

AIRPORT FEE AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin Owens

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill modifies the Aeronautics Act by repealing provisions requiring an airport to be licensed by the state.

Highlighted Provisions:

This bill:

- ▶ repeals the requirement that a public airport be licensed by the state; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

72-10-110, as last amended by Laws of Utah 2015, Chapter 35

72-10-116, as last amended by Laws of Utah 2009, Chapter 183

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

Section 1. Section **72-10-110** is amended to read:

72-10-110. Aircraft registration information requirements -- Registration fee --

Administration -- Partial year registration.



28 (1) All applications for aircraft registration shall contain:
29 (a) a description of the aircraft, including:
30 (i) the manufacturer or builder;
31 (ii) the aircraft registration number, type, year of manufacture, or if an experimental
32 aircraft, the year the aircraft was completed and certified for air worthiness by an inspector of
33 the Federal Aviation Administration; and

34 (iii) gross weight;
35 (b) the name and address of the owner of the aircraft; and
36 (c) where the aircraft is located, or the address where the aircraft is usually used or
37 based.

38 (2) (a) Except as provided in Subsection (3), at the time application is made for
39 registration or renewal of registration of an aircraft under this chapter, an annual registration
40 fee of 0.4% of the average wholesale value of the aircraft shall be paid.

41 (b) For purposes of calculating the value of the aircraft under Subsection (2)(a) or
42 (3)(d), the State Tax Commission shall use the average wholesale value as stated in the Aircraft
43 Bluebook Price Digest.

44 (3) (a) An annual registration fee of \$100 is imposed on the following aircraft:

- 45 (i) an aircraft not listed in the Aircraft Bluebook Price Digest;
- 46 (ii) an experimental aircraft; or
- 47 (iii) an aircraft that is used:

48 (A) exclusively by an entity that is exempt from federal income taxation under Section
49 501(c)(3), Internal Revenue Code, and exempt from property taxation under Title 59, Chapter
50 2, Property Tax Act; and

51 (B) for the emergency transportation of medical patients for at least 95% of its flight
52 time.

53 (b) An annual registration fee is imposed on an aircraft 50 years or older equal to the
54 lesser of:

- 55 (i) \$100; or
- 56 (ii) the annual registration fee provided for under Subsection (2)(a).

57 (c) An aircraft that does not have a valid airworthiness certificate for a period of six
58 months or more:

59 (i) may not apply for a certificate of registration required under Section 72-10-109; and
60 (ii) is exempt from an annual registration fee until the aircraft has a valid airworthiness
61 certificate.

62 (d) An annual registration fee of .25% of the average wholesale value of the aircraft is
63 imposed on an aircraft if the aircraft is:

64 (i) used by an air charter service for air charter; and
65 (ii) owned by a person other than the air charter service.

66 (4) (a) The State Tax Commission shall provide a registration card to an owner of an
67 aircraft if:

68 (i) the owner complies with the registration requirements of this section; and
69 (ii) the owner of the aircraft states that the aircraft has a valid airworthiness certificate.

70 (b) An owner of an aircraft shall carry the registration card in the registered aircraft.

71 (5) The registration fees assessed under this chapter shall be collected by the State Tax
72 Commission to be distributed as provided in Subsection (6).

73 (6) After deducting the costs of administering all aircraft registrations under this
74 chapter, the State Tax Commission shall deposit all remaining aircraft registration fees in the
75 Aeronautics Restricted Account created by Section 72-2-126.

76 (7) Aircraft which are registered under this chapter for less than a full calendar year
77 shall be charged a registration fee which is reduced in proportion to the fraction of the calendar
78 year during which the aircraft is registered in this state.

79 (8) (a) For purposes of this section, aircraft based at the owner's airport means an
80 aircraft that is hangered, tied down, or parked at an owner's airport for a plurality of the year.

81 (b) Semi-annually, an owner or operator of an airport open to public use shall provide a
82 list of all aircraft based at the owner's airport to the Utah Division of Aeronautics.

83 ~~[(8)]~~ (9) (a) The Utah Division of Aeronautics shall maintain a statewide database of
84 all aircraft based within the state.

85 (b) On or before October 1 of each year, the Utah Division of Aeronautics shall
86 provide the State Tax Commission with the data the State Tax Commission requires from the
87 database described in Subsection ~~[(8)]~~ (9)(a).

88 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
89 commission may by rule define the contents of the database described in Subsection ~~[(8)]~~

90 (9)(a).

91 (d) The State Tax Commission shall annually provide the Utah Division of Aeronautics
92 a list of all aircraft registered in this state.

93 ~~[(9)]~~ (10) The State Tax Commission may suspend or revoke a registration if it
94 determines that the required fee has not been paid and the fee is not paid upon reasonable
95 notice and demand.

96 Section 2. Section **72-10-116** is amended to read:

97 **72-10-116. Restrictions on use of lands or waters of another.**

98 ~~[(1) For purposes of this section, aircraft based at the owner's airport means an aircraft
99 which is hangared, tied down, or parked at an owner's airport for a plurality of the year.]~~

100 ~~[(2) (a) An airport open to public use may not be used or operated unless it is duly
101 licensed by the division.]~~

102 ~~[(b) A person who owns or operates an airport open to public use shall file an
103 application with the division for a license for the facility.]~~

104 ~~[(c) Semi-annually, an owner or operator described in Subsection (2)(b) shall provide a
105 list of all aircraft based at the owner's airport to the Utah Division of Aeronautics.]~~

106 ~~[(3) (a) A license shall be granted whenever it is reasonably necessary for the
107 accommodation and convenience of the public and may be granted in other cases in the
108 discretion of the division.]~~

109 ~~[(b) The division may not issue a license if the division finds that the facility is not
110 constructed, equipped, and operated in accordance with the standards set by the department.]~~

111 ~~[(4)]~~ (1) (a) The landing or taking off of aircraft on or from the lands or waters of
112 another without consent is unlawful, except in the case of a forced landing.

113 (b) For damages caused by a takeoff or landing, the owner, lessee of the aircraft,
114 operator, or any of them is liable.

115 ~~[(5)]~~ (2) (a) A student pilot may not land on any area without the knowledge of the
116 operator, instructor, or school from which the student is flying.

117 (b) The use of private landing fields must not impose a hazard upon the person or
118 property of others.

119 ~~[(6) A certificate of registration is not required of, and the rules made under this title do
120 not apply to an airport owned or operated by the government of the United States.]~~

121 ~~[(7) The division, with the approval of the commission, may charge a fee determined~~
122 ~~by the division pursuant to Section 63J-1-504 for the issuance of an annual airport license.]~~

Legislative Review Note
Office of Legislative Research and General Counsel