

Act No. 318
Public Acts of 2002
Approved by the Governor
May 22, 2002
Filed with the Secretary of State
May 22, 2002
EFFECTIVE DATE: May 22, 2002

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

Introduced by Senators Gougeon, Shugars, Bullard, Johnson, McManus, Sikkema, Hammerstrom, North, Garcia, Sanborn, Schuette, Goschka, Steil, Schwarz, Stille, Hoffman, Byrum, Leland and McCotter

ENROLLED SENATE BILL No. 934

AN ACT to amend 1945 PA 327, entitled "An act relating to aeronautics in this state; providing for the development and regulation thereof; creating a state aeronautics commission; prescribing powers and duties; providing for the licensing, or registration, or supervision and control of all aircraft, airports and landing fields, schools of aviation, flying clubs, airmen, aviation instructors, airport managers, manufacturers, dealers, and commercial operation in intrastate commerce; providing for rules pertaining thereto; prescribing a privilege tax for the use of the aeronautical facilities on the lands and waters of this state; providing for the acquisition, development, and operation of airports, landing fields, and other aeronautical facilities by the state, by political subdivisions, or by public airport authorities; providing for the incorporation of public airport authorities and providing for the powers, duties, and obligations of public airport authorities; providing for the transfer of airport management to public airport authorities, including the transfer of airport liabilities, employees, and operational jurisdiction; providing jurisdiction of crimes, torts, and contracts; providing police powers for those entrusted to enforce this act; providing for civil liability of owners, operators, and others; making hunting from aircraft unlawful; providing for repair station operators lien; providing for appeals from rules or orders issued by the commission; providing for the transfer from the Michigan board of aeronautics to the aeronautics commission all properties and funds held by the board of aeronautics; providing for a state aeronautics fund and making an appropriation therefor; prescribing penalties; and making uniform the law with reference to state development and regulation of aeronautics," (MCL 259.1 to 259.208) by adding section 85a.

The People of the State of Michigan enact:

Sec. 85a. (1) Beginning the effective date of the amendatory act that added this section and subject to subsections (2) and (4), as a condition of enrollment of an applicant in a flight school, the flight school shall request from the criminal records division of the department of state police a criminal history check and a criminal records check through the federal bureau of investigation on the applicant and, before enrolling the applicant, shall have received from the department of state police the report described in subsection (7). A flight school shall require the applicant to submit his or her fingerprints to the department of state police for the criminal history and criminal records checks. The flight school may charge the flight school applicant a fee for the criminal history check and the criminal records check. The department of state police may charge a fee for the criminal history check and the criminal records check.

(2) The flight school may enroll the applicant as a conditional student under this subsection without first receiving the report described in subsection (7) if all of the following apply:

(a) The flight school requests the criminal history and criminal records checks required under subsection (1) before conditionally enrolling the applicant.

(b) The applicant signs a statement that identifies all crimes for which he or she has been convicted, if any, and agreeing that, if the report described in subsection (7) is not the same as the applicant's statement, his or her enrollment contract is void. If the statement of convictions includes any of the circumstances described in section 85(24), the enrollment contract is void.

(3) If an applicant is enrolled as a conditional student under subsection (2) and the report described in subsection (7) is not the same as the applicant's statement under subsection (2), the flight school shall void the applicant's enrollment contract. If the contract is voided under this subsection, the applicant's enrollment is terminated and the flight school is not liable for the termination or any money paid toward enrollment.

(4) If an applicant for enrollment is being considered for enrollment by more than 1 flight school and if the applicant agrees in writing to allow a flight school to share the report described in subsection (7) with another flight school, the flight school may satisfy the requirements of subsection (1) by obtaining a copy of the report described in subsection (7) from another flight school.

(5) An applicant described in subsection (1) shall give written consent at the time of application for the criminal records division of the department of state police to conduct the criminal history and criminal records check required under this section.

(6) A flight school shall make a request to the criminal records division of the department of state police for a criminal history and criminal records check required under this section on a form and in a manner prescribed by the criminal records division of the department of state police.

(7) Within 30 days after receiving a proper request by a flight school for a criminal history and criminal records check on an applicant under this section, the criminal records division of the department of state police shall conduct and initiate the criminal history and criminal records check and, after conducting the criminal history and criminal records check and within that time period, provide a report of the results of the criminal history and criminal records check to the flight school. The report shall contain any criminal history record information on the applicant maintained by the criminal records division of the department of state police and include information regarding the criminal records check of the records of the federal bureau of investigation.

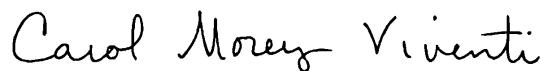
(8) Criminal history record information received from the criminal records division of the department of state police under subsection (7) shall be used by a flight school only for the purpose of evaluating an applicant's qualifications for enrollment in the position for which he or she has applied and for the purposes of subsection (3). A flight school shall not disclose the report or its contents to any person who is not directly involved in evaluating the applicant's qualifications for enrollment. However, for the purposes of subsection (4), a person described in this subsection may provide a copy of the report under subsection (7) concerning the individual to an appropriate representative of another flight school. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

(9) As used in this section, "criminal history record information" means that term as defined in section 1a of 1925 PA 289, MCL 28.241a.

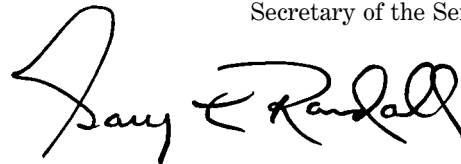
Enacting section 1. This amendatory act takes effect May 1, 2002.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 1006 of the 91st Legislature is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate.



Clerk of the House of Representatives.

Approved _____

Governor.