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House Bill 4704 (Substitute H-2 as passed by the House)
Sponsor: Representative Stephen Ehardt
House Committee: Veterans Affairs and Homeland Security
Senate Committee: Transportation

Date Completed: 6-30-03

CONTENT

The bill would amend the Aeronautics Code to repeal Section 85a, which requires a criminal history check and criminal records check of flight school applicants; delete a provision prohibiting a flight school from enrolling an applicant with a felony conviction in the preceding seven years; and require a flight school to implement a program to ensure the security of aircraft on the ground.

Criminal Background Checks

The Code requires a flight school to request from the Criminal Records Division of the Michigan Department of State Police (MSP) a criminal history check and criminal records check through the Federal Bureau of Investigation (FBI) on any applicant for training in the manner provided for under Section 85a. The bill would delete this requirement.

Under Section 85a, a flight school must require that an applicant submit his or her fingerprints to the MSP for the criminal history and criminal records check. Within 30 days after receiving the request, the Criminal Records Division must conduct the check and provide a report on the results to the flight school. The report must contain any criminal history record information on the applicant maintained by the MSP and criminal records information on the applicant maintained by the FBI. The flight school must receive this report before enrolling the applicant. A flight school may enroll an applicant as a conditional student without first receiving the report if the applicant signs a statement identifying all crimes for which he or she has been convicted, if any, and agreeing that, if the report is not the same as the applicant's statement, the enrollment contract is void.

The bill would repeal Section 85a, and delete a provision requiring a flight school not to enroll, or to terminate the enrollment of, an applicant if, within the preceding seven years, the applicant was convicted of, incarcerated for, or on probation or parole for a violent or other felony conviction.

Security Program

The bill would require a flight school to implement a security program, acceptable to the Michigan Aeronautics Commission, designed to limit aircraft accessibility and ensure the security of those aircraft on the ground that are used by the flight school. The program would have to include at least one of the following:

- Procedures for positive identification of a student pilot or renter pilot as a precondition to allowing access to aircraft.

- Procedures for control of aircraft ignition keys that would prevent operation of an aircraft by a student pilot that was not in the presence of or under the authorization of a flight instructor or other authorized individual.
- Instructional procedures that ensured close student pilot supervision.

Additionally, the program would have to include all of the following:

- A requirement that a student present a Federal Aviation Administration student medical certificate and student pilot certificate as a predicate to enrollment in the flight school. The bill specifies that enrollment would be considered a flight instructor endorsement to operate an aircraft while the student was the sole occupant of the aircraft.
- Instructional materials that identified and offered examples of types of suspicious activity at or near an airport and that told students and renter pilots how to report such activity to local law enforcement officials and appropriate Federal authorities.
- The prominent display of signs requesting pilots to report suspicious activity at or near an airport. The signs would have to provide telephone numbers of local law enforcement officials and appropriate Federal authorities.

MCL 259.85 & 259.85a

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would decrease State revenues by an indeterminate amount, but the bill's overall fiscal impact on the State would be cost-neutral. Currently, fees collected by the Michigan State Police for criminal history checks are used to support the costs of administering the checks. The State Police charge \$30 for State-level checks and \$24 for Federal-level checks. The State Police do not record information regarding the checks conducted for flight schools.

Fiscal Analyst: Craig Thiel

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.