

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 117

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO AERONAUTICS; AMENDING SECTION 21-101, IDAHO CODE, TO REVISE A
2 DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 21-104,
3 IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO AERIAL SEARCH OPERA-
4 TIONS; AND AMENDING SECTION 21-114, IDAHO CODE, TO REMOVE LANGUAGE RE-
5 LATING TO PILOT REGISTRATION, TO REVISE PROVISIONS RELATING TO CERTAIN
6 FEES, TO REVISE PROVISIONS RELATING TO CERTAIN AIRCRAFT REGISTRATION,
7 TO ESTABLISH PROVISIONS RELATING TO PERSONAL PROPERTY TAX, TO REVISE
8 PROVISIONS RELATING TO CERTAIN DECALS, TO REVISE PROVISIONS RELATING TO
9 REQUIREMENT FOR REGISTRATION AND ISSUANCE OF CERTIFICATES, TO REVISE
10 PROVISIONS RELATING TO EXEMPTIONS, TO REVISE PROVISIONS RELATING TO THE
11 TRANSFER OF OWNERSHIP OF AN AIRCRAFT AND TO MAKE TECHNICAL CORRECTIONS.
12

13 Be It Enacted by the Legislature of the State of Idaho:

14 SECTION 1. That Section 21-101, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 21-101. DEFINITIONS. As used in this chapter, unless the context oth-
17 erwise requires:

18 (a) "Aeronautics" means the science and art of flight and including,
19 but not limited to, transportation by aircraft; the operation, construc-
20 tion, repair, or maintenance of aircraft, aircraft power plants and acces-
21 sories, including the repair, packing, and maintenance of parachutes; the
22 design, establishment, construction, extension, operation, improvement,
23 repair, or maintenance of airports or other air navigation facilities; and
24 instruction in flying or ground subjects pertaining thereto.

25 (b) "Aircraft" means any contrivance now known, or hereafter invented,
26 used or designed for navigation of or flight in the air for the carriage of
27 pilots or passengers. For the purposes of this chapter, the term "aircraft"
28 does not include parachutes or paragliders constructed primarily of fabric.

29 (c) "Airport" means any area of land or water which is used, or intended
30 for use, for the landing and take-off of aircraft, and any appurtenant areas
31 which are used, or intended for use, for airport buildings or other airport
32 facilities or rights-of-way, together with all airport buildings and facil-
33 ities located thereon. The term "airport" shall include such other common
34 terms as aviation field, airfield, intermediate landing field, landing
35 field, landing area, airstrip and landing strip. For the purposes of this
36 chapter, the term "airport" refers to a publicly owned and managed facility
37 that is open for public use without operational restrictions on its use.

38 (d) "Department" means the Idaho transportation department.

39 (e) "Director" means the director of the Idaho transportation depart-
40 ment.

41 (f) "State" or "this state" means the state of Idaho.

1 (g) "Air navigation facility" means any facility, other than one owned
 2 or operated by the United States, used in, available for use in, or designed
 3 for use in, aid of air navigation, including any structures, mechanisms,
 4 lights, beacons, markers, communicating systems, or other instrumentali-
 5 ties, or devices used or useful as an aid, or constituting an advantage or
 6 convenience, to the safe takeoff, navigation, and landing of aircraft, or
 7 the safe and efficient operation or maintenance of an airport, and any combi-
 8 nation of any or all of such facilities.

9 (h) "Operation of aircraft" or "operate aircraft" means the navigation
 10 or piloting of aircraft in the airspace over this state or upon any airport
 11 within this state.

12 (i) "Airman" means any individual who engages, as the person in command
 13 or as pilot, mechanic, or member of the crew, in the navigation of aircraft
 14 while under way, and any individual who is directly in charge of the inspec-
 15 tion, maintenance, overhauling, or repair of aircraft engines, propellers,
 16 or appliances, and any individual who serves in the capacity of aircraft dis-
 17 patcher, or ~~air-traffic control tower~~ air traffic control tower operator;
 18 but does not include any individual employed outside the United States, or
 19 any individual employed by a manufacturer of aircraft, aircraft engines,
 20 propellers, or appliances, to perform duties as inspector or mechanic in
 21 connection therewith, or any individual performing inspection or mechanical
 22 duties in connection with aircraft owned or operated by him.

23 (j) "Aeronautics instructor" means any individual who for hire or re-
 24 ward engages in giving instruction or offering to give instruction in flying
 25 or ground subjects pertaining to aeronautics; but excludes any instructor in
 26 a public school, university, or institution of higher learning duly accred-
 27 ited and approved for carrying on collegiate work, who instructs in flying
 28 or ground subjects pertaining to aeronautics, only in the performance of his
 29 duties at such school, university or institution.

30 (k) "Air school" means:

31 (1) ~~a~~Any aeronautics instructor who advertises, represents or holds out
 32 as giving or offering to give instruction in flying or ground subjects
 33 pertaining to aeronautics; and

34 (2) ~~a~~Any person who advertises, represents or holds out as giving or of-
 35 fering to give instruction in flying or ground subjects pertaining to
 36 aeronautics whether for or without hire or reward;

37 but excludes any public school, or university, or institution of higher
 38 learning duly accredited and approved for carrying on collegiate work.

39 (l) "Person" means any individual, firm, partnership, corporation,
 40 company, association, joint stock association, or body politic, and in-
 41 cludes any trustee, receiver, assignee, or other similar representative
 42 thereof.

43 (m) "Municipality" means any county, city, district or other political
 44 subdivision or public corporation, of this state. "Municipal" means per-
 45 taining to a municipality as herein defined.

46 (n) "Aviation hazard" means any new or existing structure, object of
 47 natural growth, use of land, or modification thereto, ~~which~~ that endangers
 48 the lives and property of users of an airport, or of occupants of land in its
 49 vicinity, and that reduces the size of the area available for landing, taking

1 off and maneuvering of aircraft, or extends up into the airspace between air-
2 ports to cause disastrous and needless loss of life and property.

3 (o) "State airway" means a route in the navigable airspace over and
4 above the lands or waters of this state, designated by the board as a route
5 suitable for air navigation.

6 (p) "Board" means the Idaho transportation board.

7 (q) "Public transportation" means rail, mass transit, and any other
8 public transportation activities in which the state may become involved.

9 SECTION 2. That Section 21-104, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 21-104. DEVELOPMENT OF AERONAUTICS ~~---GENERAL SUPERVISION~~. (a) Gen-
12 eral supervision. The department shall have general supervision over
13 aeronautics within this state. It is empowered and directed to encourage,
14 foster, and assist in the development of aeronautics in this state and to
15 encourage the establishment of airports and air navigation facilities. It
16 shall cooperate with and assist the federal government, the municipalities
17 of this state, and other persons in the development of aeronautics, and shall
18 seek to coordinate the aeronautical activities of these bodies and persons.
19 Municipalities are authorized to cooperate with the department in the devel-
20 opment of aeronautics and aeronautics facilities in this state.

21 (b) Aerial search. Aerial search operations for lost aircraft and air-
22 men shall be coordinated by the department, division of aeronautics under
23 the direction and supervision of the chief of the bureau of homeland security
24 within the military division.

25 SECTION 3. That Section 21-114, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 21-114. REGISTRATION OF PILOTS AND AIRCRAFT -- REQUISITES. (a) ~~Pilot~~
28 ~~Registration -- Fees.~~ Subject to the limitation of subsections (c) and (d)
29 ~~of this section, the department is authorized to require that every indi-~~
30 ~~vidual who pilots an aircraft within this state is to register with the de-~~
31 ~~partment and to renew such registration every other year thereafter in which~~
32 ~~he pilots an aircraft within this state. The department may charge for each~~
33 ~~such registration, and for each biennial renewal thereof, a fee of twelve~~
34 ~~dollars (\$12.00). Such income shall be used for department expenses associ-~~
35 ~~ated with search and rescue of lost aircraft and airmen and for pilot safety~~
36 ~~programs. Search and rescue coordination shall be under the direction and~~
37 ~~supervision of the chief of the bureau of homeland security within the mili-~~
38 ~~tary division, with aerial search operations coordinated by the department,~~
39 ~~division of aeronautics.~~

40 ~~(b) Aircraft Registration -- Fees.~~

41 (1) ~~Private Aircraft.~~ Subject to the limitations of subsections (eb)
42 and (dc) of this section, every aircraft operating within this state
43 and/or holding a currently valid airworthiness certificate and a cur-
44 rently valid annual inspection or progressive inspection system issued
45 by the appropriate federal agency, shall be registered with the de-
46 partment prior to or during each annual registration year in which the
47 aircraft is operated within this state. The annual registration year

1 shall commence on the date provided by regulation, and the holding of a
 2 currently valid airworthiness certificate and a currently valid annual
 3 inspection or progressive inspection system issued by the appropriate
 4 federal agency during any part of the registration year shall be con-
 5 sidered prima facie evidence that the aircraft is operating within this
 6 state. The department shall charge for each such registration, and for
 7 each annual renewal thereof, the fees at the rate of one cent (1¢) per
 8 pound of the manufacturer's certified maximum gross weight authorized
 9 in the aircraft listing, aircraft specification or type certificate
 10 data sheet of said aircraft issued by the federal aviation agency
 11 administration, and in no case to exceed two hundred dollars (\$200) upon
 12 any one (1) aircraft, provided that such fee shall be in lieu of all per-
 13 sonal property taxes on such aircraft.

14 Those aircraft in nonairworthy condition that are not operated dur-
 15 ing any part of the registration year are not required to register but
 16 may, at the owner's discretion, be registered in lieu of personal prop-
 17 erty tax.

18 Registration certificates shall be kept in the aircraft at all times.
 19 In addition to the registration certificate, an identifying decal shall
 20 be issued and placed on the left side of the aircraft either upon the
 21 vertical stabilizer thereof or upon a window nearest to the rear of the
 22 aircraft, fully visible from the outside of the aircraft.

23 Aircraft shall only be registered prior to or during the current
 24 annual registration year. There shall be no registration of aircraft
 25 for any registration period which is prior to the current registration
 26 year. Registration certificates issued for aircraft newly purchased or
 27 acquired, or aircraft imported into the state after expiration of the
 28 first six (6) months of the current annual registration year, as pre-
 29 scribed by the department, shall be issued at the rate of fifty percent
 30 (50%) of the annual fee. Those aircraft that have been found in viola-
 31 tion of the provisions of this section after the first six (6) months
 32 will pay the full year's fee and shall, at the discretion of the direc-
 33 tor, be referred to the respective county assessor for collection of
 34 personal property tax.

35 (2) Manufacturers and Dealers License. It shall be unlawful for any
 36 person to carry on or conduct the business of buying, selling, or deal-
 37 ing in aircraft unless registered with the department, as such manufac-
 38 turer or dealer. Any manufacturer or dealer in aircraft owning, having
 39 an interest in, or having in his possession an aircraft for the purpose
 40 of sale, shall upon the registration and payment of fees as in this ~~act~~
 41 chapter required, acquire one (1) registration certificate ~~which that~~
 42 shall bear the distinctive registration number issued to such manufac-
 43 turer or dealer, and any number of identifying decals. The registra-
 44 tion certificate shall be kept at the main office of the manufacturer
 45 or dealer and an identifying decal shall be placed upon the left side of
 46 every aircraft that the manufacturer or dealer may have an interest in
 47 which is held for sale, ~~on the left side thereof~~ either upon the vertical
 48 stabilizer or upon a window nearest to the rear of the aircraft.

49 An identifying decal issued to a manufacturer or dealer during the
 50 calendar year for which issued can be transferred from an aircraft

1 no longer in the possession of the dealer or manufacturer for sale or
 2 demonstration to one acquired for the purpose of sale or demonstration
 3 during the calendar year.

4 ~~No identifying decal issued to a manufacturer or dealer as herein~~
 5 ~~provided may be transferred to an aircraft owned or in the possession of~~
 6 ~~such manufacturer or dealer when such aircraft is used solely for com-~~
 7 ~~mmercial purposes~~ Manufacturer or dealer decals may only be used on air-
 8 craft flown for purposes of sales demonstration, ferry or test.

9 The fee to be paid by a manufacturer or dealer in aircraft shall be
 10 forty dollars (\$40.00) for the registration certificate and one dol-
 11 lar (\$1.00) for each identifying decal issued to such manufacturer or
 12 dealer.

13 (eb) Requirements for Registration, Issuance of Certificate. Pos-
 14 session of the appropriate effective federal certificate, ~~permit, rating or~~
 15 ~~license~~ relating to ~~competency of the pilot or ownership and airworthiness~~
 16 ~~of the aircraft, as the case may be,~~ and payment of the fee duly required
 17 pursuant to the provisions of this section shall be the only requisites for
 18 registration of ~~a pilot or~~ an aircraft under this section. Registration
 19 shall be effected by filing with the department a written statement contain-
 20 ing the information reasonably required by the department for such purpose.
 21 It shall not be necessary for the registrant to provide the department with
 22 originals or copies of federal certificates, ~~permits, ratings or licenses.~~
 23 The department ~~may~~ shall issue certificates of registration, or such other
 24 evidences of registration ~~or~~ and payment of fees as it may deem proper, ~~and~~
 25 ~~in connection therewith may prescribe requirements for the possession and~~
 26 ~~exhibition of such certificates or other evidences similar to the require-~~
 27 ~~ments of section 21-113(b), Idaho Code, for the possession and exhibition~~
 28 ~~of federal airman and aircraft certificates, permits, ratings or licenses.~~
 29 Failure to register, if required, shall be unlawful.

30 (dc) Exemptions. The provisions of this section shall not apply to:

31 (1) An aircraft owned by, and used exclusively in the service of, any
 32 government or any political subdivision thereof, including the govern-
 33 ment of the United States, any state, territory, or possession of the
 34 United States, or the District of Columbia, which is not engaged in car-
 35 rying persons or property for commercial purposes;

36 (2) An aircraft which is owned by a bona fide nonresident of this state;
 37 provided, however, that this exemption shall not apply to such aircraft
 38 operated ~~in the transportation of persons or property for hire, in dust-~~
 39 ~~ing, seeding, or spraying for hire, or in any other activity for hire~~
 40 ~~in this state, whether such aircraft so operated be engaged casually~~
 41 ~~or continuously in this state for a cumulative period of greater than~~
 42 ninety (90) days in any annual registration year;

43 (3) An aircraft engaged principally in commercial airline or air
 44 freight flying constituting an act of interstate or foreign commerce
 45 while operating under a certificate, ~~permit or license~~ issued by the
 46 appropriate agency of the United States government;

47 ~~(4) An individual piloting an aircraft owned by, and used exclusively~~
 48 ~~in the service of, any government or any political subdivision thereof,~~
 49 ~~including the government of the United States, any state, territory, or~~

1 possession of the United States, or the District of Columbia, which is
2 not engaged in carrying persons or property for commercial purposes;

3 ~~(5) An individual piloting any aircraft registered under the laws of a
4 foreign country;~~

5 ~~(6) A bona fide nonresident of this state piloting aircraft in this
6 state; provided, however, that this exemption shall not apply to any
7 nonresident piloting an aircraft in this state for hire whether such
8 nonresident is so engaged casually or continuously;~~

9 ~~(7) An individual piloting an aircraft engaged principally in commer-
10 cial airline or air freight flying constituting an act of interstate or
11 foreign commerce, while such aircraft is being operated under a cer-
12 tificate, permit or license issued by the appropriate agency of the
13 United States government;~~

14 ~~(8) An individual operating model aircraft;~~

15 ~~(9) An individual piloting an aircraft which is equipped with fully
16 functioning dual controls when a properly certified pilot is in full
17 charge of one (1) set of said controls and such flight is solely for
18 instruction or for the demonstration of said aircraft to a bona fide
19 prospective purchaser pursuant to the provisions of part 121, title 14,
20 of the code of federal regulations (14 CFR 121) or an equivalent for-
21 eign air carrier operating under a bilateral agreement with the United
22 States government.~~

23 (ed) Transfer of Aircraft. When the ownership of an aircraft regis-
24 tered under the provisions of this section is transferred to a resident of
25 this state, the new owner will be required to register the aircraft under
26 the provisions of this section. If the transferor wishes to register another
27 aircraft he shall pay the registration fee required by this section less the
28 amount of registration fee already paid on the aircraft ~~which~~ that was sold,
29 or if the transferor shall have an aircraft to be registered with a useful
30 load less than the aircraft that was sold, he shall pay a transfer fee of one
31 dollar (\$1.00).