23) A flight school accepting prepayment equal to or in  
25 excess of \$1,000.00 shall file with the commission a corporate  
26 surety bond payable to the state of Michigan in the sum of  
27 \$5,000.00 conditioned on the faithful performance of all

1 contracts and agreements with students made by the flight school,  
2 or its agent. The aggregate liability for the surety for all  
3 breaches of conditions of the bond shall not exceed the principal  
4 sum of \$5,000.00. The surety of any bond may cancel the bond  
5 upon giving 60 days' notice in writing to the commission and the  
6 flight school. If a bond is canceled as provided in this subsec-  
7 tion, the surety shall be relieved of liability for any breach of  
8 conditions occurring after the effective date of cancellation.

9 (24) BEGINNING THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT  
10 ADDED THIS SUBSECTION, A FLIGHT SCHOOL SHALL REQUEST FROM THE  
11 CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE A  
12 CRIMINAL HISTORY CHECK AND CRIMINAL RECORDS CHECK THROUGH THE  
13 FEDERAL BUREAU OF INVESTIGATION ON ANY APPLICANT FOR TRAINING AT  
14 THE FLIGHT SCHOOL IN THE MANNER PROVIDED FOR UNDER SECTION 85A.  
15 THE APPLICANT SHALL COOPERATE WITH THE FLIGHT SCHOOL IN COMPLET-  
16 ING THE CRIMINAL HISTORY CHECK AND CRIMINAL RECORDS CHECK THROUGH  
17 THE FEDERAL BUREAU OF INVESTIGATION. A FLIGHT SCHOOL SHALL NOT  
18 ENROLL OR SHALL TERMINATE THE ENROLLMENT OF AN APPLICANT IF ANY  
19 OF THE FOLLOWING OCCURRED TO THE APPLICANT WITHIN THE PRECEDING 7  
20 YEARS:

21 (A) WAS CONVICTED OF A FELONY.

22 (B) WAS INCARCERATED FOR A FELONY CONVICTION.

23 (C) WAS ON PROBATION OR PAROLE FOR A FELONY CONVICTION.

24 (25) ~~-(24)-~~ The requirements for a flight school set out in  
25 this section are conditions of the license. Failure to comply  
26 with any of these requirements is grounds for revocation of a  
27 flight school's license.

1           (26) ~~-(25)-~~ A person who violates this section is guilty of  
2 a misdemeanor, punishable by imprisonment for not more than 90  
3 days, or a fine of not less than \$100.00 or more than \$500.00, or  
4 both, together with costs of the prosecution.

5           SEC. 85A. (1) BEGINNING THE EFFECTIVE DATE OF THE AMENDA-  
6 TORY ACT THAT ADDED THIS SECTION AND SUBJECT TO SUBSECTIONS (2)  
7 AND (4), AS A CONDITION OF ENROLLMENT OF AN APPLICANT IN A FLIGHT  
8 SCHOOL, THE FLIGHT SCHOOL SHALL REQUEST FROM THE CRIMINAL RECORDS  
9 DIVISION OF THE DEPARTMENT OF STATE POLICE A CRIMINAL HISTORY  
10 CHECK AND A CRIMINAL RECORDS CHECK THROUGH THE FEDERAL BUREAU OF  
11 INVESTIGATION ON THE APPLICANT AND, BEFORE ENROLLING THE APPLI-  
12 CANT, SHALL HAVE RECEIVED FROM THE DEPARTMENT OF STATE POLICE THE  
13 REPORT DESCRIBED IN SUBSECTION (7). A FLIGHT SCHOOL SHALL  
14 REQUIRE THE APPLICANT TO SUBMIT HIS OR HER FINGERPRINTS TO THE  
15 DEPARTMENT OF STATE POLICE FOR THE CRIMINAL HISTORY AND CRIMINAL  
16 RECORDS CHECKS. THE DEPARTMENT OF STATE POLICE MAY CHARGE A FEE  
17 FOR THE CRIMINAL HISTORY CHECK AND THE CRIMINAL RECORDS CHECK.

18           (2) THE FLIGHT SCHOOL MAY ENROLL THE APPLICANT AS A CONDI-  
19 TIONAL STUDENT UNDER THIS SUBSECTION WITHOUT FIRST RECEIVING THE  
20 REPORT DESCRIBED IN SUBSECTION (7) IF ALL OF THE FOLLOWING  
21 APPLY:

22           (A) THE FLIGHT SCHOOL REQUESTS THE CRIMINAL HISTORY AND  
23 CRIMINAL RECORDS CHECK REQUIRED UNDER SUBSECTION (1) BEFORE CON-  
24 DITIONALLY ENROLLING THE APPLICANT.

25           (B) THE APPLICANT SIGNS A STATEMENT THAT IDENTIFIES ALL  
26 CRIMES FOR WHICH HE OR SHE HAS BEEN CONVICTED, IF ANY, AND  
27 AGREEING THAT, IF THE REPORT DESCRIBED IN SUBSECTION (7) IS NOT

1 THE SAME AS THE APPLICANT'S STATEMENT, HIS OR HER ENROLLMENT  
2 CONTRACT IS VOID. IF THE STATEMENT OF CONVICTIONS INCLUDES ANY  
3 OF THE CIRCUMSTANCES DESCRIBED IN SECTION 85(24), THE ENROLLMENT  
4 CONTRACT IS VOID.

5 (3) IF AN APPLICANT IS ENROLLED AS A CONDITIONAL STUDENT  
6 UNDER SUBSECTION (2) AND THE REPORT DESCRIBED IN SUBSECTION (7)  
7 IS NOT THE SAME AS THE APPLICANT'S STATEMENT UNDER SUBSECTION  
8 (2), THE FLIGHT SCHOOL SHALL VOID THE APPLICANT'S ENROLLMENT  
9 CONTRACT. IF THE CONTRACT IS VOIDED UNDER THIS SUBSECTION, THE  
10 APPLICANT'S ENROLLMENT IS TERMINATED AND THE FLIGHT SCHOOL IS NOT  
11 LIABLE FOR THE TERMINATION OR ANY MONEY PAID TOWARDS ENROLLMENT.

12 (4) IF AN APPLICANT FOR ENROLLMENT IS BEING CONSIDERED FOR  
13 ENROLLMENT BY MORE THAN 1 FLIGHT SCHOOL AND IF THE APPLICANT  
14 AGREES IN WRITING TO ALLOW A FLIGHT SCHOOL TO SHARE THE REPORT  
15 DESCRIBED IN SUBSECTION (7) WITH ANOTHER FLIGHT SCHOOL, THE  
16 FLIGHT SCHOOL MAY SATISFY THE REQUIREMENTS OF SUBSECTION (1) BY  
17 OBTAINING A COPY OF THE REPORT DESCRIBED IN SUBSECTION (7) FROM  
18 ANOTHER FLIGHT SCHOOL.

19 (5) AN APPLICANT DESCRIBED IN SUBSECTION (1) SHALL GIVE  
20 WRITTEN CONSENT AT THE TIME OF APPLICATION FOR THE CRIMINAL  
21 RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE TO CONDUCT THE  
22 CRIMINAL HISTORY AND CRIMINAL RECORDS CHECK REQUIRED UNDER THIS  
23 SECTION.

24 (6) A FLIGHT SCHOOL SHALL MAKE A REQUEST TO THE CRIMINAL  
25 RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE FOR A CRIMINAL  
26 HISTORY AND CRIMINAL RECORDS CHECK REQUIRED UNDER THIS SECTION ON

1 A FORM AND IN A MANNER PRESCRIBED BY THE CRIMINAL RECORDS  
2 DIVISION OF THE DEPARTMENT OF STATE POLICE.

3 (7) WITHIN 30 DAYS AFTER RECEIVING A PROPER REQUEST BY A  
4 FLIGHT SCHOOL FOR A CRIMINAL HISTORY AND CRIMINAL RECORDS CHECK  
5 ON AN APPLICANT UNDER THIS SECTION, THE CRIMINAL RECORDS DIVISION  
6 OF THE DEPARTMENT OF STATE POLICE SHALL CONDUCT AND INITIATE THE  
7 CRIMINAL HISTORY AND CRIMINAL RECORDS CHECK AND, AFTER CONDUCTING  
8 THE CRIMINAL HISTORY AND CRIMINAL RECORDS CHECK AND WITHIN THAT  
9 TIME PERIOD, PROVIDE A REPORT OF THE RESULTS OF THE CRIMINAL HIS-  
10 TORY AND CRIMINAL RECORDS CHECK TO THE FLIGHT SCHOOL. THE REPORT  
11 SHALL CONTAIN ANY CRIMINAL HISTORY RECORD INFORMATION ON THE  
12 APPLICANT MAINTAINED BY THE CRIMINAL RECORDS DIVISION OF THE  
13 DEPARTMENT OF STATE POLICE AND INCLUDE INFORMATION REGARDING THE  
14 CRIMINAL RECORDS CHECK OF THE RECORDS OF THE FEDERAL BUREAU OF  
15 INVESTIGATION.

16 (8) CRIMINAL HISTORY RECORD INFORMATION RECEIVED FROM THE  
17 CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE UNDER  
18 SUBSECTION (7) SHALL BE USED BY A FLIGHT SCHOOL ONLY FOR THE PUR-  
19 POSE OF EVALUATING AN APPLICANT'S QUALIFICATIONS FOR ENROLLMENT  
20 IN THE POSITION FOR WHICH HE OR SHE HAS APPLIED AND FOR THE PUR-  
21 POSES OF SUBSECTION (3). A FLIGHT SCHOOL SHALL NOT DISCLOSE THE  
22 REPORT OR ITS CONTENTS TO ANY PERSON WHO IS NOT DIRECTLY INVOLVED  
23 IN EVALUATING THE APPLICANT'S QUALIFICATIONS FOR ENROLLMENT.  
24 HOWEVER, FOR THE PURPOSES OF SUBSECTION (4), A PERSON DESCRIBED  
25 IN THIS SUBSECTION MAY PROVIDE A COPY OF THE REPORT UNDER  
26 SUBSECTION (7) CONCERNING THE INDIVIDUAL TO AN APPROPRIATE  
27 REPRESENTATIVE OF ANOTHER FLIGHT SCHOOL. A PERSON WHO VIOLATES



1 THIS SUBSECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE  
2 OF NOT MORE THAN \$10,000.00.

3 (9) AS USED IN THIS SECTION, "CRIMINAL HISTORY RECORD  
4 INFORMATION" MEANS THAT TERM AS DEFINED IN SECTION 1A OF 1925  
5 PA 289, MCL 28.241A.