

1                                   **PUBLIC AIRPORT AND AERONAUTICS**

2   **AMENDMENTS**

3   2003 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: Joseph G. Murray**

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

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

11 AMENDS:

12           **72-10-102**, as renumbered and amended by Chapter 270 and last amended by Chapter  
13 365, Laws of Utah 1998

14           **76-10-529**, as last amended by Chapter 97, Laws of Utah 1999

15 REPEALS:

16           **17A-2-1501**, as renumbered and amended by Chapter 186, Laws of Utah 1990

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

18           **17A-2-1503**, as renumbered and amended by Chapter 186, Laws of Utah 1990

19           **17A-2-1504**, as renumbered and amended by Chapter 186, Laws of Utah 1990

20           **17A-2-1505**, as renumbered and amended by Chapter 186, Laws of Utah 1990

21           **17A-2-1506**, as renumbered and amended by Chapter 186, Laws of Utah 1990

22           **17A-2-1507**, as renumbered and amended by Chapter 186, Laws of Utah 1990

23           **17A-2-1508**, as last amended by Chapter 273, Laws of Utah 1991

24           **17A-2-1510**, as last amended by Chapter 5, Laws of Utah 1991

25           **17A-2-1511**, as renumbered and amended by Chapter 186, Laws of Utah 1990

26           **17A-2-1512**, as last amended by Chapter 1, Laws of Utah 2000

27           **17A-2-1513**, as renumbered and amended by Chapter 186, Laws of Utah 1990



- 28           **17A-2-1514**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 29           **17A-2-1515**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 30           **17A-2-1516**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 31           **17A-2-1517**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 32           **17A-2-1518**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 33           **17A-2-1519**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 34           **17A-2-1520**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 35           **17A-2-1521**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 36           **17A-2-1522**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 37           **17A-2-1523**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 38           **17A-2-1524**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 39           **17A-2-1525**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 40           **17A-2-1526**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 41           **17A-2-1527**, as renumbered and amended by Chapter 186, Laws of Utah 1990

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

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

44           **72-10-102. Definitions.**

45           As used in this chapter:

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

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

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

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

57           (4) "Aircraft" means any contrivance now known or in the future invented, used, or  
58 designed for navigation of or flight in the air.

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

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

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

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

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

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

70 (8) "Air school" means any person engaged in giving, offering to give, or advertising,  
71 representing, or holding himself out as giving, with or without compensation or other reward,  
72 instruction in aeronautics, flying, or ground subjects, or in more than one of these subjects.

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

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

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

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

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

80 (d) not used for commercial operations.

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

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

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

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

87 (15) "Commercial operations" means:

88 (a) any operations of an aircraft for compensation or hire or any services performed  
89 incidental to the operation of any aircraft for which a fee is charged or compensation is

90 received, including the servicing, maintaining, and repairing of aircraft, the rental or charter of  
91 aircraft, the operation of flight or ground schools, the operation of aircraft for the application or  
92 distribution of chemicals or other substances, and the operation of aircraft for hunting and  
93 fishing; or

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

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

97 (16) "Dealer" means any person who is actively engaged in the business of flying for  
98 demonstration purposes, or selling or exchanging aircraft, and who has an established place of  
99 business.

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

102 (18) "Experimental aircraft" means:

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

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

107 (i) being custom or amateur built; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

141 **76-10-529. Possession of dangerous weapons, firearms, or explosives in airport**  
142 **secure areas prohibited -- Penalty.**

143 (1) As used in this section:

144 (a) "Airport authority" [is] has the same meaning as defined in Section [~~17A-2-1502~~]  
145 72-10-102.

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

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

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

150 (2) (a) Within a secure area of an airport established pursuant to this section, a person,  
151 including a person licensed to carry a concealed firearm under Title 53, Chapter 5, Part 7,

152 Concealed Weapon Act, is guilty of:

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

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

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

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

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

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

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

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

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

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

171 (5) Upon the discovery of any dangerous weapon, firearm, or explosive, the airport  
172 authority, county, or municipality, the employees, or other personnel administering the secure  
173 area may:

174 (a) require the individual to deliver the item to the air freight office or airline ticket  
175 counter;

176 (b) require the individual to exit the secure area; or

177 (c) obtain possession or retain custody of the item until it is transferred to law  
178 enforcement officers.

179 **Section 3. Repealer.**

180 This act repeals:

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

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

- 183 Section 17A-2-1503, Legislative findings -- Purpose.
- 184 Section 17A-2-1504, Creation of authority by city.
- 185 Section 17A-2-1505, Resolution of intent -- Contents.
- 186 Section 17A-2-1506, Publication of notice of intent to establish authority.
- 187 Section 17A-2-1507, Protests or objections -- Consideration.
- 188 Section 17A-2-1508, Board -- Delegation of powers -- Appointment of
- 189 **commissioners.**
- 190 Section 17A-2-1510, Disclosures required of commissioners -- Conflicts of interest.
- 191 Section 17A-2-1511, Qualifications of commissioners.
- 192 Section 17A-2-1512, Expense reimbursement.
- 193 Section 17A-2-1513, Meetings of board.
- 194 Section 17A-2-1514, Chairperson and vice-chairperson.
- 195 Section 17A-2-1515, Quorum.
- 196 Section 17A-2-1516, Records of meetings.
- 197 Section 17A-2-1517, Powers of authority.
- 198 Section 17A-2-1518, Additional powers of board.
- 199 Section 17A-2-1519, Powers of city as to airport.
- 200 Section 17A-2-1520, Deposit of authority income -- Investment.
- 201 Section 17A-2-1521, Reports by authority.
- 202 Section 17A-2-1522, Budget of authority -- Expenditures limited to appropriations.
- 203 Section 17A-2-1523, Tax exemption of authority property.
- 204 Section 17A-2-1524, Governmental capacity of authority.
- 205 Section 17A-2-1525, Authority property exempt from execution -- Enforcement of
- 206 **encumbrance.**
- 207 Section 17A-2-1526, Dissolution of authority.
- 208 Section 17A-2-1527, Requirements imposed on authority by creating ordinance.

**Legislative Review Note**  
as of 11-21-02 2:43 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

**Interim Committee Note**  
as of 12-12-02 3:49 PM

The Political Subdivisions Interim Committee recommended this bill.



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**Fiscal Note**  
**Bill Number HB0023**

**Public Airport and Aeronautics Amendments**

*16-Jan-03*

*12:51 PM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**