

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1325 Session of
1977

INTRODUCED BY O'KEEFE, SPITZ, STAPLETON, SALVATORE AND GARZIA,
JUNE 15, 1977

REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 15, 1977

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," further
17 providing for the regulation of air space; further relating
18 to aircraft design; further regulating certain nonresidents
19 and changing penalty provisions.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 1. Clause (c) of section 201, act of May 25, 1933
23 (P.L.1001, No.224), known as "The Aeronautical Code," amended
24 September 17, 1959 (P.L.898, No.357), is amended to read:

25 Section 201. Powers and Duties of Pennsylvania Aeronautics
26 Commission.--The Pennsylvania Aeronautics Commission shall

1 administer the provisions of this act, and, for such purpose, is
2 authorized and directed to promulgate such regulations as are
3 necessary to execute the powers invested in it by this act and
4 other applicable laws.

5 It shall be the duty of the commission to--

6 * * *

7 (c) Establish, set apart, and provide for the protection of
8 necessary air space reservations within the Commonwealth of
9 Pennsylvania, in addition to, and not in conflict with, air
10 space reservations established by the President of the United
11 States, or any department of the United States, or with any
12 civil or military airway designated under the provisions of the
13 Air Commerce Act of one thousand nine hundred and twenty-six,
14 and the amendments thereto, or other act of Congress pertaining
15 thereto except in the case of a civil airway where such
16 reservations are deemed by the commission to be detrimental to
17 the health, welfare, and safety of the citizens of the
18 Commonwealth.

19 * * *

20 Section 2. Sections 301 and 304 of the act are amended to
21 read:

22 Section 301. Aircraft Construction, Design, and
23 Airworthiness; Federal Licenses.--The public safety requiring
24 and the advantages of uniform regulation making it desirable in
25 the interest of [aeronautical progress] public safety and well-
26 being that aircraft operating within this Commonwealth should
27 conform, with respect to design, construction, and
28 airworthiness, to the standards prescribed by the United States
29 Government with respect to navigation of civil aircraft subject
30 to its jurisdiction, except wherein such standards are deemed by

1 the commission detrimental to the health and well-being of the
2 citizens of the Commonwealth: Provided, That in no instance
3 shall the commission make exception to the standards of the
4 United States Government where such exception lowers or in any
5 way makes less restrictive those Federal standards currently
6 enforced, it shall be unlawful for any person or resident to
7 operate or navigate any aircraft within this commonwealth,
8 unless such aircraft has an appropriate, effective license
9 issued by the United States Government, and is registered by the
10 United States Government. [Provided, however, That this] This
11 restriction shall not apply to aircraft owned by the United
12 States Government or the possessions thereof, nor to aircraft of
13 any state or territory. [nor to aircraft licensed by a foreign
14 country if similar reciprocal relations exist between the United
15 States and such foreign country.]

16 Section 304. Nonresidents.--The provisions of this act, in
17 so far as they relate to registration and license, shall not
18 apply to aircraft owned and operated within this Commonwealth by
19 nonresidents of this Commonwealth for a period not to exceed
20 [30] 15 days in the calendar year: Provided, That the owner or
21 pilot can show satisfactory proof he has complied with the laws
22 relating to registration and license of airmen and aircraft in
23 the state, territory, district, or country of which he is a
24 resident: And further provided, That a nonresident owner or
25 airman cannot engage within this Commonwealth in the carrying of
26 passengers, merchandise, or property, for hire or reward, by
27 means of civil aircraft, or in any commercial flying for hire or
28 reward, unless he has complied with the provisions of this act
29 governing registration and license as if he were a resident of
30 this Commonwealth.

1 Section 3. The penalty provision of section 601 of the act,
2 amended April 18, 1945 (P.L.251, No.112), is amended to read:

3 Section 601. Violation Provisions.--It shall be unlawful for
4 any person to commit any of the following acts:

5 (a) To operate or navigate aircraft while under the
6 influence of intoxicating liquor or narcotic drug or habit
7 producing drug, or permit any person who may be under the
8 influence of intoxicating liquor or narcotic or habit producing
9 drug to operate or navigate any aircraft owned by him or in his
10 custody or control, or to carry in any aircraft any passenger
11 who is visibly under the influence of intoxicating liquor,
12 narcotic drug or other habit producing drug.

13 (b) To operate or navigate aircraft while in possession of
14 any Federal license, or to display, or cause or permit to be
15 displayed, such license, knowing the same to have been
16 cancelled, revoked, suspended or altered.

17 (c) To lend to, or knowingly to permit the use of by, one
18 not entitled thereto any Federal airman's and aircraft license
19 issued to the person so lending or permitting the use thereof.

20 (d) To display, or to represent as one's own, any Federal
21 airman's or aircraft license not issued to the person so
22 displaying the same.

23 (e) Tampering with, or making use of, or navigating, any
24 aircraft without the knowledge or consent of the owner or
25 custodian thereof.

26 (f) To use a false or fictitious name or to give a false or
27 fictitious address in any application or form required under the
28 provisions of this act, or the rules and regulations of the
29 commission adopted pursuant to this act, or knowingly make any
30 false statement or report, or knowingly conceal a material fact

1 or otherwise commit a fraud in any application.

2 (g) To operate or navigate any aircraft within this
3 Commonwealth unless such aircraft has been licensed and
4 registered in accordance with the provisions of this act, and
5 unless the operator thereof has been licensed in accordance with
6 the provisions of this act: Provided further, That the owner of
7 aircraft operated in violation of any of the provisions of this
8 act shall also be subject to the penalties provided in this
9 section.

10 Penalty.---Any person violating any of the provisions of
11 subsections (b), (c), (d) or (f) [or (g)] of this section shall,
12 upon summary conviction before a [burgess, alderman,] magistrate
13 [, or justice of the peace,] be sentenced to pay a fine of not
14 less than twelve dollars and fifty cents (\$12.50) nor more than
15 two hundred (\$200.00) dollars and the cost of prosecution, or
16 undergo imprisonment for not more than thirty (30) days, or
17 suffer both such fine and imprisonment.

18 Any person violating any of the provisions of subsections (a)
19 or (e) of this section shall be guilty of a misdemeanor, and
20 shall, upon conviction thereof in [a court of quarter sessions,]
21 the court of common pleas, be sentenced to pay a fine of not
22 less than one hundred (\$100.00) dollars nor more than five
23 hundred (\$500.00) dollars and the costs of prosecution, or
24 undergo imprisonment for not more than one (1) year, or suffer
25 both such fine and imprisonment.

26 Any person violating the provisions of subsection (g) shall
27 be guilty of a misdemeanor of the first degree, and, upon
28 conviction thereof in the court of common pleas be sentenced in
29 the case of an operator or navigator to pay a fine not less than
30 one thousand (\$1,000.00) dollars, nor more than five thousand

1 (\$5,000.00) dollars and in the case of an owner to pay a fine of
2 not less than five thousand (\$5,000.00) dollars nor more than
3 ten thousand (\$10,000.00) dollars.

4 Section 4. This act shall take effect in 60 days.