FILED ON: 1/18/2013

HOUSE No. 3072

The Commonwealth of Massachusetts

PRESENTED BY:

Kate Hogan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the Massachusetts Aeronautics Division.

PETITION OF:

DISTRICT/ADDRESS:
3rd Middlesex
3rd Worcester
5th Worcester
8th Middlesex
4th Middlesex

HOUSE No. 3072

By Ms. Hogan of Stow, a petition (accompanied by bill, House, No. 3072) of Kate Hogan and others relative to the Massachusetts Aeronautics Division and updating airspace regulations. Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to the Massachusetts Aeronautics Division.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1	SECTION 1 Chapter 90 of the General Laws, as appearing in the 2008 Official Edition,
2	is hereby amended by striking out section 35 and inserting in place thereof the following
3	section:-
4	
5	□ Section 35. The following words and phrases used in sections 35 to 52, inclusive, shall have
6	the following meanings, unless a different meaning is clearly apparent from the language or
7	context, or unless such construction is inconsistent with the manifest intention of the general
8	court:—
9	
10	□ "Administrator" or "director", administrator for aeronautics appointed by the secretary of
11	transportation pursuant to section 29 of chapter 6C of the General Laws.
12	
13	□ "Aeronautics", transportation by aircraft; the operation, construction, repair or maintenance of
14	aircraft, aircraft power plants and accessories; the repair, packing and maintenance of parachutes
15	the design, establishment, construction, extension, operation, improvement, repair or
16	maintenance of airports, restricted landing areas or other air navigation facilities; and instruction
17	in flying or ground subjects pertaining thereto.
18	
19	□"Aeronautics instructor", any person who for hire engages in giving instructions or offering to
20	give instruction in flying or ground subjects pertaining thereto.
21	
22	□"Air navigation facility", any facility, other than one owned or controlled by the federal

23	government, used in, available for use in, or designed for use in, aid of air navigation, including
24	airports, restricted landing areas, and any structures, mechanisms, lights, beacons, markers,
25	communicating systems, or other instrumentalities, or devices used or useful as an aid, or
26	constituting an advantage or convenience, to the safe taking off, navigation and landing of
27	aircraft, or the safe and efficient operation or maintenance of an airport or restricted landing area,
28	and any combination of any or all of such facilities.
29	
30	□"Air school", (1) any aeronautics instructor who is duly certified and maintains a pilot
31	certificate in accordance with Federal Aviation Administration regulations and advertises,
32	represents, or holds himself out as giving or offering to give instruction in flying or ground
33	subjects pertaining thereto; and (2) any person who advertises, represents or holds himself out as
34	giving or offering to give instruction in flying or ground subjects pertaining thereto, whether for
35	or without hire.
36	
37	□"Aircraft", any contrivance now known, or hereafter invented, used or designed for navigation
38	of or flight in the air.
39	
40	□"Airport", any area of land or water other than a restricted landing area, which is used, or
41	intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are
42	used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together
43	with all airport buildings and facilities located thereon.
44	
45	□ "Airport Hazard", any structure, object of natural growth or use of land which obstructs the air
46	space required for the flight of aircraft navigating in an approach area for the purpose of landing,
47	taking off or transiting an airport or restricted landing area.
48	
49	□"Airman", any person who engages, as the person in command, or as pilot, mechanic or
50	member of the crew, in the navigation of aircraft while under way, and any person who is
51	directly in charge of the inspection, maintenance, overhauling or repair of aircraft engines,
52	propellers or appliances, and any person who serves in the capacity of aircraft dispatcher or air-
53	traffic control-tower operator; but does not include any person employed outside the United
54	States, or any person employed by a manufacturer of aircraft, aircraft engines, propellers or
55	appliances, to perform duties as inspector or mechanic in connection therewith, or any person
56	performing inspection or mechanical duties in connection with aircraft owned or operated by
57	him.
58	
59	□ "Airworthy", an aircraft that conforms to its Federal Aviation Administrator type design and
60	certification and in a condition safe for operation.
61	
62	□"Citation", a notice to an offender upon which the administrator, or his or her designee, shall

63	record one or more civil infractions which are to be disposed of under procedures in section 60B
64	of chapter 6C of the General Laws.
65	
66	□"Civil aircraft", any aircraft other than a public aircraft.
67	
68	"Civil infraction", a violation of any statute, regulation, rule or directive that is to be disposed
69	of under the civil procedures in this chapter.
70	
71	"Civil penalty", the monetary amount scheduled as payment for a civil infraction.
72	
73	□"Dealer in aircraft" or "aircraft dealer", any person who engages in a business in which a
74	substantial part consists of the manufacture, sale, or exchange of aircraft.
75	
76	□"Division", the aeronautics division of the Massachusetts department of transportation,
77	established in section 59 of chapter 6C of the General Laws.
78	
79	□ "Federal Aviation Administration", the Federal Aviation Administration of the United States
80	Department of Transportation, or its successor entity.
81	
82	"General Aviation", the section of the aviation industry that excludes both military and
83	commercial passenger transport. Examples of General Aviation include private flying, air
84	charter, flight training, air ambulance, and gliding.
85	
86	"Navigable Air Space", airspace at and above the minimum flight altitudes as prescribed by the
87	Federal Aviation Administration, including airspace needed for safe takeoff and landing.
88	
89	"Offense", a violation of sections 35 to 52, inclusive, of chapter 90 of the General Laws, or any
90	directives issued or regulations promulgated, by the division.
91	
92	"Operation of aircraft" or "operate aircraft", the use, navigation or piloting of aircraft in the air
93	space over the Commonwealth or upon any airport within the Commonwealth. Any person who
94	causes or authorizes the operation of aircraft, whether with or without the right of legal control,
95	in the capacity of owner, lessee or otherwise, of the aircraft, is deemed to be engaged in the
96 97	operation of aircraft.
98	□ "Public aircraft", an aircraft used exclusively in the service of any government or of any
98 99	political subdivision thereof, including the government of any state, territory or possession of the
100	United States, or the District of Columbia, but not including any government-owned aircraft
100	engaged in carrying persons or property for commercial purposes.
101	
104	

103	□"Person", any individual, firm, partnership, corporation, company, association, joint stock
104	association; and includes any trustee, receiver, assignee or other similar representative thereof.
105	
106	"Restricted landing area", any area of land or water other than an airport which is used, or is
107	made available, for the landing and take-off of aircraft; provided, that the use of such an area
108	meets minimum standards for aircraft operations on land or water as established by the division.
109	
110	□ SECTION 2 Chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is
111	hereby amended by striking out section 35A and inserting in place thereof the following section:-
112	
113	□ Section 35A. (a) The safety, welfare and protection of persons and property in the air and on
114	the ground requires that the navigable air space overlying the Commonwealth in the approaches
115	to, and the air traffic pattern area of, airports approved by the division be maintained in a
116	reasonably unobstructed condition for the safe flight of aircraft, and therefore, in the exercise of
117	the police power, the location and height of structures and the use of land thereto related is
118	regulated as provided in sections 35B to 35D, inclusive of this chapter.
119	
120	□(b) Airport Vegetation Management Projects (VMP), including those relating to airports owned
121	or operated by the Massachusetts Port Authority, that are required for public safety reasons to
122	comply with Federal Aviation Administration and division regulations, orders, or advisories to
123	prevent vegetation from penetrating an airport approach or safety surface, shall be exempt from
124	regulation by any local wetlands authority and from any local ordinance or by-law and from any
125	rule, regulation, or order of any municipal conservation commission or other board or official
126	that may in any way interfere with such activities. Removal of vegetation in wetlands associated
127	with an airport shall be in compliance with section 40 of chapter 131 of the General Laws and
128	with the limited project provisions provided in 310 CMR 10.00.
129	(a) If any two is allowed to energy in such manner as to become an aim out bound on in violation
130	\Box (c) If any tree is allowed to grow in such manner as to become an airport hazard or in violation of any regulation adopted by the division, then the division, the administrative agency of a city
131	of any regulation adopted by the division, then the division, the administrative agency of a city, city council, or selectmen, as the case may be, may request its owner to remove or trim it so that
132	it will no longer constitute such a hazard, and, if said owner neglects or refuses to comply with
134	such request within sixty days, then said division, administrative agency of a city, city council, or
134	selectmen may enter upon the owner's land and remove or trim said tree. No part of the expense
136	of such removal or trimming shall be charged to the owner of the tree.
137	Consider temoval of trimining shall be enarged to the owner of the tree.
138	□ SECTION 3 Chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is
139	hereby amended by striking out section 35B and inserting in place thereof the following section:-
140	
141	☐ Section 35B. No person shall construct or alter the height of a structure without a permit issued
142	by the division, if any part of the structure is located within a protected surface associated with a
	y y r y r y r y r y r y protected battage absortated with a

143	runway of a public-use airport possessing a valid operating certificate issued by the division or
144	the Federal Aviation Administration. A protected surface shall be defined in accordance with any
145	applicable regulations, directives, orders, or advisory criteria promulgated by the Federal
146	Aviation Administration.
147148	□ SECTION 4 Chapter 90 of the General Laws, as so appearing, is hereby further amended by
149	striking out section 35C and inserting in place thereof the following section:-
150	Striking out section 33°C and inserting in place thereof the following section.
151	Section 35C. All permit applications shall be made to the division on forms developed by said
152	division. If such application is granted, the permit shall specify the location of such structure or a
153	defined area within which it shall be located, its maximum height, and, in conformity with
154	federal laws and regulations in so far as applicable, the obstruction markers, marking, lighting or
155	other visual identification characteristics to be installed thereon or in its vicinity. If not
156	inconsistent with federal laws and regulations, the permit may require that lights flash at
157	intervals and in a specified pattern.
158	□ If such application is denied pursuant to the division's airspace review criteria, notice thereof
159	shall be given the applicant by certified mail at the address specified in the application. The
160	applicant may, within twenty days thereafter, file a written request with the division for a public
161	hearing. Such hearing shall be subject to the provisions of chapter 30A.
162	
163	SECTION 5 Section 35D of said chapter 90 of the General Laws, as so appearing, is hereby
164	further amended by striking out, in lines 4 and 10, the word "commission" and inserting in place
165	thereof, in each instance, the following word:- division
166167	□ SECTION 6 Section 39 of said chapter 90 of the General Laws, as so appearing, is hereby
168	
169	and inserting in place thereof, in each instance, the following word:- division
170	The strong in place thereof, in each instance, the following word:- division:
171	SECTION 7 Section 39A of chapter 90 of the General Laws, as so appearing, is hereby
172	amended by striking out, in lines 1, 4, 7, 12, 15, and 18, the word "commission" and inserting in
173	place thereof, in each instance, the following word:- division
174	
175	□ SECTION 8 Chapter 90 of the General Laws, as so appearing, is hereby further amended by
176	striking out section 39B and inserting in place thereof the following section:-
177	
178	☐ Section 39B. (a) Each city or town before acquiring any property within the Commonwealth
179	for the purpose of establishing, constructing, enlarging or improving thereon an airport or
180	restricted landing area, shall apply to the division for a certificate of approval of the site. Before
181	granting a certificate of approval for an airport or restricted landing area, the division may, and
182	upon the request of a resident of such city or town shall, hold a public hearing in the city or town

183	where such airport or restricted landing area is to be located and at least seven days' notice of
184	such hearing shall be published by the division in a newspaper of general circulation in such city
185	or town. The administrator is authorized to hold such a hearing.
186	
187	\Box (b) No such certificate of approval of a site for an Airport or restricted landing area shall be
188	issued by the division if such Airport or area is situated on any lake or pond outside the
189	metropolitan area, unless such site has previously been approved by the mayor and city council
190	of the city, or at an annual or special town meeting of the town, within which the same is located.
191	
192	□(c) All Airports, restricted landing areas, and air navigation facilities shall conform to plans
193	and specifications approved by the division and shall not be in conflict with the state airport plan
194	and no such Airport, restricted landing area or air navigation facility shall be maintained or
195	operated unless a certificate of approval of the maintenance and operation thereof is granted and
196	is continued in force by the division; provided, that no such certificate of approval with respect
197	to a restricted landing area or air navigation facility on which public funds have been expended
198	shall confer an exclusive right for the use thereof.
199	
200	\Box (d) The above subsections (a), (b), and (c) shall not apply to restricted landing areas designed
201	for non-commercial private use, nor to any airport, restricted landing area or other air navigation
202	facility owned or operated within the commonwealth by the federal government; provided, that
203	each person constructing or maintaining a restricted landing area for non-commercial private use
204	shall so inform the division in writing; and provided, further, that such person shall construct and
205	maintain said restricted landing area designed for non-commercial private use in such manner as
206	shall not endanger the public safety.
207	
208	\Box (e) A city or town in which is situated the whole or any portion of an airport, restricted landing
209	area, or a restricted landing area for non-commercial private use may, as to so much thereof as is
210	located within its boundaries, make and enforce rules and regulations relative to the use and
	operation of aircraft on said airport, restricted landing area, or restricted landing area for non-
212	commercial private use. Such rules and regulations, ordinances or by-laws shall be submitted to
213	the division and shall not take effect until approved by the division.
213	
215	\Box (f) All approvals or licenses of airports or restricted landing areas granted by the division prior
216	to the effective date of this section shall remain in effect, unless otherwise conflicting with the
217	state airport plan, any provision of sections 35 to 52, inclusive, or rules and regulations
218	promulgated by the division or the Federal Aviation Administration.
219	
220	□ SECTION 9 Section 39C of said chapter 90, as so appearing, is hereby amended by striking
221	out, in lines 1 and 5, the word "commission" and inserting in place thereof, in each instance, the
222	following word:- division
	Tonowing word. division

223	
224	□SECTION 10 Section 39E of said chapter 90, as so appearing, is hereby amended by
225	striking out, in line 1, the word "commission" and inserting in place thereof the following word:-
226	division
227	
228	□ SECTION 11 Chapter 90 of the General Laws, as so appearing, is hereby further
229	amended by striking out section 39F inserting in place thereof the following section:-
230	
231	□ Section 39F. Whenever any city or town undertakes, in conformity with the state airport plan,
232	the acquisition, construction, establishment, enlargement, improvement or protection of an
233	airport and has appropriated sufficient funds, which together with funds available under this
234	section, shall equal at least 5 per cent of the cost thereof, the state treasurer, at the request of the
235	division, shall pay to or reimburse such city or town from such funds as have been appropriated
236	for such purposes, such amount, not exceeding 95 per cent of the cost of such work, as may be
237	determined by the division.
238	☐ If any such city or town appropriates sufficient funds, which, together with the funds available
239	under this section, is equal to one hundred per cent of the cost thereof, the state treasurer, at the
240	request of the division, shall pay to or reimburse such city or town from such funds as have been
241	appropriated for such purpose, such amount, not exceeding 95 per cent of the cost of such work,
242	as may be determined by the division.
243	
244	SECTION 12 Chapter 90 of the General Laws, as so appearing, is hereby further
245	amended by striking out section 40 and inserting in place thereof the following section:-
246	
247	□ Section 40. The aeronautics division shall foster air commerce and private flying within the
248	Commonwealth and for such purpose shall: (a) encourage the establishment of airports and air
249	navigation facilities and the development of education in aeronautics; (b) make
	recommendations as to necessary legislation or action pertaining thereto; (c) consult with the
	Federal Aviation Administration and other agencies of the federal government in carrying
252	forward research and development in aeronautics; (d) exchange with the said Federal Aviation
253	Administration and with other state governments through existing governmental channels
254	information pertaining to civil air navigation.
255	
256	The division may: (1) co-operate with the federal government, and with any agency or
257	department thereof, in the acquisition, establishment, construction, enlargement, improvement,
258	protection, equipment, maintenance and operation of airports and other air navigation facilities
259	within the Commonwealth, and comply with the provisions of federal law, and any rules and
260	regulations made thereunder, for the expenditure of federal funds for or in connection with such
261	airports or other navigation facilities; (2) accept, receive and receipt for federal funds, and also
262	other funds, public or private, for and in behalf of the Commonwealth or as agent for any

263	subdivision thereof, for the acquisition, establishment, construction, enlargement, improvement,
264	protection, equipment, maintenance and operation of airports and other air navigation facilities
265	within the commonwealth or such subdivisions, or jointly; provided that, if federal funds are
266	received for such work, such funds shall be accepted upon such terms and conditions as may be
267	prescribed by federal law and any rules and regulations made thereunder; (3) advise and co-
268	operate with any political subdivision of this state or of any other state in all or any matters
269	relating to aeronautics. For such purpose the division may confer with, or hold joint hearings
270	with, any federal or state aeronautical agency in connection with any provision of sections 35 to
271	52, inclusive.
272	
273	☐ The division shall enforce sections 35 to 52, inclusive, and all orders, rules and regulations
274	made pursuant thereto and other laws of the Commonwealth relating to aeronautics, and shall
275	have and may exercise for any or all of such purposes such powers and authority as may be
276	reasonably necessary therefor. Every state, county and municipal officer charged with the
277	enforcement of laws in their respective jurisdiction shall assist and co-operate with the division
278	in such enforcement.
279	□ Persons employed as inspectors under the provisions of section 59 of chapter 6 shall have and
280	exercise throughout the Commonwealth all the powers of constables, except the service of civil
281	process, and of police officers, including the power to arrest any person who, in the presence of
282	the inspector making the arrest, commits a breach of the peace which violates any provision of
283	the aviation law as contained in this chapter or the rules and regulations established by the
284	division and they may serve all process issued by the courts with respect to the enforcement of
285	such laws. Any officer authorized to make arrests, providing such officer is in uniform or
286	displaying his badge of office conspicuously on his outer coat or garment, may arrest without a
287	warrant any person who operates an aircraft and who does not have in his possession a license to
288	operate an aircraft, granted by federal authority; or who violates any statute or regulation relating
289	to the operation or control of aircraft; or who operates said aircraft while under the influence of
290	intoxicating liquor; or who refuses to produce a pilot or aircraft license or registration upon
291	request; or who uses an aircraft without authority; or who is a non-resident operator violating any
292	statute or regulation relating to the control of aircraft.
293	
294	☐ The pilot in command of any aircraft carrying passengers for hire may take such action as is
295	reasonably necessary to restrain any person who interferes with, or threatens to interfere with, the
296	operation of the aircraft.
297	
298	☐ The person so restrained may be placed in charge of a police officer in the city or town where
299	the aircraft next lands within the Commonwealth, to be taken to a lawful place of detention.
300	Complaint shall be made against the person arrested, by the officer taking him to the place of
301	detention, to a district court having jurisdiction over such offenses committed in the city or town
302	where such person is detained, and such court shall have jurisdiction of the case.

303		
304	□ SECTION 13	Section 40A of said chapter 90 is hereby repealed.
305		
306	□ SECTION 14	Chapter 90 of the General Laws, as so appearing, is hereby further
307	amended by striking	out section 40B and inserting in place thereof the following section:-
308		
309	☐ Section 40B. Notw	ithstanding any city charter provision, or local ordinance or by-law to the
310311	-	shall adopt uniform airport approach regulations, in accordance with any vs, regulations, directives and advisory circulars. Said regulations shall
312	= =	e Airports within the commonwealth.
313	appry to an public-us	e Airports within the commonwealth.
314	□ SECTION 15	Sections 40C, 40D, 40E, and 40F of said chapter 90 are hereby repealed.
315		Sections 40C, 40D, 40L, and 401 of said enapter 70 are nereby repeated.
316	□SECTION 16	Chapter 90 of the General Laws, as so appearing, is hereby further
317		out section 40G and inserting in place thereof the following section:-
318		out section 100 and inserting in place increase the following section.
319	Section 40G. (a) In	any case in which, in the opinion of the city council of a city, or the
320	* *	in which the real estate hereinafter referred to is located, or owning the
321		he public interest requires the establishment of protection to the approaches
322	1 1	airport by the acquisition of certain real estate or rights in real estate in the
323	= -	ort rather than by airport approach regulations adopted by the division, such
324	•	by eminent domain under chapter 79 or chapter 80A, or acquire by
325		e, such air rights, easements or other estate or interest in such real estate as
326	will provide adequate	e protection. A city or town which has acquired real estate or rights therein
327	as aforesaid may from	n time to time in like manner take or otherwise acquire additional real estate
328	or rights therein, or m	nay discontinue in whole or in part rights already so acquired.
329		
330	□(b) Whenever airpo	ort approach regulations have been adopted or amended by the division and
331	the public safety and	convenience require the removal or lowering of a structure or tree not
332	conforming to such re	egulations, or require other interference with the continuance of any such
333	non-conforming struc	cture or tree, the city or town owning the airport to which such regulations
334	relate may take by en	ninent domain under chapter 79 or chapter 80A, or acquire by purchase or
335	otherwise, the land up	pon which such structure or tree stands, or such an air right, easement or
336	other estate or interes	at therein, as may be necessary.
337		
338	□SECTION 17	Sections 40H and 40I of said chapter 90 are hereby repealed.
339		
340	□SECTION 18	Chapter 90 of the General Laws, as so appearing, is hereby further
341	amended by striking	out section 41 and inserting in place thereof the following section:-
342		

343	☐ Section 41. The administrator may conduct investigations or hearings relative to matters
344	covered by any provision of sections 35 to 52, inclusive, or of any order, rule or regulation of the
345	division, and shall conduct investigations relative to any accident involving personal injury
346	occurring in connection with aeronautics within the Commonwealth.
347	☐ The division shall report to the Federal Aviation Administration accidents within the
348	commonwealth, and so far as possible, shall preserve, protect and prevent the removal of the
349	component parts of any aircraft involved in any such accident being investigated by it.
350	
351	□ SECTION 19 Chapter 90 of the General Laws, as so appearing, is hereby further
352	amended by striking out section 42 and inserting in place thereof the following section:-
353	☐ Section 42. The superior court shall have jurisdiction to enforce any lawful rule, regulation, or
354	order made by the division, and may compel the attendance of and the giving of testimony by
355	witnesses before the division or any member thereof, in the same manner and to the same extent
356	as before said court.
357	
358	□SECTION 20 Section 43 of said chapter 90 is hereby repealed.
359	
360	□ SECTION 21 Chapter 90 of the General Laws, as so appearing, is hereby further
361	amended by striking out section 44and inserting in place thereof the following section:-
362	□ Section 44. Any person failing to comply with any requirement, or violating any provision, of
363	this chapter, or any rules and regulations for the enforcement of this chapter made by the
364	division, and in full force and effect, shall be punished by a fine, as established by the division,
365	not to exceed ten thousand dollars, or by imprisonment for not less than one month nor more
366	than six months, or both. Whoever operates an aircraft while under the influence of an
367	intoxicating substance shall be punished by imprisonment for not less than one month nor more
368	than two years.
369	
370	□SECTION 22 Chapter 90 of the General Laws, as so appearing, is hereby further
371	amended by striking out section 45 and inserting in place thereof the following section:-
372	
373	☐ Section 45. Any person aggrieved by any rule or regulation promulgated by the division, or by
374	any ruling, decision, or order under any provision of this chapter may, within thirty days after the
375	effective date of such rule or regulation or within thirty days after such ruling, decision, or order,
376	appeal to the superior court.
377	
378	□ SECTION 23 Chapter 90 of the General Laws, as so appearing, is hereby further
379	amended by striking out section 46 and inserting in place thereof the following section:-
380	□ Section 46. Flight of aircraft over the lands and waters of this Commonwealth, within the
381	navigable air space as defined in section 35, shall be lawful unless at such a low altitude as to be
382	imminently dangerous to persons or property lawfully on the land or water beneath.

SECTION 24 Section 47 of said chapter 90, as so appearing, is hereby amended by
striking out, in line 4, the words "of navigation".
□ SECTION 25 Said section 47 of said chapter 90, as so appearing, is hereby further
amended by striking out, in line 6, the words "Civil Aeronautics Authority" and inserting in
place thereof the following:- Federal Aviation Administration.
□ SECTION 26 Said section 47 of said chapter 90, as so appearing, is hereby further
amended by striking out, in line 14-16, the words ", nor to glider pilots licensed by the
commission in accordance with such regulations as it may prescribe".
□ SECTION 27 Section 48 of said chapter 90, as so appearing, is hereby amended by
striking out, in lines 8-9, the words "Civil Aeronautics Authority" and inserting in place thereof
the following words:- Federal Aviation Administration.
SECTION 28 Said section 48 of said chapter 90, as so appearing, is hereby further
amended by striking out, in lines 15 and 18, the word "commission" and inserting in place
thereof, in each instance, the following word:- division.
SECTION 29 Said section 48 of said chapter 90, as so appearing, is hereby further
amended by striking out, in lines 16 to 17, the words ", nor to glider pilots licensed by the
commission in accordance with such regulations as it may prescribe".
SECTION 30 Chapter 90 of the General Laws, as so appearing, is hereby further
amended by striking out section 49 and inserting in place thereof the following section:-
Section 49. Each owner or operator of an airworthy aircraft based in Massachusetts or dealer in
aircraft in Massachusetts shall register said aircraft or federal dealer's aircraft certificate in such
a manner as the division may by regulation prescribe.
\Box (a) Subject to the limitations of paragraphs (b) and (c), every person who owns or operates an
airworthy aircraft shall register the aircraft with the division during each calendar year in which
the aircraft is based within the commonwealth for 60 cumulative days or more. Every dealer in
aircraft shall register a federal dealer's aircraft registration certificate with the division. The
division may charge fees for each such registration certificate and for each renewal thereof.
Further, the division may charge for the registration of each federal dealer's aircraft registration
certificate for each aircraft in the dealer's possession operated solely for the purpose of sale or
demonstration. The amounts of said fees and charges shall be determined annually by the
secretary of administration and finance under the provisions of section 3B of chapter 7 and

423	published in 801 CMR 4.02. Such fees shall be in lieu of all personal property taxes on aircraft
424	authorized by any law, ordinance, or by-law. Registration certificates issued after expiration of
425	the first 6 months of the annual registration period, as prescribed by the division, shall be issued
426	upon payment of 50 per cent of the annual fee.
427	
428	□ If the annual registration fee is not received by the division on or before December 31, a late
429	fee in an amount determined by the division may be assessed in addition to the specified annual
430	registration fee. The timely annual registration of all airworthy aircraft and dealers in aircraft
431	shall be the sole responsibility of aircraft owners and dealers. The deadline for registration
432	renewal of all airworthy aircraft and for dealer's in aircraft is December 31.
433	
434	\Box (b) Possession of the appropriate effective federal aircraft certificate or dealer's certificate, and
435	the payment of the appropriate fee as set forth in 801 CMR 4.02, shall be the only requisites for
436	registration of an aircraft or dealer in aircraft.
437	
438	□(c) The provisions of this section shall not apply to:
439	
440	□(1) an aircraft owned by and used exclusively in the service of any government, including the
441	government of the United States or of any state thereof, or political subdivision thereof, which is
442	not engaged in carrying persons or property for commercial purposes;
443	
444	(2) an aircraft registered under the laws of a foreign country; or
445 446	(2) an aircraft angaged principally in federally cartificated scheduled cirling aparation as
447	\Box (3) an aircraft engaged principally in federally certificated scheduled airline operation as provided by the Federal Aviation Administration, or its successor.
448	provided by the Federal Aviation Administration, of its successor.
449	□ SECTION 31 Sections 49A to 50, inclusive, of said chapter 90, as so appearing, are
450	hereby repealed.
451	
452	SECTION 32 Section 51J of said chapter 90, as so appearing, is hereby further amended
453	by striking out, in lines 6 and 9-10, the words "Massachusetts aeronautics commission" and
454	inserting in place thereof, in each instance, the following:- division.
455	The string in place thereof, in each instance, the following. division.
456	SECTION 33 Section 51K of said chapter 90, as so appearing, is hereby further amended
457	by striking out, in lines 2-3 and 12-13, the word "Massachusetts aeronautics commission" and
458	inserting in place thereof, in each instance, the following:- division.
459	
460	□ SECTION 34 Said section 51K of said chapter 90, as so appearing, is hereby further
461	amended by striking out, in lines 4-5, the words "said last mentioned commission" and inserting
462	in place thereof the following:- the division.
	$\boldsymbol{\iota}$

463	
464	□SECTION 35 Section 51L of said chapter 90, as so appearing, is hereby further amended
465	by striking out, in lines 4-5 and 10, the words "Massachusetts aeronautics division" and inserting
466	in place thereof, in each instance, the following:- division.
467	
468	□ SECTION 36 Section 51M of said chapter 90, as so appearing, is hereby further
469	amended by striking out, in line 5, the words "under the 'drive it yourself' system, so called" and
470	inserting in place thereof the following:- through a car rental business.
471	
472	□ SECTION 37 Chapter 90 of the General Laws, as so appearing, is hereby further
473	amended by striking out section 51N, and inserting in place thereof the following section:-
474	
475	□ Section 51N. (a) Except to the extent inconsistent with then current law, two or more
476	municipalities, by vote of the city council in a city with the approval of the mayor or by vote of a
477	town meeting in a town, may agree to establish, maintain and operate an Airport as a joint
478	enterprise, in this section referred to as a joint airport. For the purposes of this section, the
479	foregoing authorization, in so far as it relates to the establishment of a joint airport, shall be
480	deemed also to authorize the acquisition, construction, enlargement and improvement thereof,
481	including other action involving capital expenditures in connection with such an airport, all of
482	which action shall be comprehended within the meaning of the words "establish", "establishing"
483	and "establishment", and such authorization, in so far as it relates to the maintenance and
484	operation of such an airport, shall be deemed also to authorize the regulation, protection,
485	policing, alteration or repair thereof, including other action involving expenditures, other than
486	capital expenditures, in connection with such an airport, all of which action shall be
487	comprehended within the meaning of the words "maintain and operate", "maintaining and
488	operating" and "maintenance and operation". Within thirty days after such votes have been
489	passed the mayor and city council of cities and selectmen of towns which have so voted shall
490	meet and draft a tentative agreement covering the contemplated action or actions. Said tentative
491	agreement when completed shall be submitted and may be resubmitted to the director of
492	accounts in the department of corporations and taxation for approval as to its financial provisions
493	and to the division for approval as to its other provisions. The agreement, as approved by the
494	division and said director, shall become effective when agreed to by the mayor and city council
495	of each such city and the town meeting of each such town. Any reference in this section to the
496	mayor of a city shall, in case of a city having a Plan E form of government, be deemed to refer to
497	its city manager.
498	
499	(b) In addition to the provisions covering the requirements contained in this section, such an
500	agreement shall include, but shall not be limited to, provision for the following:
501	(1) Establishing a joint airmont commission for the number of continuous and the first of the fi
502	\Box (1) Establishing a joint airport commission for the purpose of exercising as agent all of the

	powers relative to the joint airport granted to each participating municipality, specifying the
504 505	terms of office and compensation of each member of such a commission.
506	\Box (2) Choice by the joint airport commission of officers of the joint enterprise including a
507	treasurer who may be treasurer of one of the participating municipalities and who shall be
508	custodian of the joint airport fund and shall deposit with the director of accounts a bond running
509	to such municipalities with a surety company authorized to transact business in the
510	commonwealth as surety, for the faithful performance of his duties as treasurer of the joint
511	enterprise, in such form and upon such conditions as said director may require. Said director
512	shall cause an audit to be made of the accounts of the joint enterprise and may cause subsequent
513	audits to be made of such accounts annually, and for this purpose he and his duly accredited
514	agents shall have access to all necessary books, papers and records. Upon completion of such
515	audit, copies of the report thereof shall be sent to the treasurer of the joint enterprise and to the
516	mayor, selectmen, and city or town clerk of each participating municipality.
517	
518	\Box (3) Establishing a joint airport fund into which there shall be deposited the proportionate share
519	of the cost and expenses incident to the establishing, maintaining and operating of the joint
520	airport, all revenues obtained from or on account of the joint airport and all federal, state and
521	other contributions or loans and from which disbursement shall be made by order of the joint
522	airport commission.
523	
524	□(4) Specifying the proportionate interest of each participating municipality in the joint airport
525	and its proportionate share of the cost and expenses and indebtedness incident to the establishing,
526	maintaining and operating thereof, which proportionate interest and share shall be determined on
527	the basis of the taxable valuations of said municipalities as last established by the general court
528529	as a basis for state and county taxes or on any other basis agreed upon.
530	\Box (5) Terminating the joint enterprise and liquidating its affairs.
531	
532	\Box (6) Amending the agreement, provided that any amendment thereof providing for the
533	enlargement of the joint airport or any alteration or improvement thereof involving capital
534	expenditures shall become effective only when agreed to by the mayor and city council of each
535	participating city and the town meeting of each participating town.
536	
537	\Box (c) The joint airport commission from time to time shall determine the amounts necessary to be
538	raised to establish the joint airport and shall apportion the balance needed, over and above the
539	amount available for such purposes in the joint airport fund, among the several participating
540	municipalities on the basis set forth in the agreement and shall promptly thereafter notify said
541	municipalities of such apportionment by sending notice to the mayor, in the case of a city, and to
542	the selectmen, in the case of a town. There shall be no referendum to the voters on any action

543	taken under this paragraph by the legislative body of any participating municipality. In case any
544	such municipality fails to pay over to the treasurer of the joint enterprise the amount of its
545	apportionment within the time specified in the agreement for such payment, the treasurer of such
546	municipality shall forthwith certify such amount to the board of assessors of his municipality
547	who shall include such amount in the tax levy next following the certification, and the amount
548	when raised shall be paid over by the treasurer of such municipality to the treasurer of the joint
549	enterprise.
550	
551	☐ The joint airport commission shall determine the amounts necessary to be raised to maintain
552	and operate the joint airport and shall apportion the balance needed, over and above the amount
553	available for such purposes in the joint airport fund, among the several participating
554	municipalities on the basis set forth in the agreement and shall promptly thereafter notify the
555	treasurers of said municipalities of such apportionment. Every treasurer so notified shall,
556	annually in December, certify the amount of such apportionment to the board of assessors of his
557	municipality, who shall, unless funds are available from appropriations or otherwise, include
558	such amount in the tax levy of the following year, and the amount of such apportionment shall be
559	paid over by the treasurer of such municipality to the treasurer of the joint enterprise within the
560	time specified in the agreement for such payment.
561	
562	☐ Action by a participating municipality in establishing, maintaining and operating a joint airport
563	shall be authorized to the same extent and subject to the same provisions of law as in the case of
564	like action by such municipality independently with respect to an airport, except as otherwise
565	provided in this section and except that the joint airport commission is authorized to acquire
566	property by eminent domain, purchase or otherwise for purposes of the joint airport in the names
567	of the participating municipalities but only within the territorial limits of such municipalities, and
568	each of such municipalities shall have the same interest in the property so acquired that it has in
569	the joint airport under the agreement.
570	
571	☐ Section 38. Notwithstanding any general or special law to the contrary, no city or town shall
572	limit or restrict the authority of an airport commission, as established by this chapter and
573	specifically with regard to an airport commission's authority over the management, operation,
574	and control of an airport, through charter provision, local ordinance or by-law, or regulation.
575	
576	SECTION 38 Chapter 90 of the General Laws, as so appearing, is hereby further
577	amended by striking out section 52, and inserting in place thereof the following section:-
578	
579	☐ Section 52. If any provision of said sections 35 to 51, inclusive, is declared unconstitutional or
580	the application thereof to any person or circumstance is held invalid, the validity of the
581	remaining provisions thereof and the application of such provision to other persons and
582	circumstances shall not be affected thereby. These sections, being necessary for the welfare of

583 the commonwealth and its inhabitants, shall be liberally construed to effect the purposes hereof.

584 □