

Aeronautics; other; clarification of penalty provisions; provide for.

AERONAUTICS: Other; STATE AGENCIES (EXISTING): Transportation

A bill to amend 1945 PA 327, entitled
"Aeronautics code of the state of Michigan,"
by amending sections 83 and 83b (MCL 259.83 and 259.83b), section
83 as amended and section 83b as added by 2002 PA 35.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 83. (1) A person shall not operate a civil aircraft
2 over or upon the lands and waters of this state unless he or
3 she is complying with the federal airman certification require-
4 ments under the code of federal regulations.

5 (2) A person who violates subsection (1) is guilty of a
6 crime as follows:

7 (a) ~~For a first violation~~ EXCEPT AS OTHERWISE PROVIDED IN
8 SUBDIVISIONS (B) AND (C), the person is guilty of a misdemeanor
9 punishable by imprisonment for not more than 93 days or a fine of
10 not more than \$500.00, or both.

1 (b) ~~For a second violation~~ IF THE VIOLATION OCCURRED
2 within 5 years ~~of the first violation~~ AFTER 1 PRIOR CONVICTION
3 UNDER THIS SECTION, the person is guilty of a felony punishable
4 by imprisonment for not more than 2 years or a fine of not more
5 than \$1,000.00, or both.

6 (c) ~~For a third or subsequent violation~~ IF THE VIOLATION
7 OCCURRED within 5 years ~~of the second or subsequent violation~~
8 AFTER 2 OR MORE PRIOR CONVICTIONS UNDER THIS SECTION, the person
9 is guilty of a felony punishable by imprisonment for not more
10 than 4 years or a fine of not more than \$5,000.00, or both.

11 Sec. 83b. (1) A person shall not conduct flight operations
12 requiring a federal aviation regulation air carrier or commercial
13 operator's certification without first having been issued a valid
14 federal aviation regulation air carrier or operating certificate
15 or valid commercial operator's certificate.

16 (2) A person who violates subsection (1) is guilty of a
17 crime as follows:

18 (a) ~~For a first violation~~ EXCEPT AS PROVIDED IN SUBDIVI-
19 SIONS (B) AND (C), the person is guilty of a felony punishable by
20 imprisonment for not more than 4 years or a fine of not more than
21 \$5,000.00, or both.

22 (b) ~~For a second violation~~ IF THE VIOLATION OCCURRED
23 within 5 years after ~~the first violation~~ 1 PRIOR CONVICTION
24 UNDER THIS SECTION, the person is guilty of a felony punishable
25 by imprisonment for not less than 1 year or more than 5 years or
26 a fine of not less than \$5,000.00 or more than \$50,000.00, or
27 both.

1 (c) ~~For a third or subsequent violation~~ IF THE VIOLATION
2 OCCURRED within 5 years after ~~a conviction for a violation of~~ 2
3 OR MORE PRIOR CONVICTIONS UNDER this section, the person is
4 guilty of a felony punishable by imprisonment for not less than
5 4 years or more than 10 years or a fine of not less than
6 \$10,000.00 or more than \$100,000.00, or both.