

SENATE BILL No. 1006

January 24, 2002, Introduced by Senator HART and referred to the Committee on Judiciary.

A bill to amend 1945 PA 327, entitled
"Aeronautics code of the state of Michigan,"
by amending section 85 (MCL 259.85), as amended by 1996 PA 370.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 85. (1) A person shall not operate a flight school in
2 this state unless the person holds an annual license issued by
3 the commission.

4 (2) Upon receipt of an application and a \$25.00 license fee
5 from a flight school, the commission shall review the qualifica-
6 tions of the applicant.

7 (3) Unless surrendered, suspended, or revoked ~~prior to~~
8 BEFORE this date, a flight school license expires 1 year from
9 date of issuance or upon the sale or transfer by the owner of
10 property, equipment, or franchise of the flight school.

1 (4) The annual flight school license renewal fee is \$10.00
2 and is payable from the original date of issuance. An applicant
3 shall file an initial application and pay the initial application
4 fee if a license is not renewed before ITS expiration.

5 (5) A change in the name of the flight school, without
6 change in ownership, does not ~~cause~~ VOID a current license ~~to~~
7 ~~expire~~ if the owner of the flight school notifies the commission
8 in writing within 15 days of the change. Upon receipt of notifi-
9 cation under this subsection, the commission shall issue a
10 license under the new name ~~—~~ with the same expiration date as
11 the license previously issued.

12 (6) A flight school operating facilities at more than 1
13 aeronautical facility shall ~~secure~~ OBTAIN a license for each
14 location.

15 (7) The flight school license shall be ~~conspicuously~~
16 posted in the principal office of the flight school where it may
17 be readily observed BY THE GENERAL PUBLIC.

18 (8) A flight school shall at all times conduct itself in
19 accordance with all applicable federal, state, and local laws and
20 statutes.

21 (9) A flight school shall be operated from an airport prop-
22 erly licensed by the commission.

23 (10) A flight school operator shall ~~secure~~ OBTAIN from the
24 airport manager a written agreement to operate commercially from
25 the airport at which the flight school is based.

1 (11) Each flight school student shall be advised in writing
2 at the time of enrollment of the type and amount of insurance
3 coverage provided for each aircraft used by the flight school.

4 (12) A flight school shall provide a suitable space of per-
5 manent nature ~~—~~ THAT IS properly heated, lighted, and venti-
6 lated to accommodate flight school students and to house adequate
7 equipment necessary to properly conduct business matters and to
8 prepare and preserve business records. ~~These~~ THE facilities
9 DESCRIBED IN THIS SUBSECTION shall be LOCATED at the licensed
10 airport site.

11 (13) Each aircraft to be used for purposes of flight
12 instruction at a flight school shall comply with all of the
13 following:

14 (a) ~~The aircraft shall possess~~ POSSESS a valid airworthi-
15 ness certificate issued by the federal aviation administration.

16 (b) ~~The aircraft shall be~~ BE properly registered with the
17 commission.

18 (c) ~~The aircraft shall have~~ HAVE the equipment and per-
19 formance characteristics appropriate to the curriculum ~~—~~ and TO
20 the airport to be used.

21 (14) All aircraft used in any flight school operation shall
22 be operated in accordance with federal aviation administration
23 maintenance regulations and standards. Adequate records shall be
24 kept by the school to ~~show that~~ DEMONSTRATE PERFORMANCE OF all
25 required items of maintenance. ~~have been performed.~~ The mainte-
26 nance status of each aircraft, including discrepancies, shall be

1 displayed by the school in a manner adequate to determine
2 compliance.

3 (15) A flight school shall have a flight instructor avail-
4 able to dispatch and supervise each student pilot solo flight.

5 (16) A flight school shall have a written curriculum,
6 including lesson plans, adequate to properly qualify the student
7 to complete the particular course for the certificate or rating
8 sought. ~~In addition, a~~ A flight school shall ALSO include les-
9 sons pertaining to Michigan laws relating to aviation and this
10 act.

11 (17) A flight school shall make available TO STUDENTS cur-
12 rent texts and reference material pertaining to the certificate
13 or rating sought.

14 (18) A flight school shall provide adequate instruction to
15 properly qualify a student completing its courses for the appro-
16 priate federal aviation administration examination covering the
17 grade of certificate or rating sought.

18 (19) A flight school shall maintain training records ade-
19 quate to show each student's progress and level of completion
20 relative to the course of instruction in which the student is
21 enrolled. These records shall be made available for inspection
22 by any authorized representative of the commission.

23 (20) A copy of the airport and flight school regulations
24 shall be made available to the students enrolled in the school
25 for information and guidance.

26 (21) A flight school shall designate a practice area.

1 (22) A flight school or its representatives and instructors
2 shall not make false claims of any kind pertaining to either
3 flight training or employment following flight training. Only a
4 licensed flight school may advertise flight instruction.

5 (23) A flight school accepting prepayment equal to or in
6 excess of \$1,000.00 shall file with the commission a corporate
7 surety bond payable to the state of Michigan in the sum of
8 \$5,000.00 conditioned on the faithful performance of all con-
9 tracts and agreements with students made by the flight school —
10 or its agent. The aggregate liability for the surety for all
11 breaches of conditions of the bond shall not exceed the principal
12 sum of \$5,000.00. The surety of any bond may cancel the bond
13 upon giving 60 days' notice in writing to the commission and the
14 flight school. If a bond is canceled ~~as provided~~ in COMPLIANCE
15 WITH this subsection, the surety ~~shall be~~ IS relieved of
16 liability for any breach of conditions occurring after the effec-
17 tive date of cancellation.

18 (24) BEGINNING THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
19 ADDED THIS SUBSECTION, A FLIGHT SCHOOL SHALL REQUEST FROM THE
20 CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE A
21 CRIMINAL HISTORY CHECK AND CRIMINAL RECORDS CHECK THROUGH THE
22 FEDERAL BUREAU OF INVESTIGATION ON ANY APPLICANT FOR TRAINING AT
23 THE FLIGHT SCHOOL IN THE MANNER PROVIDED FOR UNDER SECTION 85A.
24 THE APPLICANT SHALL COOPERATE WITH THE FLIGHT SCHOOL IN COMPLET-
25 ING THE CRIMINAL HISTORY CHECK AND CRIMINAL RECORDS CHECK THROUGH
26 THE FEDERAL BUREAU OF INVESTIGATION. A FLIGHT SCHOOL SHALL NOT
27 ENROLL OR SHALL TERMINATE THE ENROLLMENT OF AN APPLICANT IF ANY

1 OF THE FOLLOWING OCCURRED TO THE APPLICANT WITHIN THE PRECEDING 7
2 YEARS:

3 (A) WAS CONVICTED OF A FELONY.

4 (B) WAS INCARCERATED FOR A FELONY CONVICTION.

5 (C) WAS ON PROBATION OR PAROLE FOR A FELONY CONVICTION.

6 (25) ~~-(24)-~~ The requirements for a flight school set out in
7 this section are conditions of the license. Failure to comply
8 with any of these requirements is grounds for revocation of a
9 flight school's license.

10 (26) ~~-(25)-~~ A person who violates this section is guilty of
11 a misdemeanor ~~—~~, punishable by imprisonment for not more than 90
12 days, or a fine of not less than \$100.00 or more than \$500.00, or
13 both, together with costs of the prosecution.