

HOUSE BILL No. 4704

May 20, 2003, Introduced by Reps. Ehardt, Acciavatti, Brandenburg, Amos and Robertson and referred to the Committee on Veterans Affairs and Homeland Security.

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," 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:

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

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

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

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

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

12 (6) A flight school operating facilities at more than 1
13 aeronautical facility shall obtain a license for each location.

14 (7) The flight school license shall be posted in the
15 principal office of the flight school where it may be readily
16 observed by the general public.

17 (8) A flight school shall at all times conduct itself in
18 accordance with all applicable federal, state, and local laws and
19 statutes.

20 (9) A flight school shall be operated from an airport
21 properly licensed by the commission.

22 (10) A flight school operator shall obtain from the airport
23 manager a written agreement to operate commercially from the
24 airport at which the flight school is based.

25 (11) Each flight school student shall be advised in writing
26 at the time of enrollment of the type and amount of insurance
27 coverage provided for each aircraft used by the flight school.

1 (12) A flight school shall provide a suitable space of
2 permanent nature that is properly heated, lighted, and ventilated
3 to accommodate flight school students and to house adequate
4 equipment necessary to properly conduct business matters and to
5 prepare and preserve business records. The facilities described
6 in this subsection shall be located at the licensed airport
7 site.

8 (13) Each aircraft to be used for purposes of flight
9 instruction at a flight school shall comply with all of the
10 following:

11 (a) Possess a valid airworthiness certificate issued by the
12 federal aviation administration.

13 (b) Be properly registered with the commission.

14 (c) Have the equipment and performance characteristics
15 appropriate to the curriculum and to the airport to be used.

16 (14) All aircraft used in any flight school operation shall
17 be operated in accordance with federal aviation administration
18 maintenance regulations and standards. Adequate records shall be
19 kept by the school to demonstrate performance of all required
20 items of maintenance. The maintenance status of each aircraft,
21 including discrepancies, shall be displayed by the school in a
22 manner adequate to determine compliance.

23 (15) A flight school shall have a flight instructor available
24 to dispatch and supervise each student pilot solo flight.

25 (16) A flight school shall have a written curriculum,
26 including lesson plans, adequate to properly qualify the student
27 to complete the particular course for the certificate or rating

1 sought. A flight school shall also include lessons pertaining to
2 Michigan laws relating to aviation and this act.

3 (17) A flight school shall make available to students current
4 texts and reference material pertaining to the certificate or
5 rating sought.

6 (18) A flight school shall provide adequate instruction to
7 properly qualify a student completing its courses for the
8 appropriate federal aviation administration examination covering
9 the grade of certificate or rating sought.

10 (19) A flight school shall maintain training records adequate
11 to show each student's progress and level of completion relative
12 to the course of instruction in which the student is enrolled.
13 These records shall be made available for inspection by any
14 authorized representative of the commission.

15 (20) A copy of the airport and flight school regulations
16 shall be made available to the students enrolled in the school
17 for information and guidance.

18 (21) A flight school shall designate a practice area.

19 (22) A flight school or its representatives and instructors
20 shall not make false claims of any kind pertaining to either
21 flight training or employment following flight training. Only a
22 licensed flight school may advertise flight instruction.

23 (23) A flight school accepting prepayment equal to or in
24 excess of \$1,000.00 shall file with the commission a corporate
25 surety bond payable to the state of Michigan in the sum of
26 \$5,000.00 conditioned on the faithful performance of all
27 contracts and agreements with students made by the flight school

1 or its agent. The aggregate liability for the surety for all
2 breaches of conditions of the bond shall not exceed the principal
3 sum of \$5,000.00. The surety of any bond may cancel the bond
4 upon giving 60 days' notice in writing to the commission and the
5 flight school. If a bond is canceled in compliance with this
6 subsection, the surety is relieved of liability for any breach of
7 conditions occurring after the effective date of cancellation.

8 ~~(24) Beginning the effective date of the amendatory act that~~
9 ~~added this subsection, a flight school shall request from the~~
10 ~~criminal records division of the department of state police a~~
11 ~~criminal history check and criminal records check through the~~
12 ~~federal bureau of investigation on any applicant for training at~~
13 ~~the flight school in the manner provided for under section 85a.~~
14 ~~The applicant shall cooperate with the flight school in~~
15 ~~completing the criminal history check and criminal records check~~
16 ~~through the federal bureau of investigation. A flight school~~
17 ~~shall not enroll or shall terminate the enrollment of an~~
18 ~~applicant if any of the following occurred to the applicant~~
19 ~~within the preceding 7 years:~~

20 ~~—— (a) Was convicted of a violent or other felony.~~

21 ~~—— (b) Was incarcerated for a violent or other felony~~
22 ~~conviction.~~

23 ~~—— (c) Was on probation or parole for a violent or other felony~~
24 ~~conviction. A flight school shall implement a security program,~~
25 ~~acceptable to the commission, designed to limit aircraft~~
26 ~~accessibility and ensure the security of those aircraft on the~~
27 ~~ground that are used by the flight school.~~

1 (25) The security program described in subsection (24) shall
2 include 1 or more of the following:

3 (a) Procedures for positive identification of a student pilot
4 or renter pilot as a precondition to allowing access to
5 aircraft.

6 (b) Procedures for control of aircraft ignition keys that
7 prevent operation of an aircraft by a student pilot that is not
8 in the presence of or under the authorization of a flight
9 instructor or other authorized individual.

10 (c) Instructional procedures that ensure close student pilot
11 supervision.

12 (26) The security program described in subsection (24) shall
13 include both of the following:

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

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

23 (27) ~~-(25)-~~ The requirements for a flight school set out in
24 this section are conditions of the license. Failure to comply
25 with any of these requirements is grounds for revocation of a
26 flight school's license.

27 (28) ~~-(26)-~~ A person who violates this section is guilty of a

1 misdemeanor punishable by imprisonment for not more than 90 days,
2 or a fine of not less than \$100.00 or more than \$500.00, or both,
3 together with costs of the prosecution.

4 ~~(27) As used in this section, "violent or other felony"~~
5 ~~means a violation of a penal law of this state, another state, or~~
6 ~~the United States for which the offender, upon conviction, may be~~
7 ~~punished by death or imprisonment for more than 1 year or an~~
8 ~~offense expressly designated by law to be a felony.~~

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