

HB0191S01 compared with HB0191

~~{Omitted text}~~ shows text that was in HB0191 but was omitted in HB0191S01

inserted text shows text that was not in HB0191 but was inserted into HB0191S01

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1 **Airport Land Use Amendments**
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: David Shallenberger
Senate Sponsor: Brady Brammer



2
3 **LONG TITLE**

4 **General Description:**

5 This bill amends definitions related to airports to include flight parks.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ amends definitions of "airport," and "airport influence area," and defines "flight park" to ensure that a flight park receives similar treatment as other airports with regard to airport influence areas, airport overlay zones, and avigation easements{ } ; 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 2025, Chapters 423, 515**

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19 **72-10-401** , as last amended by Laws of Utah 2025, First Special Session, Chapter 17
20 **72-10-403** , as last amended by Laws of Utah 2025, First Special Session, Chapter 15

21

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

23 Section 1. Section 72-10-102 is amended to read:

24 **72-10-102. Definitions.**

 As used in this chapter:

26 (1) "Acrobatics" means the intentional maneuvers of an aircraft not necessary to air navigation.

28 (2)

 (a) "Advanced air mobility system" means a system that transports individuals and property using piloted and unpiloted aircraft, including electric aircraft and electric vertical takeoff and landing aircraft, in controlled or uncontrolled airspace.

31 (b) "Advanced air mobility system" includes each component of a system described in Subsection (2) (a), including:

33 (i) the aircraft, including payload;

34 (ii) communications equipment;

35 (iii) navigation equipment;

36 (iv) controllers;

37 (v) support equipment;

38 (vi) an authoritative supplemental data service provider;

39 (vii) flight information exchange; and

40 (viii) remote and autonomous functions.

41 (3) "Aerial transit corridor" means an airspace volume defining a three-dimensional route segment with performance requirements to operate within or to cross where tactical air traffic control separation services are not provided.

44 (4) "Aeronautics" means transportation by aircraft, air instruction, the operation, repair, or maintenance of aircraft, and the design, operation, repair, or maintenance of airports, or other air navigation facilities.

47 (5) "Aeronautics instructor" means ~~any~~ an individual engaged in giving or offering to give instruction in aeronautics, flying, or ground subjects, either with or without:

49 (a) compensation or other reward;

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- 50 (b) advertising the occupation;
- 51 (c) calling the instructor's facilities an air school, or [~~any~~] an equivalent term; or
- 52 (d) employing or using other instructors.
- 53 (6) "Aircraft" means [~~any~~] a contrivance now known or in the future invented, used, or designed for navigation of or flight in the air.
- 55 (7) "Air instruction" means the imparting of aeronautical information by [~~any~~] an aviation instructor or in [~~any~~] an air school or flying club.
- 57 (8)
- 58 (a) "Airport" means [~~any~~] an area of land~~[, water, or both,]~~ or water that:
- 59 [~~(a)~~] (i) is used or is made available for landing and takeoff of aircraft; and
- 61 [~~(b)~~] provides facilities for the shelter, supply, and repair of aircraft, and handling of passengers and cargo;
- 63 [~~(c)~~] meets the minimum requirements established by the department as to size and design, surface, marking, equipment, and operation; and]
- 65 [~~(d)~~] includes all areas shown as part of the airport in the current airport layout plan as approved by the Federal Aviation Administration.]
- 66 (ii) is open or available for public use.
- 67 (b) "Airport" includes:
- 69 (i) appurtenant areas used for buildings, right of way, or other facilities used to support the airport;
- 70 (ii) a vertiport if the vertiport is open or available for public use; and
- 71 (iii) a flight park.
- 72 (9) "Airport authority" means a political subdivision of the state, other than a county or municipality, that is authorized by statute to operate an airport.
- 73 (10) "Airport operator" means a municipality, county, or airport authority that owns or operates a commercial airport.
- 75 (11)
- 76 (a) "Airport revenue" means all fees, charges, rents, or other payments received by or accruing to an airport operator for any of the following reasons:
- 77 (i) revenue from air carriers, tenants, lessees, purchasers of airport properties, airport permittees making use of airport property and services, and other parties;
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(ii) revenue received from the activities of others or the transfer of rights to others relating to the airport, including revenue received:

- 81 (A) for the right to conduct an activity on the airport or to use or occupy airport property;
- 83 (B) for the sale, transfer, or disposition of airport real or personal property, or ~~[any]~~ an interest in that property, including transfer through a condemnation proceeding;
- 86 (C) for the sale of, or the sale or lease of rights in, mineral, natural, or agricultural products or water owned by the airport operator to be taken from the airport; and
- 89 (D) for the right to conduct an activity on, or for the use or disposition of, real or personal property or ~~[any]~~ an interest in real or personal property owned or controlled by the airport operator and used for an airport-related purpose but not located on the airport; or
- 93 (iii) revenue received from activities conducted by the airport operator whether on or off the airport, which is directly connected to the airport operator's ownership or operation of the airport.
- 96 (b) "Airport revenue" includes state and local taxes on aviation fuel.
- 97 (c) "Airport revenue" does not include amounts received by an airport operator as passenger facility fees ~~[pursuant to]~~ in accordance with 49 U.S.C. Sec. 40117.
- 99 (12) "Air school" means ~~[any]~~ a person engaged in giving, offering to give, ~~[or]~~ advertising, representing, or a person holding itself out as giving, with or without compensation or other reward, instruction in aeronautics, flying, or ground subjects, or in more than one of these subjects.
- 103 (13) "Airworthiness" means conformity with requirements prescribed by the Federal Aviation Administration regarding the structure or functioning of aircraft, engine, parts, or accessories.
- 106 (14) "Authoritative supplemental data service provider" means a third party provider of unmanned aircraft system traffic management services that is approved by the department and supplies specialized data to an unmanned aircraft system service supplier or to an unmanned aircraft system operator for a variety of uses.
- 110 (15) "Civil aircraft" means ~~[any]~~ an aircraft other than a public aircraft.
- 111 (16) "Commercial aircraft" means aircraft used for commercial purposes.
- 112 (17) "Commercial airport" means a landing area, landing strip, or airport that may be used for commercial operations.
- 114 (18) "Commercial flight operator" means a person who conducts commercial operations.
- 115 (19) "Commercial operations" means:
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- (a) ~~[any operations]~~ the operation of an aircraft for compensation or hire or ~~[any]~~ services performed incidental to the operation of ~~[any]~~ an aircraft for which a fee is charged or compensation is received, including the servicing, maintaining, and repairing of aircraft, the rental or charter of aircraft, the operation of flight or ground schools, the operation of aircraft for the application or distribution of chemicals or other substances, and the operation of aircraft for hunting and fishing; or
- 122 (b) the brokering or selling of any of these services; but
- 123 (c) does not include any operations of aircraft as common carriers certificated by the federal government or the services incidental to those operations.
- 125 (20) "Correctional facility" means the same as that term is defined in Section 77-16b-102.
- 126 (21) "Dealer" means ~~[any]~~ a person who is actively engaged in the business of flying for demonstration purposes, or selling or exchanging aircraft, and who has an established place of business.
- 129 (22) "Experimental aircraft" means:
- 130 (a) ~~[any]~~ an aircraft designated by the Federal Aviation Administration or the military as experimental and used solely for the purpose of experiments, or tests regarding the structure or functioning of aircraft, engines, or their accessories; and
- 133 (b) ~~[any]~~ an aircraft designated by the Federal Aviation Administration as:
- 134 (i) being custom or amateur built; and
- 135 (ii) used for recreational, educational, or display purposes.
- 136 (23) "Flight" means ~~[any]~~ a kind of locomotion by aircraft while in the air.
- 137 (24) "Flight information exchange" means a model or system that allows for the consistent exchange of flying data between an unmanned aircraft system traffic management system and an unmanned aircraft system operator or aircraft to facilitate the coordination of flights.
- 141 (25) "Flight park" means an area:
- 142 (a) used primarily for the landing and take-off of a hang glider, para glider, or similar nonmotorized aircraft;
- 144 (b) recognized by the Federal Aviation Administration as an airport; and
- 145 (c) owned by the state or a political subdivision of the state.
- 146 ~~[(25)]~~ (26) "Flying club" means five or more persons who for neither profit nor reward own, lease, or use one or more aircraft for the purpose of instruction, pleasure, or both.
- 148 ~~[(26)]~~ (27) "Glider" means an aircraft heavier than air, similar to an airplane, but without a power plant.
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- 152 [(27)] (28) "Mechanic" means a person who constructs, repairs, adjusts, inspects, or overhauls aircraft,
engines, or accessories.
- 154 [(28)] (29) "Navigable airspace" means the same as that term is defined in 49 U.S.C. Sec. 40102.
- 158 [(29)] (30) "Parachute jumper" means ~~[any person]~~ an individual who has passed the required test for
jumping with a parachute from an aircraft, and has passed an examination showing that the jumper
possesses the required physical and mental qualifications for the jumping.
- 160 [(30)] (31) "Parachute rigger" means any person who has passed the required test for packing, repairing,
and maintaining parachutes.
- 162 [(31)] (32) "Passenger aircraft" means aircraft used for transporting persons, in addition to the pilot or
crew, with or without their necessary personal belongings.
- 164 [(32)] (33) "Person" means ~~[any]~~ an individual, corporation, limited liability company, or association
of individuals.
- 166 [(33)] (34) "Pilot" means ~~[any]~~ a person who operates the controls of an aircraft while in-flight.
- 168 [(34)] (35) "Primary glider" means ~~[any]~~ a glider that has a gliding angle of less than 10 to one.
- 169 [(35)] (36) "Private airport" means an airport that is not open or available for public use.
- 174 [(36)] (37) "Public aircraft" means an aircraft used exclusively in the service of ~~[any]~~ a government
or of ~~[any]~~ a political subdivision, including the government of the United States, of the District of
Columbia, and of ~~[any]~~ a state, territory, or insular possession of the United States, but not including
~~[any]~~ a government-owned aircraft engaged in carrying persons or goods for commercial purposes.
- 178 [(37)] (38) "Reckless flying" means the operation or piloting of ~~[any]~~ an aircraft recklessly, or in a
manner as to endanger the property, life, or body of ~~[any]~~ a person, due regard being given to the
prevailing weather conditions, field conditions, and to the territory being flown over.
- 181 [(38)] (39) "Registration number" means the number assigned by the Federal Aviation Administration
to ~~[any]~~ an aircraft, whether ~~[-or not]~~ the number includes a letter or letters.
- 183 [(39)] (40) "Roadable aircraft" means an aircraft capable of taking off and landing from a suitable
airfield and is also designed to be driven on a highway as a conveyance.
- 185 [(40)] (41) "Secondary glider" means ~~[any]~~ a glider that has a gliding angle between 10 to one and 16
to one, inclusive.
- 187 [(41)] (42) "Significant private airport" means a private airport that is designated by the department as a
significant private airport as described in Section 72-10-416.
- [(42)] (43) "Soaring glider" means any glider that has a gliding angle of more than 16 to one.

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- 188 [(43)] (44) "Unmanned aircraft system service supplier" means a service supplier that:
- 189 (a) relays flight information between an unmanned aircraft system operator and a flight management system; and
- 191 (b) provides information that supports unmanned aircraft system operations and assists with strategic deconfliction by an unmanned aircraft system traffic management system.
- 194 [(44)] (45) "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 [(45)] (46) "Unmanned aircraft system" means the entire system used to operate an 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 [(46)] (47) "Unmanned aircraft system traffic management" means a traffic management ecosystem for uncontrolled operations, including unmanned aircraft systems, that is separate from, but complementary to, the Federal Aviation Administration's air traffic management[-] system.
- 209 [(47)] (48) "Vertiport" means an area of land, or a structure, used or intended to be used for electric, hydrogen, and hybrid vertical aircraft landings and takeoffs, including associated buildings and facilities.

212 Section 2. Section **72-10-401** is amended to read:

213 **72-10-401. Definitions.**

As used in this part:

24 [(1)]

(a) "Airport" means any publicly used area of land or water that is used, or intended to be used, for the landing and take-off of aircraft and utilized or to be utilized in the interest of the public for these purposes.

27 [(b) "Airport" includes a vertiport if the vertiport is open for public use.]

28 {(c) "Airport" includes a flight park.}

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- 29 ~~[(2)]~~ (1) "Airport hazard" means any structure, tree, object of natural growth, or use of land that
potentially obstructs or otherwise impacts the safe and efficient utilization of the navigable airspace
required for the flight of aircraft in landing or take-off at an airport.
- 32 ~~[(3)]~~ (2) "Airport influence area" means land located:
- 33 (a) within 5,000 feet of an airport runway;~~[-or]~~
- 34 (b) within 500 feet of a vertiport that is open for public use~~[-]~~ ; or
- 35 (c) within 1,000 feet of the boundary of a flight park.
- 36 ~~[(4)]~~ (3) "Airport overlay zone" means a secondary zoning district designed to protect the public health,
safety, and welfare near an airport that:
- 38 (a) applies land use regulation in addition to the primary zoning district land use regulation of property
used as an airport and property within an airport influence area;
- 40 (b) may extend beyond the airport influence area;
- 41 (c) ensures airport utility as a public asset;
- 42 (d) protects property owner land values near an airport through compatible land use regulations as
recommended by the Federal Aviation Administration; and
- 44 (e) protects aircraft occupant safety through protection of navigable airspace.
- 45 ~~[(5)]~~ (4) "Avigation easement" means an easement permitting unimpeded aircraft flights over property
subject to the easement and includes the right:
- 47 (a) to create or increase noise or other effects that may result from the lawful operation of aircraft; and
- 49 (b) to prohibit or remove any obstruction to such overflight.
- 50 ~~{(6) "Flight park" means an area: }~~
- 51 ~~{(a) used primarily for the landing and take-off of a hang glider, para glider, or similar nonmotorized
aircraft; }~~
- 53 ~~{(b) recognized by the Federal Aviation Administration as an airport; and }~~
- 54 ~~{(c) owned by the state or a political subdivision of the state. }~~
- 55 ~~[(6)]~~ ~~(7)~~ (5) "Land use regulation" means the same as that term is defined in Sections 10-20-102 and
17-79-102.
- 57 ~~[(7)]~~ ~~(8)~~ (6) "Political subdivision" means any municipality, city, town, or county.
- 58 ~~[(8)]~~ ~~(9)~~ (7) "Structure" means any object constructed or installed by man, including buildings,
towers, smokestacks, and overhead transmission lines.
- 60 ~~[(9)]~~ ~~(10)~~ (8) "Tree" means any object of natural growth.

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246 Section 3. Section **72-10-403** is amended to read:

247 **72-10-403. Airport zoning regulations.**

63 (1) Flight of aircraft over the lands and waters of the state is lawful, unless:

64 (a) at such a low altitude as to interfere with the existing use to which the owner has put the land, water,
or the airspace over the land or water; or

66 (b) so conducted as to be imminently dangerous to persons or property lawfully on the land or water
beneath.

68 (2) In order to prevent the creation or establishment of airport hazards, each political subdivision
located within an airport influence area, shall adopt, administer, and enforce land use regulations
for the airport influence area, including an airport overlay zone, under the police power and in the
manner and upon the conditions prescribed:

72 (a) in this part;

73 (b) Title 10, Chapter 20, Municipal Land Use, Development, and Management Act; and

74 (c) Title 17, Chapter 79, County Land Use, Development, and Management Act.

75 (3)

(a) Each political subdivision located within an airport influence area shall notify a person building
on or developing land in an airport influence area, in writing, of aircraft overflights and associated
noise.

78 (b) To promote the safe and efficient operation of the airport, a political subdivision located within an
airport influence area:

80 (i) shall:

81 (A) adopt an airport overlay zone conforming to the requirements of this chapter and 14 C.F.R. Part 77;
and

83 (B) require any proposed development within an airport influence area to conform with 14 C.F.R. Part
77; and

85 (ii) may, as a condition to granting a building permit, subdivision plat, or a requested zoning change
within an airport influence area, require a person building or developing land to grant or sell to the
airport owner, at appraised fair market value, an aviation easement.

274 (c) For a flight park, overlay zone restrictions apply only to areas that are within the primary launch
and landing corridors or that would create mechanical turbulence, rotor, or obstruction affecting
customary flight operations.

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- 89 (4) If a political subdivision located within an airport influence area{ ~~related to an airport other than~~
a flight park} fails to adopt an airport overlay zone by December 31, 2024, then the following
requirements shall apply in an airport influence area:
- 92 (a) each political subdivision located within an airport influence area shall notify a person building on
or developing land within an airport influence area, in writing, of aircraft overflights and associated
noise;
- 95 (b) as a condition to granting a building permit, subdivision plat, or a requested zoning change within
an airport influence area, require the person building or developing land to grant or sell to the airport
owner, at appraised fair market value, an aviation easement; and
- 99 (c) require a person building or developing land within an airport influence area conform to the
requirements of this chapter and 14 C.F.R. Part 77.
- 101 ~~{(5) If a political subdivision located within an airport influence area related to a flight park fails to
adopt an airport overlay zone by December 31, 2026, then the following requirements shall apply in
an airport influence area: }~~
- 104 ~~{(a) each political subdivision located within an airport influence area shall notify a person building on
or developing land within an airport influence area, in writing, of aircraft overflights and associated
noise; }~~
- 107 ~~{(b) as a condition to granting a building permit, subdivision plat, or a requested zoning change within
an airport influence area, require the person building or developing land to grant or sell to the airport
owner, at appraised fair market value, an aviation easement; and }~~
- 111 ~~{(c) require a person building or developing land within an airport influence area to conform to the
requirements of this chapter and 14 C.F.R. Part 77. }~~

289 Section 4. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

2-23-26 10:51 AM