

Wayne A. Harper 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

LONG TITLE

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

72-10-416, 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.

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

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

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

40 **17-27a-536 . Notice of significant private airports.**

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

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

55 **72-10-102 . Definitions.**

56 As used in this chapter:

- 57 (1) "Acrobatics" means the intentional maneuvers of an aircraft not necessary to air
 58 navigation.
- 59 (2)(a) "Advanced air mobility system" means a system that transports individuals and
 60 property using piloted and unpiloted aircraft, including electric aircraft and electric
 61 vertical takeoff and landing aircraft, in controlled or uncontrolled airspace.
- 62 (b) "Advanced air mobility system" includes each component of a system described in
 63 Subsection (2)(a), including:

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

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

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

- 166 possesses the required physical and mental qualifications for the jumping.
- 167 (28) "Parachute rigger" means any person who has passed the required test for packing,
168 repairing, and maintaining parachutes.
- 169 (29) "Passenger aircraft" means aircraft used for transporting persons, in addition to the
170 pilot or crew, with or without their necessary personal belongings.
- 171 (30) "Person" means any individual, corporation, limited liability company, or association
172 of individuals.
- 173 (31) "Pilot" means any person who operates the controls of an aircraft while in-flight.
- 174 (32) "Primary glider" means any glider that has a gliding angle of less than 10 to one.
- 175 (33) "Private airport" means an airport that is not open or available for public use.
- 176 [~~(33)~~] (34) "Public aircraft" means an aircraft used exclusively in the service of any
177 government or of any political subdivision, including the government of the United
178 States, of the District of Columbia, and of any state, territory, or insular possession of
179 the United States, but not including any government-owned aircraft engaged in carrying
180 persons or goods for commercial purposes.
- 181 [~~(34)~~] (35) "Reckless flying" means the operation or piloting of any aircraft recklessly, or in
182 a manner as to endanger the property, life, or body of any person, due regard being
183 given to the prevailing weather conditions, field conditions, and to the territory being
184 flown over.
- 185 [~~(35)~~] (36) "Registration number" means the number assigned by the Federal Aviation
186 Administration to any aircraft, whether or not the number includes a letter or letters.
- 187 [~~(36)~~] (37) "Roadable aircraft" means an aircraft capable of taking off and landing from a
188 suitable airfield and is also designed to be driven on a highway as a conveyance.
- 189 [~~(37)~~] (38) "Secondary glider" means any glider that has a gliding angle between 10 to one
190 and 16 to one, inclusive.
- 191 (39) "Significant private airport" means a private airport that is designated by the
192 department as a significant private airport as described in Section 72-10-416.
- 193 [~~(38)~~] (40) "Soaring glider" means any glider that has a gliding angle of more than 16 to one.
- 194 [~~(39)~~] (41) "Unmanned aircraft" means an aircraft that is:
- 195 (a) capable of sustaining flight; and
- 196 (b) operated with no possible direct human intervention from on or within the aircraft.
- 197 [~~(40)~~] (42) "Unmanned aircraft system" means the entire system used to operate an
198 unmanned aircraft, including:
- 199 (a) the unmanned aircraft, including payload;

- 200 (b) communications equipment;
- 201 (c) navigation equipment;
- 202 (d) controllers;
- 203 (e) support equipment; and
- 204 (f) autopilot functionality.

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

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

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

213 **72-10-416 . Private airports designated as significant.**

- 214 (1) Upon request from an owner of a private airport, the department shall determine
215 whether to designate a private airport as a significant private airport.
- 216 (2) The department shall designate a private airport as a significant private airport if the
217 department determines that the private airport:
- 218 (a) is registered with the Federal Aviation Administration;
 - 219 (b) appears on aeronautical charts published by the Federal Aviation Administration; and
 - 220 (c) has significant infrastructure investment, such as a paved runway, lighting, fuel
221 facilities, or more than 20 based aircraft.
- 222 (3) If the department designates a private airport as a significant private airport, the
223 department shall notify the relevant municipality or county of:
- 224 (a) the department's designation; and
 - 225 (b) the municipality's or county's responsibility to make the recording described in
226 Section 10-9a-541 or 17-27a-536.

227 Section 5. **Effective Date.**

228 This bill takes effect on May 7, 2025.