

Act No. 133
Public Acts of 2003
Approved by the Governor
July 31, 2003
Filed with the Secretary of State
August 1, 2003
EFFECTIVE DATE: August 1, 2003

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Reps. Ehardt, Acciavatti, Brandenburg, Amos and Robertson

ENROLLED HOUSE BILL No. 4704

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," by amending section 85 (MCL 259.85), as amended by 2002 PA 258; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

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

(2) Upon receipt of an application and a \$25.00 license fee from a flight school, the commission shall review the qualifications of the applicant.

(3) Unless surrendered, suspended, or revoked before this date, a flight school license expires 1 year from date of issuance or upon the sale or transfer by the owner of property, equipment, or franchise of the flight school.

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

(5) A change in the name of the flight school, without change in ownership, does not void a current license if the owner of the flight school notifies the commission in writing within 15 days of the change. Upon receipt of notification under this subsection, the commission shall issue a license under the new name with the same expiration date as the license previously issued.

- (6) A flight school operating facilities at more than 1 aeronautical facility shall obtain a license for each location.
- (7) The flight school license shall be posted in the principal office of the flight school where it may be readily observed by the general public.
- (8) A flight school shall at all times conduct itself in accordance with all applicable federal, state, and local laws and statutes.
- (9) A flight school shall be operated from an airport properly licensed by the commission.
- (10) A flight school operator shall obtain from the airport manager a written agreement to operate commercially from the airport at which the flight school is based.
- (11) Each flight school student shall be advised in writing at the time of enrollment of the type and amount of insurance coverage provided for each aircraft used by the flight school.
- (12) A flight school shall provide a suitable space of permanent nature that is properly heated, lighted, and ventilated to accommodate flight school students and to house adequate equipment necessary to properly conduct business matters and to prepare and preserve business records. The facilities described in this subsection shall be located at the licensed airport site.
- (13) Each aircraft to be used for purposes of flight instruction at a flight school shall comply with all of the following:
- (a) Possess a valid airworthiness certificate issued by the federal aviation administration.
 - (b) Be properly registered with the commission.
 - (c) Have the equipment and performance characteristics appropriate to the curriculum and to the airport to be used.
- (14) All aircraft used in any flight school operation shall be operated in accordance with federal aviation administration maintenance regulations and standards. Adequate records shall be kept by the school to demonstrate performance of all required items of maintenance. The maintenance status of each aircraft, including discrepancies, shall be displayed by the school in a manner adequate to determine compliance.
- (15) A flight school shall have a flight instructor available to dispatch and supervise each student pilot solo flight.
- (16) A flight school shall have a written curriculum, including lesson plans, adequate to properly qualify the student to complete the particular course for the certificate or rating sought. A flight school shall also include lessons pertaining to Michigan laws relating to aviation and this act.
- (17) A flight school shall make available to students current texts and reference material pertaining to the certificate or rating sought.
- (18) A flight school shall provide adequate instruction to properly qualify a student completing its courses for the appropriate federal aviation administration examination covering the grade of certificate or rating sought.
- (19) A flight school shall maintain training records adequate to show each student's progress and level of completion relative to the course of instruction in which the student is enrolled. These records shall be made available for inspection by any authorized representative of the commission.
- (20) A copy of the airport and flight school regulations shall be made available to the students enrolled in the school for information and guidance.
- (21) A flight school shall designate a practice area.
- (22) A flight school or its representatives and instructors shall not make false claims of any kind pertaining to either flight training or employment following flight training. Only a licensed flight school may advertise flight instruction.
- (23) A flight school accepting prepayment equal to or in excess of \$1,000.00 shall file with the commission a corporate surety bond payable to the state of Michigan in the sum of \$5,000.00 conditioned on the faithful performance of all contracts and agreements with students made by the flight school or its agent. The aggregate liability for the surety for all breaches of conditions of the bond shall not exceed the principal sum of \$5,000.00. The surety of any bond may cancel the bond upon giving 60 days' notice in writing to the commission and the flight school. If a bond is canceled in compliance with this subsection, the surety is relieved of liability for any breach of conditions occurring after the effective date of cancellation.
- (24) A flight school shall implement a security program, acceptable to the commission, designed to limit aircraft accessibility and ensure the security of those aircraft on the ground that are used by the flight school.
- (25) The security program described in subsection (24) shall include 1 or more of the following:
- (a) Procedures for positive identification of a student pilot or renter pilot as a precondition to allowing access to aircraft.
 - (b) Procedures for control of aircraft ignition keys that prevent operation of an aircraft by a student pilot that is not in the presence of or under the authorization of a flight instructor or other authorized individual.
 - (c) Instructional procedures that ensure close student pilot supervision.
- (26) The security program described in subsection (24) shall include all of the following:

(a) A requirement that the student present a federal aviation administration student medical certificate and student pilot certificate as a predicate to enrollment in the flight school. For purposes of this subdivision, enrollment is considered a flight instructor endorsement to operate an aircraft at a time during which the student is the sole occupant of the aircraft.

(b) Instructional materials that identify and offer examples of types of suspicious activity at or in proximity to an airport and that advise students and renter pilots of the means to report such activity to local law enforcement officials and appropriate federal authorities.

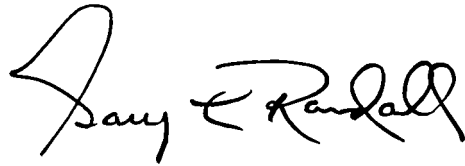
(c) The prominent display of signs requesting pilots to report suspicious activity at or in proximity to an airport. The signs must provide telephone numbers of local law enforcement officials and appropriate federal authorities.

(27) The requirements for a flight school set out in this section are conditions of the license. Failure to comply with any of these requirements is grounds for revocation of a flight school's license.

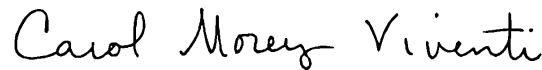
(28) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not less than \$100.00 or more than \$500.00, or both, together with costs of the prosecution.

Enacting section 1. Section 85a of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.85a, is repealed.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor