

Private Airport Notice Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: Wayne A. Harper

LONG TITLE**Committee Note:**

The Transportation Interim Committee recommended this bill.

Legislative Vote: 12 voting for 0 voting against 5 absent

General Description:

This bill enacts provisions related to notice of private airports.

Highlighted Provisions:

This bill:

- defines terms related to private airports;
- requires local governments to provide and record notice of the certain information about the name and location of certain private airports; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

72-10-102, as last amended by Laws of Utah 2024, Chapter 483

ENACTS:

10-9a-541, Utah Code Annotated 1953**17-27a-536**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **10-9a-541** is enacted to read:**10-9a-541 . Notice of significant private airports.**

(1) As used in this section, "significant private airport" means the same as that term is defined in Section 72-10-102.

31 (2) On or before January 1, 2026, a municipality shall record with the county recorder and
32 against any parcel within 5,000 feet of a runway of a significant private airport located
33 within the boundary of the municipality a notice with the following language: "In
34 accordance with Utah Code Section 10-9a-541, notice is hereby given that the subject
35 property is located within 5,000 feet of a runway of a significant airport that as of
36 [INSERT THE DATE OF THE RECORDING] is known as [AIRPORT NAME] and is
37 located at [INSERT THE ADDRESS OF THE SIGNIFICANT PRIVATE AIRPORT]."

38 Section 2. Section **17-27a-536** is enacted to read:

39 **17-27a-536 . Notice of significant private airports.**

40 (1) As used in this section, "significant private airport" means the same as that term is
41 defined in Section 72-10-102.
42 (2) On or before January 1, 2026, a county shall record with the county recorder and against
43 any parcel within 5,000 feet of a runway of a significant private airport located within an
44 unincorporated area within the boundary of the county a notice with the following
45 language: "In accordance with Utah Code Section 17-27a-536, notice is hereby given
46 that the subject property is located within 5,000 feet of a runway of a significant airport
47 that as of [INSERT THE DATE OF THE RECORDING] is known as [AIRPORT
48 NAME] and is located at [INSERT THE ADDRESS OF THE SIGNIFICANT
49 PRIVATE AIRPORT]."

50 Section 3. Section **72-10-102** is amended to read:

51 **72-10-102 . Definitions.**

52 As used in this chapter:

- 53 (1) "Acrobatics" means the intentional maneuvers of an aircraft not necessary to air
54 navigation.
- 55 (2)(a) "Advanced air mobility system" means a system that transports individuals and
56 property using piloted and unpiloted aircraft, including electric aircraft and electric
57 vertical takeoff and landing aircraft, in controlled or uncontrolled airspace.
- 58 (b) "Advanced air mobility system" includes each component of a system described in
59 Subsection (2)(a), including:
- 60 (i) the aircraft, including payload;
 - 61 (ii) communications equipment;
 - 62 (iii) navigation equipment;
 - 63 (iv) controllers;
 - 64 (v) support equipment; and

- 65 (vi) remote and autonomous functions.
- 66 (3) "Aerial transit corridor" means an airspace volume defining a three-dimensional route
67 segment with performance requirements to operate within or to cross where tactical air
68 traffic control separation services are not provided.
- 69 (4) "Aeronautics" means transportation by aircraft, air instruction, the operation, repair, or
70 maintenance of aircraft, and the design, operation, repair, or maintenance of airports, or
71 other air navigation facilities.
- 72 (5) "Aeronautics instructor" means any individual engaged in giving or offering to give
73 instruction in aeronautics, flying, or ground subjects, either with or without:
- 74 (a) compensation or other reward;
- 75 (b) advertising the occupation;
- 76 (c) calling his facilities an air school, or any equivalent term; or
- 77 (d) employing or using other instructors.
- 78 (6) "Aircraft" means any contrivance now known or in the future invented, used, or
79 designed for navigation of or flight in the air.
- 80 (7) "Air instruction" means the imparting of aeronautical information by any aviation
81 instructor or in any air school or flying club.
- 82 (8) "Airport" means any area of land, water, or both, that:
- 83 (a) is used or is made available for landing and takeoff;
- 84 (b) provides facilities for the shelter, supply, and repair of aircraft, and handling of
85 passengers and cargo;
- 86 (c) meets the minimum requirements established by the department as to size and
87 design, surface, marking, equipment, and operation; and
- 88 (d) includes all areas shown as part of the airport in the current airport layout plan as
89 approved by the Federal Aviation Administration.
- 90 (9) "Airport authority" means a political subdivision of the state, other than a county or
91 municipality, that is authorized by statute to operate an airport.
- 92 (10) "Airport operator" means a municipality, county, or airport authority that owns or
93 operates a commercial airport.
- 94 (11)(a) "Airport revenue" means[:]
- 95 [~~(i)~~] all fees, charges, rents, or other payments received by or accruing to an airport
96 operator for any of the following reasons:
- 97 [~~(A)~~] (i) revenue from air carriers, tenants, lessees, purchasers of airport properties,
98 airport permittees making use of airport property and services, and other parties;

- 99 ~~[(B)]~~ (ii) revenue received from the activities of others or the transfer of rights to
 100 others relating to the airport, including revenue received:
 101 ~~[(H)]~~ (A) for the right to conduct an activity on the airport or to use or occupy
 102 airport property;
 103 ~~[(H)]~~ (B) for the sale, transfer, or disposition of airport real or personal property, or
 104 any interest in that property, including transfer through a condemnation
 105 proceeding;
 106 ~~[(H)]~~ (C) for the sale of, or the sale or lease of rights in, mineral, natural, or
 107 agricultural products or water owned by the airport operator to be taken from
 108 the airport; and
 109 ~~[(H)]~~ (D) for the right to conduct an activity on, or for the use or disposition of,
 110 real or personal property or any interest in real or personal property owned or
 111 controlled by the airport operator and used for an airport-related purpose but
 112 not located on the airport; or
 113 ~~[(C)]~~ (iii) revenue received from activities conducted by the airport operator whether
 114 on or off the airport, which is directly connected to the airport operator's
 115 ownership or operation of the airport~~[-and]~~ .
 116 ~~[(H)]~~ (b) "Airport revenue" includes state and local taxes on aviation fuel.
 117 ~~[(H)]~~ (c) "Airport revenue" does not include amounts received by an airport operator as
 118 passenger facility fees pursuant to 49 U.S.C. Sec. 40117.
 119 (12) "Air school" means any person engaged in giving, offering to give, or advertising,
 120 representing, or holding himself out as giving, with or without compensation or other
 121 reward, instruction in aeronautics, flying, or ground subjects, or in more than one of
 122 these subjects.
 123 (13) "Airworthiness" means conformity with requirements prescribed by the Federal
 124 Aviation Administration regarding the structure or functioning of aircraft, engine, parts,
 125 or accessories.
 126 (14) "Civil aircraft" means any aircraft other than a public aircraft.
 127 (15) "Commercial aircraft" means aircraft used for commercial purposes.
 128 (16) "Commercial airport" means a landing area, landing strip, or airport that may be used
 129 for commercial operations.
 130 (17) "Commercial flight operator" means a person who conducts commercial operations.
 131 (18) "Commercial operations" means:
 132 (a) any operations of an aircraft for compensation or hire or any services performed

- 133 incidental to the operation of any aircraft for which a fee is charged or compensation
134 is received, including the servicing, maintaining, and repairing of aircraft, the rental
135 or charter of aircraft, the operation of flight or ground schools, the operation of
136 aircraft for the application or distribution of chemicals or other substances, and the
137 operation of aircraft for hunting and fishing; or
- 138 (b) the brokering or selling of any of these services; but
- 139 (c) does not include any operations of aircraft as common carriers certificated by the
140 federal government or the services incidental to those operations.
- 141 (19) "Correctional facility" means the same as that term is defined in Section 77-16b-102.
- 142 (20) "Dealer" means any person who is actively engaged in the business of flying for
143 demonstration purposes, or selling or exchanging aircraft, and who has an established
144 place of business.
- 145 (21) "Experimental aircraft" means:
- 146 (a) any aircraft designated by the Federal Aviation Administration or the military as
147 experimental and used solely for the purpose of experiments, or tests regarding the
148 structure or functioning of aircraft, engines, or their accessories; and
- 149 (b) any aircraft designated by the Federal Aviation Administration as:
- 150 (i) being custom or amateur built; and
- 151 (ii) used for recreational, educational, or display purposes.
- 152 (22) "Flight" means any kind of locomotion by aircraft while in the air.
- 153 (23) "Flying club" means five or more persons who for neither profit nor reward own, lease,
154 or use one or more aircraft for the purpose of instruction, pleasure, or both.
- 155 (24) "Glider" means an aircraft heavier than air, similar to an airplane, but without a power
156 plant.
- 157 (25) "Mechanic" means a person who constructs, repairs, adjusts, inspects, or overhauls
158 aircraft, engines, or accessories.
- 159 (26) "Navigable airspace" means the same as that term is defined in 49 U.S.C. Sec. 40102.
- 160 (27) "Parachute jumper" means any person who has passed the required test for jumping
161 with a parachute from an aircraft, and has passed an examination showing that he
162 possesses the required physical and mental qualifications for the jumping.
- 163 (28) "Parachute rigger" means any person who has passed the required test for packing,
164 repairing, and maintaining parachutes.
- 165 (29) "Passenger aircraft" means aircraft used for transporting persons, in addition to the
166 pilot or crew, with or without their necessary personal belongings.

167 (30) "Person" means any individual, corporation, limited liability company, or association
168 of individuals.

169 (31) "Pilot" means any person who operates the controls of an aircraft while in-flight.

170 (32) "Primary glider" means any glider that has a gliding angle of less than 10 to one.

171 (33) "Private airport" means an airport that is not open or available for public use.

172 [~~(33)~~] (34) "Public aircraft" means an aircraft used exclusively in the service of any
173 government or of any political subdivision, including the government of the United
174 States, of the District of Columbia, and of any state, territory, or insular possession of
175 the United States, but not including any government-owned aircraft engaged in carrying
176 persons or goods for commercial purposes.

177 [~~(34)~~] (35) "Reckless flying" means the operation or piloting of any aircraft recklessly, or in
178 a manner as to endanger the property, life, or body of any person, due regard being
179 given to the prevailing weather conditions, field conditions, and to the territory being
180 flown over.

181 [~~(35)~~] (36) "Registration number" means the number assigned by the Federal Aviation
182 Administration to any aircraft, whether or not the number includes a letter or letters.

183 [~~(36)~~] (37) "Roadable aircraft" means an aircraft capable of taking off and landing from a
184 suitable airfield and is also designed to be driven on a highway as a conveyance.

185 [~~(37)~~] (38) "Secondary glider" means any glider that has a gliding angle between 10 to one
186 and 16 to one, inclusive.

187 (39) "Significant private airport" means a private airport that:

188 (a) is registered with the Federal Aviation Administration;

189 (b) appears on aeronautical charts published by the Federal Aviation Administration; and

190 (c) has significant infrastructure investment, such as a paved runway, lighting, fuel
191 facilities, or more than 20 based aircraft.

192 [~~(38)~~] (40) "Soaring glider" means any glider that has a gliding angle of more than 16 to one.

193 [~~(39)~~] (41) "Unmanned aircraft" means an aircraft that is:

194 (a) capable of sustaining flight; and

195 (b) operated with no possible direct human intervention from on or within the aircraft.

196 [~~(40)~~] (42) "Unmanned aircraft system" means the entire system used to operate an
197 unmanned aircraft, including:

198 (a) the unmanned aircraft, including payload;

199 (b) communications equipment;

200 (c) navigation equipment;

201 (d) controllers;

202 (e) support equipment; and

203 (f) autopilot functionality.

204 [(41)] (43) "Unmanned aircraft system traffic management" means a traffic management
205 ecosystem for uncontrolled operations, including unmanned aircraft systems, that is
206 separate from, but complementary to, the Federal Aviation Administration's air traffic
207 management system.

208 [(42)] (44) "Vertiport" means an area of land, or a structure, used or intended to be used for
209 electric, hydrogen, and hybrid vertical aircraft landings and takeoffs, including
210 associated buildings and facilities.

211 Section 4. **Effective date.**

212 This bill takes effect on May 7, 2025.