

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2305 Session of
1982

INTRODUCED BY KOWALYSHYN, MORRIS, PISTELLA, RYBAK, CAWLEY AND
ITKIN, MARCH 2, 1982

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 2, 1982

AN ACT

1 Amending the act of May 25, 1933 (P.L.1001, No.224), entitled,
2 as amended, "An act providing for the regulation of
3 aeronautics within this Commonwealth; conferring powers and
4 imposing duties upon the Pennsylvania Aeronautics Commission
5 and the Department of Revenue in respect thereto; providing
6 for the licensing and registration of airman and aircraft;
7 establishing the legal status of air navigation; providing
8 for sovereignty in, and ownership of, space; providing for
9 lawfulness of flights; regulating civil causes of action
10 arising out of operation of aircraft; fixing the status of
11 contracts, crimes, and torts in, by, or by means of operation
12 of aircraft; imposing duties upon officers, burgesses,
13 magistrates, aldermen, justices of the peace, the courts and
14 clerks thereof; providing for denial or revocation of
15 licenses; providing for certain penalties and their
16 disposition; and repealing certain existing laws,"
17 prohibiting the use of certain runways.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Section 402, act of May 25, 1933 (P.L.1001,
21 No.224), known as "The Aeronautical Code," is amended to read:

22 Section 402. Lawfulness of flight.--Flight in aircraft over
23 the lands and waters of this Commonwealth is lawful, unless at
24 such low altitude as to interfere with the then existing use to
25 which the land or water, or the space over the land or water, is

1 put by the owner, or unless so conducted as to be dangerous or
2 damaging to persons or property lawfully on the land or water
3 beneath. No landing area with a runway less than 4,000 feet in
4 length, and where the runway is within 1,000 feet in any
5 direction of any school, church, hospital or place of public
6 gathering, shall be used for take-off or landing at any time the
7 buildings or place of public gathering are occupied. In the case
8 of schools, this shall extend to one hour after school closing.

9 The landing of an aircraft on the lands or waters of another
10 without his consent is unlawful, except in the case of a forced
11 or emergency landing. For damage caused by a forced or emergency
12 landing, the owner, lessee, and operator of the aircraft shall
13 be liable, as provided in section four hundred three.

14 Section 2. This act shall take effect immediately.