

MINUTES OF THE MEETING  
HIGHWAYS AND TRANSPORTATION  
MONTANA STATE SENATE

February 3, 1983

The meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on Thursday, February 3, 1983 at 1:00 p.m. in Room 410, State Capitol.

ROLL CALL: Roll was called with all Senators present.

HOUSE BILL NO. 236: Hearing commenced on House Bill No. 236, sponsored by Representative Dozier. This bill amends the motor carriers law to remove from its scope any arrangement under which 15 or fewer passengers travel in the same vehicle between their homes and work places in one round trip each day if the driver is also going to and from work. The act would be effective immediately.

Wayne Budt, Montana Public Service Commission, spoke in support of the bill. It was introduced by Representative Dozier, by request of the PSC. He presented written testimony, see Exhibit 1.

Senator Hager removed himself from the Committee for the purpose of speaking in support of House Bill No. 236.

Senator Elliott asked where the figure of 15 or fewer passengers came from.

Wayne Budt told the committee the figure came from a study the Department of Transportation conducted and provided to us. In our own study and meetings the figure of 12 to 15 kept coming back up.

Senator Elliott asked if someone like the Anaconda Company ran a bus, would they fall under the rules and regulations of the PSC.

Wayne Budt said no, they are not subject to regulation, as they would be considered a private bus, taking employees to and from work, with one daily round trip.

In closing, Representative Dozier, said a lot of University students car pool, and the PSC has indicated that school is a form of employment, and this bill would apply to them, also.

There being no further questions of the committee, the hearing was closed on House Bill No. 236. D. Manning will carry the bill on the floor, should it pass.

SENATE BILL NO. 318: Hearing commenced on Senate Bill No. 318, sponsored by Senator Graham, by request of the Department of Highways. This is an act to amend the proportional vehicle registration law, to change the definition of the term "preceding year"; to revise the application requirements; and to change the procedure for the withdrawal of fleet vehicles; amending sections 61-3-712, 61-3-721, and 61-3-725, MCA.

Jim Beck, Legal Counsel for the Department of Highways, told the committee this bill revises the state's proportional vehicle registration law allowing out-of-state commercial vehicles to operate in Montana as long as reciprocity is allowed Montana vehicles by the other vehicles home state. This bill amends the definition of preceding year, making it 18 months rather than 16 months immediately preceding the commencement of registration. The bill also changes method of registration and allows transfer of GVW fees to a replacement vehicle. Mr. Beck then went over each change on the bill and explained them.

Senator Stimatz asked why is proportional vehicle registration necessary.

Jim Beck said because Montana law says you have to be registered in Montana to operate on the highways. This provides for out-of-state registration.

Senator Shaw asked if this affects reciprocity agreement.

Jim Beck replied no, not in the aspect that you are talking about. That is separate and apart from this. This is for commercial truckers exclusively.

There being no further opponents, proponents, or questions from the committee, the hearing was closed on Senate Bill No. 318.

ACTION ON SENATE BILL NO. 318: Senator Shaw made the motion that Senate Bill No. 318 DO PASS. The motion passed unanimously.

ACTION ON HOUSE BILL NO. 236: Senator Hager made the motion that HOUSE BILL NO. 236 BE CONCURRED IN. The motion passed unanimously. D. Manning will carry the bill on the floor of the Senate.

ACTION ON SENATE BILL NO. 287: Senator Hager made the motion that Senate Bill No. 287 DO PASS. The motion passed unanimously.

ACTION ON SENATE BILL NO. 212: Senator Shaw made the motion that Senate Bill No. 212 DO NOT PASS. Senator Shaw commented that even though this bill would register these ultralights, they still would not be legal at airport. It is the policy of the airport operator, whether they will let the ultralight land or not. I cannot see any reason to register them.

Senator Graham said he disagrees and thinks there should be some type of identification on them. I see no reason why we should not register the ultralights, so we would know who owns them. It is for identification purposes and the fee is not out of line. I have to pay taxes on my airplane and don't see why they should not be subject to pay taxes also. I oppose Senator Shaw's motion.

Senator Mark Etchart, told the committee the amendments presented by Senator Lee are worse than the bill. If we adopt Senator Lee's amendments, I will vote against the bill.

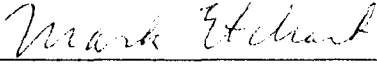
A roll call vote was taken. Those Senator's voting no: Senator Etchart, Senator Hager, Senator Elliott, Senator Graham, Senator Stimatz. Those Senator's voting aye: Senator Shaw, Senator Tveit, Senator Daniels. The motion failed.

Senator Elliott made the motion that Senate Bill No. 212 Second Reading Copy, DO PASS.

Senator Etchart went over the handout material prepared by Mike Ferguson. See Exhibit 2 and 3. The committee also looked at the amendments prepared by Senator Lee, see Exhibit 4.

A roll call vote was taken. Those Senator's voting yes: Senator Etchart, Senator Hager, Senator Elliott, Senator Graham, Senator Stimatz. Those Senator's voting no: Senator Shaw, Senator Tveit, Senator Daniels. The motion carried.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 1:50 p.m.

  
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Senator Mark Etchart  
Chairman

ROLL CALL

SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

48 ~~47~~th LEGISLATIVE SESSION -- ~~1982~~ 1983

2/3/83  
Date

| NAME                           | PRESENT | ABSENT | EXCUSED |
|--------------------------------|---------|--------|---------|
| Senator Mark Etchart, Chairman | ✓       |        |         |
| Senator Hager, Vice Chairman   | ✓       |        |         |
| Senator Elliott                | ✓       |        |         |
| Senator Shaw                   | ✓       |        |         |
| Senator Tveit                  | ✓       |        |         |
| Senator Graham                 | ✓       |        |         |
| Senator D. Manning             | ✓ late  |        |         |
| Senator Stimatz                | ✓ late  |        |         |
| Senator Daniels                | ✓ late  |        |         |
| Paul Verdon, Leg. Council      | ✓       |        |         |
| Carol Doyle Frasier, Secretary | ✓       |        |         |
|                                |         |        |         |
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|                                |         |        |         |

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DATE:

2/3/83

COMMITTEE ON

## Highways & Transportation

## VISITORS' REGISTER

[illegible]

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit 1

HOUSE BILL NO. 236

Introduced by DOZIER

By Request of the Public Service Commission

STATEMENT OF SUPPORT

House Bill No. 236 is intended to exempt "car pools" from regulation by the Public Service Commission. The bill does this by adding paragraph (j) to the list of exemptions contained in Section 69-12-102(1).

This bill is necessary because the existing law without the proposed exemption would appear to mandate regulation of some ride-sharing agreements. For example, take a situation where one employee of a firm purchases a van. He then offers a ride to and from work to other employees of the firm who live in his neighborhood. They in turn pay him compensation to share the costs of the trip including gasoline, repairs and maintenance, licensing, taxes, insurance and depreciation. Because the existing law requires the regulation of all passenger movements for hire on a commercial basis, a strong argument could be made that this type of ride-sharing arrangement is required to obtain an operating authority from the Public Service Commission.

I would submit that it is not in the public interest to require that such ride-sharing arrangements must obtain operating authority. Because of the obvious energy saving benefits of ride-sharing, such efforts should be encouraged rather than discouraged by forcing them to comply with regulatory requirements. In fact, the Montana Department of Natural Resources and Conservation has a program encouraging employees to purchase vans and start ride-sharing groups.

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House Bill No. 236 would exempt ride-sharing arrangements from regulation if the owner of the vehicle and the passengers are traveling between their residences and place of work, provided further that there are no more than 15 passengers and the owner conducts only one round trip in a day. Under these limited conditions the owner of a van or other vehicle would not be required to obtain an operating authority from the Public Service Commission even though he is receiving compensation from the passengers.

I urge the committee to support House Bill No. 236 thereby removing the cloud of regulatory uncertainty that currently hangs over these types of ride-sharing arrangements.



1. Title, Line 7. Following 15-24-304 insert: "67-1-101, 67-3-101" This will add a new (37) which describes two classes of ultralights: (1) unpowered; (2) powered.

Questions: What about the ultralights which exceed 254 pounds; 5 gallons of fuel; stall speeds over 24 knots?

At the present time the FAA is planning on placing those ultralights in "experimental homebuilt" or "experimental exhibition" category; however, the FAA is also considering some type of specific category for the ultralights which do not meet the criteria described in the proposed amendment.

Why is a description necessary? The word "approved" by the U.S. government in SB 212 adequately covers this.

2. Section 2. Section 67-3-101, MCA, is amended to read:

A new (2) is added:

(2) Issue a permit to any person who operates an ultralight vehicle off a state designated airstrip after the person demonstrates knowledge of federal aviation regulations, Part 103, and may charge a fee of not exceeding \$15 a year to be deposited in an account for use for purposes of safety education.

Questions: This proposed amendment speaks only about ultralight pilots operating off airports. What about those who operate on airports? Who would be responsible for certifying that the person has demonstrated knowledge of the FAA regulations? Also, the \$15 fee as opposed to the existing pilot registration fee of \$1 would seem to be discriminatory against the ultralight pilot. This would require some type of certification that the person had demonstrated knowledge of the FAA regulations. This type of certification should not be placed on the state. This will be adequately covered in SB 212 as written on Page 4, Line 19 and 20 with the words "or approved."

This would also require special handling by the Aeronautics Division staff plus a new separate account would be necessary in which to deposit the money. SB 212 as written would not require special handling nor special accounting. All pilot registration (including ultralight) would be treated alike.

3. 2. Page 3, Line 2. Following "ultralight" strike "aircraft" and insert "vehicle."

Questions: Why change the state's description of aircraft? An ultralight falls within the description of an aircraft under both the state's and FAA's description. (See attachment #1.)

IN CONCLUSION:

The proposed amendment does not propose striking anything in SB 212 except on Line 2 the word "aircraft" and inserting the word "vehicle." Two options to consider:

(1) leaving SB 212 as written OR (2) amending as follows:

1. Page 1, Line 12 & 13. Strike "and in subsection (7) of this section."
2. Be sure that on Page 1, Line 23, the correction is made striking "June 1" and inserting "March 1."
3. Page 1, Line 24 & 25. Leave (6) and strike (7).
4. Page 3. Strike all of (7), Lines 2, 3, 4, 5, 6. This is adequately covered on Page 1, Line 15 & 16.
5. Page 3, Line 10. Leave (6) and strike (7).
6. Page 5, Line 1. Leave (6) and strike (7).

A copy of the existing law is attached showing the actual amendments recommended.

(See attachment #2.)

Federal definitions of Aircraft

There are 2:

1. Defined in the Federal Aviation Act of 1958

"Aircraft means any contrivance now known or hereafter  
invented, used, or designed for navigation of or flight  
in the air.

2. Defined in Federal Air Regulation Part 1

"Aircraft means a device that is used or intended to be  
used for flight in the air."

State definitions of Aircraft

There are 2:

1. 67-1-101 (4)

"Aircraft means a contrivance used or designed for  
navigation of or flight in the air."

2. 15-23-401 (2)

"Aircraft means any contrivance now known or hereafter  
invented, used, or designed for navigation of or flight  
in the air."

Part 2  
Aircraft, Airman, and Instructor Licensing or approved

registration,

67-3-201. Aircraft registration and licensing. (1) Except as provided in 67-3-102, a person may not operate or cause to be operated a civil aircraft within this state unless the aircraft has an appropriate effective license, certificate, or permit issued by the United States government which has been registered with the department and the registration with the department is in force.

(2) Aircraft customarily kept in this state shall be registered with the department, which may charge a fee therefor of not more than \$10. The registration shall be renewed annually on or before June 1 of each year.

(3) Section 67-3-202 and subsections (2) through (6) of this section shall not apply to:

- (a) aircraft owned and operated by the federal government, the state, or any political subdivision thereof;
- (b) aircraft owned and held by an aircraft owner solely for the purpose of resale;
- (c) aircraft operated by an airline company and regularly scheduled for the primary purpose of carrying persons or property for hire in interstate or international transportation;
- (d) dismantled or otherwise nonflyable aircraft;
- (4) An aircraft shall be registered as a person within a particular county of the state. This owner shall be the county of the owner's principal residence. If the owner is a natural person, it is the owner's principal place of doing business in the state. If the owner is not a natural person. However, if the owner declares by affidavit that the aircraft is customarily kept at a landing facility in another county within the state, he may register the aircraft as property within such other county.

(5) Except as provided in 67-3-210, all aircraft shall be subject to all state, county, and school district tax levies and all other levies designated for aircraft- or airport-related uses. Such aircraft shall not be liable for other city tax levies.

(6) Aircraft not registered in the state but entering the state to engage in commercial operations shall be registered prior to commencing operation.

History: Acts, Sec. 9, Ch. 152, L. 1945 and Sec. 10, Ch. 319, L. 1974; R.C.M. 1947, 2000; En. 1-325 by Sec. 1, Ch. 542, L. 1975 and Sec. 1, Ch. 210, L. 1976; and Sec. 1, Ch. 104, L. 1977; Sec. 1-325, R.C.M. 1947, 2000; L. 1947, 1975; and Sec. 1, Ch. 229, L. 1976; and Sec. 2, Ch. 220, L. 1981.

Compiler's Comments:  
1981 Amendment: Substituted "June 1" for "March 1" in (3).

March 1

March 1

67-3-202. Penalty for registration violations. (1) When an aircraft required to be registered under the provisions of subsections (2) through (6) of 67-3-201 is not registered on or before June 1 of the current calendar year, a penalty fee of \$100 shall be added to the registration fee and collected. Registration of an aircraft in the name of the applicant for the year immediately preceding the year for which application for registration is made shall be prima facie evidence that the aircraft has been based in this state during the year for which application for registration is made.

(2) Except for aircraft exempt from property taxation as provided in 15-6-210, an application for registration shall be accompanied by a copy of the receipt for or statement of personal property tax paid, signed by the treasurer of the county where the aircraft is registered or a statement of lien assignment against real property signed by the county assessor where the aircraft is registered. A person who pays personal property tax on his aircraft to any jurisdiction other than the county where the aircraft is required to be registered is liable for the tax in that county without credit for such other taxes paid. In addition to this civil liability, a person who attempts to establish the situs of his aircraft in any jurisdiction other than the county where the aircraft is required to be registered with intent to avoid payment of taxes to that county commits the offense of false swearing as defined in 45-7-202.

(3) A person who operates an aircraft required to be registered in the state without having displayed upon such aircraft a certificate of registration issued by the department for that aircraft commits a misdemeanor.

History: En. 1-326 by Sec. 2, Ch. 542, L. 1975; and Sec. 1, Ch. 213, L. 1976; and Sec. 2, Ch. 210, L. 1977; R.C.M. 1947, 1-326; and Sec. 4, Ch. 229, L. 1976; and Sec. 3, Ch. 229, L. 1981.

Compiler's Comments:

1981 Amendment: Substituted "June 1" for "March 1" in (1).

or approved

67-3-211. Airman licensing. Except as provided in 67-3-102, a person may not engage in aeronautics as an airman in this state unless he has from the department an effective certificate of registration of an appropriate effective airman's license, certificate, or permit issued by the United States government authorizing him to engage in the particular class of aeronautics in which he is engaged.

History: En. Sec. 9, Ch. 152, L. 1945; and Sec. 10, Ch. 319, L. 1974; R.C.M. 1947, 1-307; and Sec. 1, Ch. 220, L. 1981.

15-24-304. Prorated taxes — aircraft. A person who acquires an aircraft required to be registered under subsections (2) through (6) of 67-3-201 after June 1 in any year shall register the aircraft within 30 days of acquiring it. The county assessor shall prorate the personal property tax due on the aircraft for the remaining portion of the year in the manner provided in 15-24-303.

History: En. 84-213 by Sec. 1, Ch. 542, L. 1975; and Sec. 1, Ch. 210, L. 1977; R.C.M. 1947, 3-213; and Sec. 1, Ch. 220, L. 1981.

Compiler's Comments:

1981 Amendment: Substituted "June 1" for "March 1" in (1).

March 1

## AOPA-Opposed ADAP Loophole Stings FBOs

One of the several big reasons AOPA so strongly — and singlehandedly — fought the new ADAP law, aside from the general aviation fuel tax increase, was a clause that made it possible for airport authorities to, in effect, create "monopoly FBOs" at their airports.

A "loophole" written into the new law emasculated the previous stricture against monopoly FBOs at federally aided airports through language that is broad enough to let an airport operator eliminate present FBOs as well as to de-

establishment of new ones.  
It did not take long for port owners to be ing competi-  
ting

allowed them to grow into potentially monopolistic situations.

The smaller of two FBOs at Norfolk, Virginia, International Airport was told by the Port Authority to get off the airport when it opened a new facility for the only other FBO at the field.

At Baltimore-Washington International Airport, one FBO has already shut down much of its operations, and changes in airport design could result in ne operator.

nan Field in Louisville is threat- h losing FBOs.

rlotte, North Carolina, the air- r wanted to bring its three to one, but after pressure expected to "settle" for two.

titive practices by any still monopolistic. AOPA efforts to regain for its l general aviation the voice in a competitive

### Ultralight Programs Wait for Federal Action

The AOPA Air Safety Foundation is ready to implement its ultralight programs as soon as federal guidelines are issued.

Answering the government's call for self-regulation by the industry, the Foundation, in cooperation with pilots, schools, dealers, and leading manufacturers, developed ultralight pilot and instructor registration programs and an aircraft registry system. Subsequently, the FAA announced it would issue guidelines for such programs through an Advisory Circular (AC) planned for publication shortly.

In order to minimize confusion to ultralight pilots and instructors and to provide programs that meet federal guidelines, implementation of the registry and insurance programs of the AOPA Air Safety Foundation have been temporarily delayed.

The FAA's advisory circular on ultralights is expected to be published for public comment sometime this month. AOPA will seek interim FAA approval of its efforts so the ultralight community can be more fully served by insurance and safety programs.

Owners who buy state excise tax in ad- jet fuel. AOPA letter to New aviation is taxed enough for its other modes of travel.

## Two-Seat Ultralight Proposed for Training

The AOPA Air Safety Foundation has formally petitioned the FAA to allow use of two-place ultralights for instructional purposes. Presently, two-place ultralights are required to be certificated as "experimental aircraft" and most of them exceed the 254-pound weight limit of FAR Part 103.

Two-seat ultralights would be limited to use for instruction only, although single-pilot operations would be allowed so an instructor could ferry the aircraft to different training locations.

Allowance of two-place aircraft within the definition of FAR Part 103 would provide: improved quality of flight instruction through the hands-on training offered by an on-board instructor; reduced exposure to training accidents associated with student solo operations; and, reduced time and cost needed to train students to safely operate ultralights. Instruction for compensation is not restricted in FAR Part 103.

According to the proposal, two-place ultralight aircraft could weigh up to 330 pounds empty and would be clearly placarded "To be used for instruction only." Flight training would be conducted only by an AOPA ASF-registered two-place ultralight instructor, who would be required to maintain training records and to notify the Foundation of any accidents or incidents that occur during instruction.

The Foundation would maintain a registry of qualified, two-place ultralight instructors and establish a system to collect and disseminate safety information to ultralight operators.

## Third Class Medical Duration Lengthened

A recently published FAA proposal would allow pilots less than 55 years old to take third-class FAA physical examinations less frequently than the present two-year period. The Notice of Proposed Rule Making (NPRM) was in response to an AOPA petition requesting extended validity for third-class medical certificates.

AOPA President John L. Baker endorsed the plan and said, "We certainly hope this proposal meets with unanimous

(Continued on page 3)

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AIR CARRIERS airlines, expandi Flight Service Stat. and more air carrie. observations require cancellation at airpo. control tower.

AOPA OPPOSES HIGH of New York. Indications ieled into New York City city's mass transit syste avgas in New York State, in addition to federal taxes of 12c York Governor Hugh L. Caro own facilities, should not have

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SB 11  
Exhibit 3

Amendment to SB 212 - Second Reading copy

Exhibit 4

1. Title, line 7

Following: "15-24-304"

Insert: "67-1-101, 67-3-101"

2. Page 1, Following line 9.

Insert: Section 1. Section 67-1-101, MCA, is amended to read:

**"67-1-101. Definitions.** Unless the context requires otherwise, in this title the following definitions apply:

(1) "Aeronautics" means transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports, restricted landing areas, or other air navigation facilities; and air instruction.

(2) "Aeronautics instructor" means an individual engaged in giving instruction or offering to give instruction in aeronautics, either in flying or ground subjects, or both, for hire or reward, without advertising that occupation, without calling his facilities an "air school" or anything equivalent to an "air school", and without employing or using other instructors. It does not include an instructor in a public school or university of this state or an institution of higher learning accredited and approved for carrying on collegiate work while engaged in his duties as an instructor.

(3) "Air carrier" means a person or corporation owning, controlling, operating, or managing aircraft as a scheduled common carrier of passengers or freight for compensation within this state.

(4) "Aircraft" means a contrivance used or designed for navigation of or flight in the air.

(5) "Air instruction" means the imparting of aeronautical information by an aeronautics instructor or in or by an air school or flying club.

(6) "Airman" means an individual who engages, as the person in command or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way; an individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, propellers, or appliances (excepting individuals employed outside the United States, an individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection with them, and an individual performing inspection or mechanical duties in connection with aircraft owned or operated by him) and an individual who serves in the capacity of aircraft dispatcher or air traffic control tower operator.

(7) "Air navigation" means the operation or navigation of aircraft in the air space over this state or upon an airport or restricted landing area within this state.

(8) "Air navigation facility" means a facility used in, available for use in, or designed for use in aid of air navigation, including airports, restricted landing areas, and structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid or constituting an advantage or convenience to the safe taking off, navigation, and landing of aircraft or the safe and efficient operation or maintenance of an airport or restricted area and any combination of these facilities.

(9) "Airport" means an area of land or water, except a restricted landing area, which is designed for the landing and takeoff of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities and all appurtenant rights-of-way.

(10) "Airport and landing field" means any area of land, water, or both, which is used or is made available for the landing and takeoff of aircraft,

owned, leased, controlled, operated, or maintained by the United States, the state of Montana, any county thereof or any municipality, or any of the authorized agencies or branches thereof within the state of Montana.

(11) "Airport authority" or "authority" means a regional airport authority or municipal airport authority created under chapter 11 and the governing body of a municipality which has determined to exercise the powers of a municipal airport authority under 67-11-102.

(12) "Airport hazard" means a structure, object of natural growth, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or restricted landing area or is otherwise hazardous to landing or taking off.

(13) "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this title.

(14) "Airport protection privileges" means easements through or other interests in air space over land or water, interests in airport hazards outside the boundaries of airports or restricted landing areas, and other protection privileges, the acquisition or control of which is necessary to ensure safe approaches to the landing areas of airports and restricted landing areas and the safe and efficient operation thereof.

(15) "Air school" means a person engaged in giving or offering to give instruction in aeronautics, either in flying or ground subjects, or both, for or without hire or reward, and advertising, representing, or holding himself out as giving or offering to give that instruction. It does not include a public school or university of this state or an institution of higher learning accredited and approved for carrying on collegiate work.

(16) "Board" means the board of aeronautics provided for in 2-15-1812.

(17) "Bonds" means bonds, notes, interim certificates, debentures, or similar obligations issued by an authority under chapter 11.

(18) "Building or structure" means any edifice, structure, or construction of any kind, character, or description and any object of natural growth erected, constructed, grown, located or proposed to be erected, constructed, grown, or located within the area described in 67-5-201 hereof as safety zones, including any edifice, structure, or construction or object within said restricted zones erected, constructed, placed, or located on or over land or water, or both.

(19) "Civil aircraft" means an aircraft other than a public aircraft.

(20) "Commercial air operator" means any person owning, controlling, operating, or managing aircraft for any commercial purpose for compensation.

(21) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

(22) "Established perimeter of an airport or landing field", for the purposes of computing all distances and elevations as contemplated by chapter 5, shall be the metes and bounds and elevations along the respective sides thereof as determined by the United States government, the state of Montana, the several counties, the several municipalities, or other public authority owning, leasing, controlling, operating, or maintaining such airport or landing field, the determination and definition to be evidenced by plat showing the metes, bounds, and elevations to be filed in and among the records

of said public authority for official purposes and subject to inspection and examination at all reasonable times by any interested persons.

(23) "Flying club" means a person other than an individual which, neither for profit nor reward, owns, leases, or uses one or more aircraft for the purpose of instruction or pleasure, or both.

(24) "Governing body" means bodies and boards by whatever names they are known having charge of finances and management of a municipality.

(25) "Height of buildings and structures" means, for the purposes of chapter 5, the vertical distance measured from the ground or surface level of the airport or landing field on the side adjacent to the said building or structure to the level of the highest point of the building or structure.

(26) "Municipal airport authority" or "municipal authority" means a municipal airport authority created under 67-11-102.

(27) "Municipality" or "political subdivision" means a county, city, village, or town of this state and any other political subdivision, public corporation, authority, or district in this state authorized by law to acquire, establish, construct, maintain, improve, and operate airports and other air navigation facilities.

(28) "Navigable air space" means air space above the minimum altitudes of flight prescribed by the laws of this state or by regulations of the department.

(29) "Operation of aircraft" or "operate aircraft" means the use of aircraft for the purpose of air navigation and includes the navigation or piloting of aircraft. A person who causes or authorizes the operation of aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of the aircraft, operates the aircraft.

(30) "Person" means an individual, firm, partnership, corporation (private, municipal, or public), company, association, joint-stock association, or body politic and includes a trustee, receiver, assignee, or other similar representative.

"(31) "Public aircraft" means an aircraft used exclusively in the service of any government or of a political subdivision of a government, including the government of a state, territory, or possession of the United States, or the District of Columbia but not including a government-owned aircraft engaged in carrying persons or property for commercial purposes.

(32) "Real property" means lands, structures, buildings, and interests in land, including lands under water and riparian rights, and all things and rights usually included within the term real property, including not only fee simple absolute but also all lesser interests, such as easements, rights-of-way, uses, leases, licenses, and all other incorporeal hereditaments and every estate, interest, or right, legal or equitable, pertaining to real property.

(33) "Regional airport authority" or "regional authority" means a regional airport authority created under 67-11-103.

(34) "Restricted landing area" means an area of land, water, or both, which is used or is made available for the landing and takeoff of aircraft, the use of which shall, except in case of emergency, be only as provided by the department.

(35) "State airway" means a route in the navigable air space over and above the lands or waters of this state, designated by the department as a route suitable for air navigation.

(37) "Ultralight vehicle" means a vehicle that is

~~is~~ used or intended to be used for manned operation in the air by a single occupant;

~~(b) is used or intended to be used for recreation or sport purposes only;~~

~~(c) does not have any U.S. or foreign airworthiness certificate; and~~

~~(d) if unpowered: weighs less than 155 pounds; or~~

~~(e) if powered:~~

~~(1) weighs less than 254 pounds empty weight, excluding floats and safety devices which are intended for deployment in a potentially catastrophic situation;~~

~~(2) has a fuel capacity not exceeding 5 U.S. gallons;~~

~~(3) is not capable of more than 55 knots calibrated airspeed at full power in level flight; and~~

~~(4) has a power-off stall speed which does not exceed 24 knots calibrated airspeed.~~

(36) "Structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

(37) "Tree" means any object of natural growth.

Section 2. Section 67-3-101, MCA, is amended to read:

"67-3-101. Regulation and licensing — general provisions. In order to promote the general public interest and safety and to carry out the purposes of this title, the department may:

(1) require the annual registration of federal licenses, permits, or certificates of civil aircraft engaged in air navigation within this state, of airmen engaged in aeronautics within this state, and of aeronautics instructors giving instruction in flying subjects and may issue certificates of registration. The certificates of registration constitute licenses of the aircraft, airmen, and instructors for operations within this state to the extent permitted by the federal licenses, certificates, or permits so registered. The department may charge a fee for the registration of each federal license, certificate, or permit not exceeding \$1. It may accept as evidence of the holding of a federal license, certificate, or permit the verified application of the owner of the aircraft, the airman, or the instructor. The application shall contain information which the department may by rule or order prescribe.

(2) issue a permit to any person who operates an ultralight vehicle off a state designated airstrip.



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after the person demonstrates knowledge of federal aviation regulations, part 103, and may charge a fee of not exceeding \$15 a year to be deposited in an account for use for purposes of safety education.

(2)(3) register aircraft repair shops, aircraft, aircraft parts and sales dealers, and other persons operating in aviation and license aircraft repair shops, aircraft, aircraft parts and dealers, and other persons operating in aviation, air schools, and aeronautics instructors giving instruction in ground subjects, in accordance with rules to be adopted by the department, and may annually renew these licenses. It may charge for the original licensing of aircraft repair shops, aircraft, aircraft parts and sales dealers, and other persons operating in aviation, air schools, and aeronautics instructors not more than \$1 and for the renewal of a license not more than \$1.

(3)(4) approve airport and restricted landing area sites and license airports, restricted landing areas, or other air navigation facilities, in accordance with rules adopted by the department, and may annually renew these licenses. Licenses granted under this section or under any prior law shall be annually renewed upon payment of the fee. The department may not charge for approving certificates of proposed property acquisition for airport or restricted landing area purposes. It may charge for the issuance and annual renewal of each license for an airport or restricted landing area not to exceed \$1.

(4)(5) upon notification by the civil aeronautics authority that it has revoked the license or certificate of an aircraft, airman, air school, or aeronautics instructor, temporarily or permanently revoke the license or certificate of registration issued for that aircraft, airman, air school, or aeronautics instructor, giving reasons for the action."

Remember: subsequent sections.

2. Page 3, line 2

Following: "ultralight"

Strike: "aircraft"

Insert: "vehicle"

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 2/3 1983 Bill No. SB 212 Time 2:50

| NAME                         | YES | NO |
|------------------------------|-----|----|
| Senator Etchart, Chairman    | ✓   |    |
| Senator Hager, Vice Chairman | ✓   |    |
| Senator Elliott              | ✓   |    |
| Senator Shaw                 |     | ✓  |
| Senator Tveit                |     | ✓  |
| Senator Graham               | ✓   |    |
| Senator D. Manning           |     |    |
| Senator Stimatz              | ✓   |    |
| Senator Daniels              |     | ✓  |
|                              |     |    |
|                              |     |    |
|                              |     |    |

Carol Doyle Frasier  
Secretary

*Mark Etchart* (5) (3)  
Senator Mark Etchart  
Chairman

Motion: *Elliott* — 5 — 4 1 1 6 2nd ✓  
*by* *u* *SB 212*  
*ME carries*

(include enough information on motion--put with yellow copy of committee report.)

*Senator Elliott made motion to do 2nd Reading*  
*Copy of SB 212* *Motion carried*

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 2/3 1983 Bill No. SB212 Time 1:45

| NAME                         | YES | NO |
|------------------------------|-----|----|
| Senator Etchart, Chairman    |     | ✓  |
| Senator Hager, Vice Chairman |     | ✓  |
| Senator Elliott              |     | ✓  |
| Senator Shaw                 | ✓   |    |
| Senator Tveit                | ✓   |    |
| Senator Graham               |     | ✓  |
| Senator D. Manning           |     |    |
| Senator Stimatz              |     | ✓  |
| Senator Daniels              | ✓   |    |
|                              |     |    |
|                              |     |    |
|                              |     |    |

Carol Doyle Frasier  
Secretary

*Mark Etchart*  
Senator Mark Etchart  
Chairman

Motion:

*Shaw - y f*  
*Do Not Pass*

*motion failed*

(include enough information on motion--put with yellow copy of committee report.)

# STANDING COMMITTEE REPORT

.....February 3..... 19 83..

MR. **PRESIDENT:**.....

We, your committee on .....**HIGHWAYS AND TRANSPORTATION**.....

having had under consideration .....**SENATE**..... Bill No. **318**.....

Respectfully report as follows: That.....**SENATE**..... Bill No. **318**.....

DO PASS

February 3 19 83

MR. **PRESIDENT:**

We, your committee on **HIGHWAYS AND TRANSPORTATION**

having had under consideration **HOUSE** Bill No. **236**

**Dozier (D. Manning)**

Respectfully report as follows: That **HOUSE** Bill No. **236**

BE CONCURRED IN

~~EXPASSX~~

# STANDING COMMITTEE REPORT

February 3 1983

MR. **PRESIDENT:**

We, your committee on **HIGHWAYS AND TRANSPORTATION**

having had under consideration **SENATE** Bill No. **287**

Respectfully report as follows: That **SENATE** Bill No. **287**

DO PASS

FEBRUARY 3 19 83

MR. **PRESIDENT:**

We, your committee on **HIGHWAYS AND TRANSPORTATION**

having had under consideration **SENATE** Bill No. **212**

Respectfully report as follows: That **SENATE** Bill No. **212**  
**second reading bill,**

DO PASS