

## AERONAUTICS CODE OF THE STATE OF MICHIGAN (EXCERPT)

### Act 327 of 1945

#### CHAPTER IV

#### GENERAL POWERS AND DUTIES OF AERONAUTICS COMMISSION AND DIRECTOR OF AERONAUTICS.

##### **259.51 Aeronautics commission; powers and duties generally.**

Sec. 51. (1) The commission has general supervision over aeronautics within this state. The commission shall encourage, foster, and participate with and provide grants to the political subdivisions of this state in the development of aeronautics within this state. The commission shall establish and encourage the establishment of airports, landing fields, and other aeronautical facilities. The commission shall promulgate rules that it considers necessary and advisable for the public safety governing the designing, laying out, location, building, equipping, and operation of airports and landing fields and shall exercise exclusive authority to approve the location and operation of airports, landing fields, and other aeronautical facilities within the state, so as to assure a uniformity in regulations covering aeronautics. In order to implement this act, the commission may establish programs of state financial assistance in the form of grants, leases, loans, and purchases, or a combination of grants, leases, loans, and purchases, for assisting political subdivisions or other persons. The commission shall not grant an exclusive right for the use of an aeronautical facility. The commission may by the issuance of appropriate and effective rules register pilot's certificates issued by the civil aeronautics authority or other similar federal authority to resident pilots of the state for which it may charge a fee not to exceed \$5.00; govern and regulate commercial operations in intrastate commerce for which it may charge a fee of not more than \$25.00; and provide for the licensing of aircraft dealers for which it may charge a fee of not more than \$25.00.

(2) The commission shall cooperate with and assist the federal government, state governments, authorities of political subdivisions, and individuals engaged in aeronautics or the development of aeronautics, and shall seek to coordinate the aeronautical activities of these entities. The commission may confer with or hold joint hearings with any federal or state governments, their agencies, the authorities of political subdivisions, and individuals, in connection with any matter arising under this act, and avail itself of the cooperation, services, records, and facilities of those agencies in the administration and enforcement of this act. The commission shall reciprocate by furnishing governments and their agencies its cooperation, services, records, and facilities, insofar as may be practicable.

(3) The commission may perform acts, issue and amend orders, and make, promulgate, and amend reasonable general or special rules and procedures, and establish minimum standards, consistent with this act, which it considers necessary to implement this act and to perform its duties under this act, all commensurate with and for the purpose of protecting and insuring the general public interest, health, welfare, and safety. The commission may adopt and enforce the provisions of the currently effective federal legislation governing aeronautics. The commission shall promulgate rules to implement this act. The commission may deviate from or add to rules if necessary for the public safety and for the safety of aircraft and airmen within the state. A rule of the commission shall not apply to aeronautical facilities owned by the federal government.

(4) For the safety of aircraft and airmen within this state the commission may designate, establish, or modify a state airways system. The commission may publish and distribute maps, charts, and information relating to that system.

(5) The commission, a commission member or employee, the director, and every state, county, and municipal officer charged with the enforcement of state and municipal laws shall enforce and assist in the enforcement of this act and of rules promulgated under this act, and of all other laws of this state relating to aeronautics. In the aid of enforcement, general police powers are conferred upon the commission, each of its members, the director, and the officers and employees of the commission designated by the commission to exercise those powers. The commission is further authorized to enforce this act and rules promulgated under this act by injunction in the circuit court. The prosecuting attorney of the county in which an offense is committed shall prosecute offenders against this act and other aeronautical laws of this state, or any rule promulgated under this act or order issued by the commission. When a complaint is made before a municipal court in a city having such a court, or the district court in the county, district, or political subdivision in which venue is proper, that court may take cognizance, hear, try, and determine such matters and pass sentence upon offenders in accordance with law.

(6) The commission, a commission member, the director, or an employee designated by the commission may hold investigations, inquiries, and hearings concerning matters covered by this act, aircraft accidents, or orders and rules of the commission. Each person designated may administer oaths and affirmations, certify to

official acts, issue subpoenas, and compel the attendance and testimony of witnesses, and the production of papers, books, and documents. In case of failure to comply with a subpoena or order issued under this act, the commission, or its authorized representative, may invoke the aid of a court of general jurisdiction. The court may order the witness to comply with the requirements of the subpoena or order, or to give evidence touching the matter in question. Failure to obey the order of the court may be punished by the court as contempt.

(7) In order to facilitate investigations by the commission in the interest of public safety and development of aeronautics, the reports of investigations or hearings, or any part of them, shall not be admitted in evidence or used for any purpose in an action or proceeding growing out of a matter referred to in the investigation, hearing, or report, except in case of criminal or other proceedings instituted in behalf of the state under this act or any other law of this state relating to aeronautics. A commissioner, director, or an officer or employee of the commission shall not be required to testify to facts ascertained in, or information gained by reason of, his or her official capacity, or be required to testify as an expert witness in an action or proceeding involving an aircraft. Except as otherwise provided in this section, the commission may make available to appropriate federal and state agencies information and material developed in the course of its hearings and investigations.

(8) For the purposes of executing its powers and duties under this act, the commission, upon recommendations to the state administrative board, may enter into necessary contracts.

**History:** 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.51;—Am. 1962, Act 193, Eff. Mar. 28, 1963;—Am. 1969, Act 288, Imd. Eff. Aug. 11, 1969;—Am. 1976, Act 191, Imd. Eff. July 8, 1976;—Am. 1982, Act 385, Eff. Mar. 30, 1983;—Am. 1996, Act 370, Imd. Eff. July 3, 1996;—Am. 2002, Act 35, Eff. May 15, 2002.

**Former law:** See section 2 of Act 177 of 1929, being CL 1929, § 4802; Act 53 of 1931; Act 264 of 1939.

**Administrative rules:** R 259.201 et seq. and R 259.241 et seq. of the Michigan Administrative Code.

#### **259.52 Director of aeronautics; powers and duties.**

Sec. 52. Powers and duties of director of aeronautics. The director of aeronautics shall be the executive officer of the commission and department of aeronautics and under the commission's supervision shall administer the provisions of this and all other acts relating to aeronautics within this state.

**History:** 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.52.

#### **259.53 Director of aeronautics; powers delegated.**

Sec. 53. Delegation of powers to director of aeronautics. The commission may delegate to the director of aeronautics any of the powers or duties vested in or imposed upon it by this act. Such delegated powers and duties may be exercised by such director in the name of the commission.

**History:** 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.53.

#### **259.54 Cooperation with federal government; compliance with federal laws and regulations for expenditure of federal money; receipt and disbursement of federal and other money; commission as agent of state; deposit of money in state treasury; commission assistance in preparation of airport projects; cost.**

Sec. 54. (1) The commission may cooperate with the government of the United States and any agency or department thereof, in the acquisition, construction, improvement, maintenance, and operation of airports, landing fields, and other aeronautical facilities in this state where federal financial aid is received. The commission shall comply with the laws of the United States and any regulations made under those laws for the expenditure of federal money upon airports, landing fields, and other aeronautical facilities for which federal financial aid is received.

(2) The commission may accept, receive, receipt for, and disburse, federal or other money for and in behalf of this state or a political subdivision of this state, for the acquisition, construction, improvement, maintenance, and operation of airports, landing fields, and other aeronautical facilities in this state. In each case, the commission shall act as agent of the political subdivision of this state in accepting, receiving, receipting for, and disbursing such money in behalf of the political subdivision. The governing body of a political subdivision in this state may designate the commission as its agent for these purposes, as provided in section 135.

(3) Money accepted for disbursement by the commission pursuant to subsection (2) shall be deposited in the state treasury and disbursed in accordance with the provisions of the respective grants and the fiscal procedures of the state treasurer.

(4) The commission may assist political subdivisions of this state in the preparation of airport projects under federal statutes that provide federal funding of the airport and airway system, by the furnishing of engineering or other technical services. The cost for such assistance shall be chargeable to the airport project and reimbursable to the commission in accordance with the federal statute providing federal funding as

allowable project costs, and deposited to the planning and engineering fund for use on future projects.

**History:** 1945, Act 327, Imd. Eff. May 28, 1945;—CL 1948, 259.54;—Am. 1948, 1st Ex. Sess., Act 32, Imd. Eff. May 10, 1948;—Am. 1982, Act 466, Imd. Eff. Dec. 30, 1982.

#### **259.55 Enforcement officers.**

Sec. 55. (1) The commission may prescribe the duties and conditions of employment of its enforcement officers. The officers shall be law enforcement officers of the state and shall have the authority of police officers as provided by law, except as otherwise provided in this section. The officers shall be vested with power and authority of deputy sheriffs except that such power and authority shall be restricted to the investigation and enforcement of rules promulgated and orders issued by the commission and to the statutes relating to Michigan airports and the Michigan aeronautics code. The officers may issue summons, make arrests, and initiate criminal proceedings against offenders. The commission shall be responsible for all actions of its officers committed under color of their official position and authority.

(2) A summons issued by the law enforcement officers of the commission for violations of the aeronautics code, the statutes relating to Michigan airports, or the rules and orders promulgated by the commission, shall be answerable before the recorder's court or municipal court of the city in which the violation took place or before the district court in the county, district or political subdivision in which the violation took place.

**History:** Add. 1976, Act 191, Imd. Eff. July 8, 1976.

**Administrative rules:** R 259.201 et seq. of the Michigan Administrative Code.