

**PUBLIC AIRPORT AND AERONAUTICS**

**AMENDMENTS**

2003 GENERAL SESSION

STATE OF UTAH

**Sponsor: Joseph G. Murray**

**This act modifies provisions relating to public airports and aeronautics. The act repeals the Utah Public Airport Authority Act and expands provisions of the Aeronautics Act and related provisions to apply to political subdivisions of the state authorized by statute to operate an airport.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**72-10-102**, as renumbered and amended by Chapter 270 and last amended by Chapter 365, Laws of Utah 1998

**76-10-529**, as last amended by Chapter 97, Laws of Utah 1999

REPEALS:

**17A-2-1501**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-1502**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-1503**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-1504**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-1505**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-1506**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-1507**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-1508**, as last amended by Chapter 273, Laws of Utah 1991

**17A-2-1510**, as last amended by Chapter 5, Laws of Utah 1991

**17A-2-1511**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-1512**, as last amended by Chapter 1, Laws of Utah 2000

**17A-2-1513**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-1514**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-1515**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-1516**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-1517**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-1518**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-1519**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-1520**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-1521**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-1522**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-1523**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-1524**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-1525**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-1526**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-1527**, as renumbered and amended by Chapter 186, Laws of Utah 1990

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

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

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

As used in this chapter:

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

(2) "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.

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

- (a) compensation or other reward;
- (b) advertising the occupation;
- (c) calling his facilities an air school, or any equivalent term; or
- (d) employing or using other instructors.

(4) "Aircraft" means any contrivance now known or in the future invented, used, or

designed for navigation of or flight in the air.

(5) "Air instruction" means the imparting of aeronautical information by any aviation instructor or in any air school or flying club.

(6) "Airport" means any area of land, water, or both, that:

(a) is used or is made available for landing and takeoff;

(b) provides facilities for the shelter, supply, and repair of aircraft, and handling of passengers and cargo; and

(c) meets the minimum requirements established by the division as to size and design, surface, marking, equipment, and operation.

(7) "Airport authority" [~~has the same meaning as "authority" in Section 17A-2-1502, the Utah Public Airport Authority Act definitions~~] means a political subdivision of the state, other than a county or municipality, that is authorized by statute to operate an airport.

(8) "Air school" means any person engaged in giving, offering to give, or advertising, representing, or holding himself 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.

(9) "Airworthiness" means conformity with requirements prescribed by the Federal Aviation Administration regarding the structure or functioning of aircraft, engine, parts, or accessories.

(10) "Antique aircraft" means a civil aircraft that is:

(a) 30 years old or older, calculated as to include the current year;

(b) primarily a collector's item and used solely for recreational or display purposes;

(c) not used for daily or regular transportation; and

(d) not used for commercial operations.

(11) "Civil aircraft" means any aircraft other than a public aircraft.

(12) "Commercial aircraft" means aircraft used for commercial purposes.

(13) "Commercial airport" means a landing area, landing strip, or airport that may be used for commercial operations.

(14) "Commercial flight operator" means a person who conducts commercial operations.

(15) "Commercial operations" means:

(a) any operations of an aircraft for compensation or hire or any services performed incidental to the operation of any 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

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

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

(16) "Dealer" means any 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.

(17) "Division" means the Operations Division in the Department of Transportation, created in Section 72-1-204.

(18) "Experimental aircraft" means:

(a) any 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

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

(i) being custom or amateur built; and

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

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

(20) "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.

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

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

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

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

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

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

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

(28) "Primary glider" means any glider that has a gliding angle of less than ten to one.

(29) "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision, including the government of the United States, of the District of Columbia, and of any state, territory, or insular possession of the United States, but not including any government-owned aircraft engaged in carrying persons or goods for commercial purposes.

(30) "Reckless flying" means the operation or piloting of any aircraft recklessly, or in a manner as to endanger the property, life, or body of any person, due regard being given to the prevailing weather conditions, field conditions, and to the territory being flown over.

(31) "Registration number" means the number assigned by the Federal Aviation Administration to any aircraft, whether or not the number includes a letter or letters.

(32) "Secondary glider" means any glider that has a gliding angle between ten to one and 16 to one, inclusive.

(33) "Soaring glider" means any glider that has a gliding angle of more than 16 to one.

Section 2. Section **76-10-529** is amended to read:

**76-10-529. Possession of dangerous weapons, firearms, or explosives in airport secure areas prohibited -- Penalty.**

(1) As used in this section:

(a) "Airport authority" [is] has the same meaning as defined in Section [~~17A-2-1502~~]

72-10-102.

(b) "Dangerous weapon" is the same as defined in Section 76-10-501.

(c) "Explosive" is the same as defined for "explosive, chemical, or incendiary device" in Section 76-10-306.

(d) "Firearm" is the same as defined in Section 76-10-501.

(2) (a) Within a secure area of an airport established pursuant to this section, a person, including a person licensed to carry a concealed firearm under Title 53, Chapter 5, Part 7, Concealed Weapon Act, is guilty of:

(i) a class B misdemeanor if the person knowingly or intentionally possesses any dangerous weapon or firearm;

(ii) an infraction if the person recklessly or with criminal negligence possesses any dangerous weapon or firearm; or

(iii) a violation of Section 76-10-306 if the person transports, possesses, distributes, or sells any explosive, chemical, or incendiary device.

(b) Subsection (2)(a) does not apply to:

(i) persons exempted under Section 76-10-523; and

(ii) members of the state or federal military forces while engaged in the performance of their official duties.

(3) An airport authority, county, or municipality regulating the airport may:

(a) establish any secure area located beyond the main area where the public generally buys tickets, checks and retrieves luggage; and

(b) use reasonable means, including mechanical, electronic, x-ray, or any other device, to detect dangerous weapons, firearms, or explosives concealed in baggage or upon the person of any individual attempting to enter the secure area.

(4) At least one notice shall be prominently displayed at each entrance to a secure area in which a dangerous weapon, firearm, or explosive is restricted.

(5) Upon the discovery of any dangerous weapon, firearm, or explosive, the airport authority, county, or municipality, the employees, or other personnel administering the secure

area may:

- (a) require the individual to deliver the item to the air freight office or airline ticket counter;
- (b) require the individual to exit the secure area; or
- (c) obtain possession or retain custody of the item until it is transferred to law enforcement officers.

**Section 3. Repealer.**

This act repeals:

**Section 17A-2-1501, Short title.**

**Section 17A-2-1502, Definitions.**

**Section 17A-2-1503, Legislative findings -- Purpose.**

**Section 17A-2-1504, Creation of authority by city.**

**Section 17A-2-1505, Resolution of intent -- Contents.**

**Section 17A-2-1506, Publication of notice of intent to establish authority.**

**Section 17A-2-1507, Protests or objections -- Consideration.**

**Section 17A-2-1508, Board -- Delegation of powers -- Appointment of commissioners.**

**Section 17A-2-1510, Disclosures required of commissioners -- Conflicts of interest.**

**Section 17A-2-1511, Qualifications of commissioners.**

**Section 17A-2-1512, Expense reimbursement.**

**Section 17A-2-1513, Meetings of board.**

**Section 17A-2-1514, Chairperson and vice-chairperson.**

**Section 17A-2-1515, Quorum.**

**Section 17A-2-1516, Records of meetings.**

**Section 17A-2-1517, Powers of authority.**

**Section 17A-2-1518, Additional powers of board.**

**Section 17A-2-1519, Powers of city as to airport.**

**Section 17A-2-1520, Deposit of authority income -- Investment.**

**Section 17A-2-1521, Reports by authority.**

**Section 17A-2-1522, Budget of authority -- Expenditures limited to appropriations.**

**Section 17A-2-1523, Tax exemption of authority property.**

**Section 17A-2-1524, Governmental capacity of authority.**

**Section 17A-2-1525, Authority property exempt from execution -- Enforcement of encumbrance.**

**Section 17A-2-1526, Dissolution of authority.**

**Section 17A-2-1527, Requirements imposed on authority by creating ordinance.**