

HOUSE BILL No. 6436

October 4, 2018, Introduced by Rep. Yaroeh and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1945 PA 327, entitled
"Aeronautics code of the state of Michigan,"
by amending sections 7 and 89 (MCL 259.7 and 259.89), section 7 as
amended by 2015 PA 261 and section 89 as amended by 2002 PA 35.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. As used in this act:

2 (a) "Person" means an individual, partnership, corporation,
3 association, governmental entity, or other legal entity.

4 (b) "Political subdivision" means a county, city, village, or
5 township of this state, and any other political subdivision, public
6 corporation, authority, or district in this state that is or may be
7 authorized by law to acquire, establish, construct, maintain,
8 improve, and operate airports, landing fields, and other

1 aeronautical facilities.

2 (c) "Private landing area" means ~~any~~ **A** location, either on
3 land or water, that is used for the takeoff or landing of aircraft
4 and the use of which is restricted to the owner or persons
5 authorized by the owner. ~~Notwithstanding any existing limitation or~~
6 ~~regulation to the contrary, the owner and any person authorized by~~
7 ~~the owner has the right to use the private landing area. Commercial~~
8 ~~operations shall not be conducted on a private landing area.~~

9 (d) "Public use facility" means an airport, landing field, or
10 other aeronautical facility that is available for use by the
11 general public without prior approval of the owner or operator.

12 (e) "Qualified airport" means that term as defined in section
13 109.

14 (f) "Rule" means a rule promulgated ~~pursuant to~~ **UNDER** the
15 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
16 24.328.

17 Sec. 89. **ALL OF THE FOLLOWING APPLY TO A PRIVATE LANDING AREA:**

18 **(A) NOTWITHSTANDING ANY EXISTING LIMITATION OR REGULATION TO**
19 **THE CONTRARY, EXCEPT AS PRESCRIBED IN SUBDIVISION (E), THE OWNER OF**
20 **A PRIVATE LANDING AREA AND ANY PERSON AUTHORIZED BY THE OWNER HAS**
21 **THE RIGHT TO USE THE PRIVATE LANDING AREA.**

22 **(B) THE OWNER OF A PRIVATE LANDING AREA OR A PERSON AUTHORIZED**
23 **BY THE OWNER TO USE THE PRIVATE LANDING AREA SHALL NOT CONDUCT**
24 **COMMERCIAL OPERATIONS ON THE PRIVATE LANDING AREA. AS USED IN THIS**
25 **SUBDIVISION, "COMMERCIAL OPERATIONS" INCLUDES, BUT IS NOT LIMITED**
26 **TO, SOLICITING OR ENGAGING IN A FLIGHT OPERATION PROVIDED BY A**
27 **FLYING CLUB IN EXCHANGE FOR THE PAYMENT OF A MEMBERSHIP FEE. A**

1 FLIGHT OPERATION PROVIDED, OR RESERVED FOR A FUTURE DATE, BY A
2 FLYING CLUB ON THE DATE A PERSON PAYS OR AGREES TO PAY A MEMBERSHIP
3 FEE TO THE FLYING CLUB, OR WITHIN 7 DAYS BEFORE OR AFTER THAT DATE,
4 IS CONSIDERED A FLIGHT OPERATION PROVIDED IN EXCHANGE FOR THE
5 PAYMENT OF A MEMBERSHIP FEE.

6 (C) Sections 86 and 87a do not apply to ~~landing areas~~
7 ~~designated and operated for private use if commercial operations~~
8 ~~are not performed on the landing areas.~~ **A PRIVATE LANDING AREA.**

9 (D) A **PERSON SHALL NOT ESTABLISH A PRIVATE** landing area, ~~for~~
10 ~~private use shall not be established,~~ without commission approval,
11 within 5 nautical miles of a public use facility certified by the
12 commission or that would violate section 87.

13 (E) **THE TOTAL NUMBER OF LANDING AND TAKEOFF OPERATIONS ON A**
14 **PRIVATE LANDING AREA SHALL NOT EXCEED 10 OPERATIONS PER DAY UNLESS**
15 **THE GOVERNING BODY OF THE LOCAL UNIT OF GOVERNMENT IN WHICH THE**
16 **PRIVATE LANDING AREA IS LOCATED APPROVES A NUMBER OF OPERATIONS**
17 **GREATER THAN 10 BY ORDINANCE, RESOLUTION, RULE, OR REGULATION. AS**
18 **USED IN THIS SUBDIVISION, "LOCAL UNIT OF GOVERNMENT" MEANS A CITY,**
19 **VILLAGE, OR TOWNSHIP.**

20 Enacting section 1. This amendatory act takes effect 90 days
21 after the date it is enacted into law.