

Melissa G. Ballard proposes the following substitute bill:

Private Airport Notice Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: Wayne A. Harper

2

3 **LONG TITLE**

4 **General Description:**

5 This bill enacts provisions related to notice of private airports.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ defines terms related to private airports;

9 ▶ requires local governments to provide and record notice of the certain information about

10 the name and location of certain private airports; and

11 ▶ makes technical changes.

12 **Money Appropriated in this Bill:**

13 None

14 **Other Special Clauses:**

15 None

16 **Utah Code Sections Affected:**

17 AMENDS:

18 **72-10-102**, as last amended by Laws of Utah 2024, Chapter 483

19 ENACTS:

20 **10-9a-541**, Utah Code Annotated 1953

21 **17-27a-536**, Utah Code Annotated 1953

22 **72-10-416**, Utah Code Annotated 1953

23

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section **10-9a-541** is enacted to read:

26 **10-9a-541 . Notice of significant private airports.**

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

29 (2) If a municipality receives a notification described in Section 72-10-416, the

30 municipality shall record with the county recorder and against any existing residential
31 parcel within 2,500 feet of a runway of a significant private airport located within the
32 boundary of the municipality a notice with the following language: "In accordance with
33 Utah Code Section 10-9a-541, notice is hereby given that the subject property is located
34 within 2,500 feet of a runway of a significant airport that as of [INSERT THE DATE
35 OF THE RECORDING] is known as [AIRPORT NAME] and is located at [INSERT
36 THE ADDRESS OF THE SIGNIFICANT PRIVATE AIRPORT]."

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

38 **17-27a-536 . Notice of significant private airports.**

- 39 (1) As used in this section, "significant private airport" means the same as that term is
40 defined in Section 72-10-102.
- 41 (2) If a county receives a notification described in Section 72-10-416, the county shall
42 record with the county recorder and against any existing residential parcel within 2,500
43 feet of a runway of a significant private airport located within an unincorporated area
44 within the boundary of the county a notice with the following language: "In accordance
45 with Utah Code Section 17-27a-536, notice is hereby given that the subject property is
46 located within 2,500 feet of a runway of a significant airport that as of [INSERT THE
47 DATE OF THE RECORDING] is known as [AIRPORT NAME] and is located at
48 [INSERT THE ADDRESS OF THE SIGNIFICANT PRIVATE AIRPORT]."

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

50 **72-10-102 . Definitions.**

51 As used in this chapter:

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

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

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

132 incidental to the operation of any aircraft for which a fee is charged or compensation
133 is received, including the servicing, maintaining, and repairing of aircraft, the rental
134 or charter of aircraft, the operation of flight or ground schools, the operation of
135 aircraft for the application or distribution of chemicals or other substances, and the
136 operation of aircraft for hunting and fishing; or

137 (b) the brokering or selling of any of these services; but

138 (c) does not include any operations of aircraft as common carriers certificated by the
139 federal government or the services incidental to those operations.

140 (19) "Correctional facility" means the same as that term is defined in Section 77-16b-102.

141 (20) "Dealer" means any person who is actively engaged in the business of flying for
142 demonstration purposes, or selling or exchanging aircraft, and who has an established
143 place of business.

144 (21) "Experimental aircraft" means:

145 (a) any aircraft designated by the Federal Aviation Administration or the military as
146 experimental and used solely for the purpose of experiments, or tests regarding the
147 structure or functioning of aircraft, engines, or their accessories; and

148 (b) any aircraft designated by the Federal Aviation Administration as:

149 (i) being custom or amateur built; and

150 (ii) used for recreational, educational, or display purposes.

151 (22) "Flight" means any kind of locomotion by aircraft while in the air.

152 (23) "Flying club" means five or more persons who for neither profit nor reward own, lease,
153 or use one or more aircraft for the purpose of instruction, pleasure, or both.

154 (24) "Glider" means an aircraft heavier than air, similar to an airplane, but without a power
155 plant.

156 (25) "Mechanic" means a person who constructs, repairs, adjusts, inspects, or overhauls
157 aircraft, engines, or accessories.

158 (26) "Navigable airspace" means the same as that term is defined in 49 U.S.C. Sec. 40102.

159 (27) "Parachute jumper" means any person who has passed the required test for jumping
160 with a parachute from an aircraft, and has passed an examination showing that he
161 possesses the required physical and mental qualifications for the jumping.

162 (28) "Parachute rigger" means any person who has passed the required test for packing,
163 repairing, and maintaining parachutes.

164 (29) "Passenger aircraft" means aircraft used for transporting persons, in addition to the
165 pilot or crew, with or without their necessary personal belongings.

- 166 (30) "Person" means any individual, corporation, limited liability company, or association
167 of individuals.
- 168 (31) "Pilot" means any person who operates the controls of an aircraft while in-flight.
- 169 (32) "Primary glider" means any glider that has a gliding angle of less than 10 to one.
- 170 ~~(33)~~ (34) "Private airport" means an airport that is not open or available for public use.
- 171 ~~[(33)]~~ (34) "Public aircraft" means an aircraft used exclusively in the service of any
172 government or of any political subdivision, including the government of the United
173 States, of the District of Columbia, and of any state, territory, or insular possession of
174 the United States, but not including any government-owned aircraft engaged in carrying
175 persons or goods for commercial purposes.
- 176 ~~[(34)]~~ (35) "Reckless flying" means the operation or piloting of any aircraft recklessly, or in
177 a manner as to endanger the property, life, or body of any person, due regard being
178 given to the prevailing weather conditions, field conditions, and to the territory being
179 flown over.
- 180 ~~[(35)]~~ (36) "Registration number" means the number assigned by the Federal Aviation
181 Administration to any aircraft, whether or not the number includes a letter or letters.
- 182 ~~[(36)]~~ (37) "Roadable aircraft" means an aircraft capable of taking off and landing from a
183 suitable airfield and is also designed to be driven on a highway as a conveyance.
- 184 ~~[(37)]~~ (38) "Secondary glider" means any glider that has a gliding angle between 10 to one
185 and 16 to one, inclusive.
- 186 (39) "Significant private airport" means a private airport that is designated by the
187 department as a significant private airport as described in Section 72-10-416.
- 188 ~~[(38)]~~ (40) "Soaring glider" means any glider that has a gliding angle of more than 16 to one.
- 189 ~~[(39)]~~ (41) "Unmanned aircraft" means an aircraft that is:
- 190 (a) capable of sustaining flight; and
191 (b) operated with no possible direct human intervention from on or within the aircraft.
- 192 ~~[(40)]~~ (42) "Unmanned aircraft system" means the entire system used to operate an
193 unmanned aircraft, including:
- 194 (a) the unmanned aircraft, including payload;
195 (b) communications equipment;
196 (c) navigation equipment;
197 (d) controllers;
198 (e) support equipment; and
199 (f) autopilot functionality.

200 [(41)] (43) "Unmanned aircraft system traffic management" means a traffic management
201 ecosystem for uncontrolled operations, including unmanned aircraft systems, that is
202 separate from, but complementary to, the Federal Aviation Administration's air traffic
203 management system.

204 [(42)] (44) "Vertiport" means an area of land, or a structure, used or intended to be used for
205 electric, hydrogen, and hybrid vertical aircraft landings and takeoffs, including
206 associated buildings and facilities.

207 Section 4. Section **72-10-416** is enacted to read:

208 **72-10-416 . Private airports designated as significant.**

209 (1) Upon request from an owner of a private airport, the department shall determine
210 whether to designate a private airport as a significant private airport.

211 (2) The department shall designate a private airport as a significant private airport if the
212 department determines that the private airport:

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

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

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

217 (3) If the department designates a private airport as a significant private airport, the
218 department shall notify the relevant municipality or county of:

219 (a) the department's designation; and

220 (b) the municipality's or county's responsibility to make the recording described in
221 Section 10-9a-541 or 17-27a-536.

222 Section 5. **Effective Date.**

223 This bill takes effect on May 7, 2025.