

# HOUSE BILL No. 6250

August 13, 2002, Introduced by Rep. Scranton 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 2002 PA 258.

**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 before this  
8 date, a flight school license expires 1 year from date of issu-  
9 ance 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 its expiration.

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

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

13           (7) The flight school license shall be posted in the princi-  
14 pal office of the flight school where it may be readily observed  
15 by the general public.

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

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

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

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

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

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

11           (a) Possess a valid airworthiness certificate issued by the  
12 federal aviation administration.

13           (b) Be properly registered with the commission.

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

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

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

25           (16) A flight school shall have a written curriculum,  
26 including lesson plans, adequate to properly qualify the student  
27 to complete the particular course for the certificate or rating

1 sought. A flight school shall also include lessons pertaining to  
2 Michigan laws relating to aviation and this act.

3 (17) A flight school shall make available to students cur-  
4 rent texts and reference material pertaining to the certificate  
5 or rating sought.

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

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

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

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

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

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

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

8 (24) Beginning ~~the effective date of the amendatory act~~  
9 ~~that added this subsection~~ MAY 22, 2002, a flight school shall  
10 request from the criminal records division of the department of  
11 state police a criminal history check and criminal records check  
12 through the federal bureau of investigation on any applicant WHO  
13 IS 18 YEARS OF AGE OR OLDER for training at the flight school in  
14 the manner provided for under section 85a. The applicant shall  
15 cooperate with the flight school in completing the criminal his-  
16 tory check and criminal records check through the federal bureau  
17 of investigation. A flight school shall not enroll or shall ter-  
18 minate the enrollment of an applicant if any of the following  
19 occurred to the applicant within the preceding 7 years:

20 (a) Was convicted of a violent or other felony.

21 (b) Was incarcerated for a violent or other felony  
22 conviction.

23 (c) Was on probation or parole for a violent or other felony  
24 conviction.

25 (25) The requirements for a flight school set out in this  
26 section are conditions of the license. Failure to comply with

1 any of these requirements is grounds for revocation of a flight  
2 school's license.

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

7 (27) As used in this section, "violent or other felony"  
8 means a violation of a penal law of this state, another state, or  
9 the United States for which the offender, upon conviction, may be  
10 punished by death or imprisonment for more than 1 year or an  
11 offense expressly designated by law to be a felony.