



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4387

by Rep. Grant Wehrli

SYNOPSIS AS INTRODUCED:

620 ILCS 5/42	from Ch. 15 1/2, par. 22.42
620 ILCS 5/43	from Ch. 15 1/2, par. 22.43
620 ILCS 5/45	from Ch. 15 1/2, par. 22.45

Amends the Illinois Aeronautics Act. Removes provisions requiring airmen to register a federal license, certificate, or permit with the Division of Aeronautics of the Department of Transportation and obtain a State certificate of registration to operate an aircraft within this State. Provides that the Department of Transportation may suspend or revoke (rather than only revoke) the flying privileges of an airman who (i) is not qualified; (ii) has willfully violated the State or federal laws or regulations pertaining to aeronautics; (iii) is addicted to the use of narcotics or other habit forming drug, or to the excessive use of alcohol; (iv) has made any false statement in an application for registration of a federal aircraft license, certificate, or permit; or (v) has been guilty of other conduct, acts, or practices dangerous to the public safety or the safety of those engaged in aeronautics. Makes conforming changes.

LRB099 15663 RJF 39958 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Aeronautics Act is amended by
5 changing Sections 42, 43, and 45 as follows:

6 (620 ILCS 5/42) (from Ch. 15 1/2, par. 22.42)

7 Sec. 42. Regulation of aircraft, airmen, and airports.

8 (a) The general public interest and safety, the safety of
9 persons operating, using, or traveling in, aircraft, and of
10 persons and property on the ground, and the interest of
11 aeronautical progress require that aircraft operated within
12 this State should be airworthy, that airmen should be properly
13 qualified, and that air navigation facilities should be
14 suitable for the purposes for which they are designed. The
15 purposes of this Act require that the Department should be
16 enabled to exercise the powers of regulation and supervision
17 herein granted. The advantage of uniform regulation makes it
18 desirable that aircraft operated within this State should
19 conform with respect to design, construction, and
20 airworthiness to the standards prescribed by the United States
21 Government with respect to civil aircraft subject to its
22 jurisdiction and that persons engaging in aeronautics within
23 this State should have the qualifications necessary for

1 obtaining and holding appropriate airman certificates of the
2 United States. It is desirable and right that all applicable
3 fees and taxes shall be paid with respect to aircraft operated
4 within this State.

5 (b) In light of the findings in subsection (a), the
6 Department is authorized:

7 (1) To require the registration, every 2 years, of
8 federal licenses, certificates or permits of civil
9 aircraft engaged in air navigation within this State, ~~and~~
10 ~~of airmen engaged in aeronautics within this State,~~ and to
11 issue certificates of such registration. These
12 certificates of registration constitute the authorization
13 of such aircraft ~~and airmen~~ for operations within this
14 State to the extent permitted by the federal licenses,
15 certificates or permits so registered. It shall charge a
16 fee, payable every 2 years, for the registration of each
17 federal license, certificate or permit of ~~\$10 for each~~
18 ~~airman's certificate~~ and \$20 for each aircraft
19 certificate. It may accept as evidence of the holding of a
20 federal license, certificate or permit the verified
21 application of the ~~airman or the~~ owner of the aircraft,
22 which application shall contain such information as the
23 Department may by rule, ruling, regulation, order or
24 decision prescribe. The Department's authority to register
25 aircraft or to issue certificates of registration is
26 limited as follows:

1 (i) Except as to any aircraft vehicle purchased
2 before March 8, 1963, the Department, in the case of
3 the first registration of any aircraft vehicle for any
4 given owner on or after March 8, 1963, may not issue a
5 certificate of registration with respect to any
6 aircraft vehicle until after the Department has been
7 satisfied that no tax under the Use Tax Act, the
8 Aircraft Use Tax Law, the Municipal Use Tax Act, or the
9 Home Rule County Use Tax Law is owing by reason of the
10 use of the vehicle in Illinois or that any tax so
11 imposed has been paid. A receipt issued under those
12 Acts by the Department of Revenue constitutes proof of
13 payment of the tax. For the purpose of this paragraph,
14 "aircraft vehicle" means a single aircraft.

15 (ii) If the proof of payment of the tax or of
16 nonliability therefor is, after the issuance of the
17 certificate of registration, found to be invalid, the
18 Department shall revoke the certificate and require
19 that the certificate be returned to the Department.

20 (2) To classify and approve airports and restricted
21 landing areas and any alterations or extensions thereof.
22 Certificates of approval issued pursuant to this
23 paragraph, or pursuant to any prior law, shall be issued in
24 the name of the applicant and shall be transferable upon a
25 change of ownership or control of the airport or restricted
26 landing area only after approval of the Department. No

1 charge or fee shall be made or imposed for any kind of
2 certificate of approval or a transfer thereof.

3 (3) To revoke, temporarily or permanently, any
4 certificate of registration of an aircraft ~~or airman~~ issued
5 by it, or to refuse to issue any such certificate of
6 registration, when it shall reasonably determine that any
7 aircraft is not airworthy. ~~, or that any airman:~~

8 (4) To suspend or revoke, temporarily or permanently,
9 the flying privileges of any airman who:

10 (i) is not qualified;

11 (ii) has willfully violated the laws of this State
12 pertaining to aeronautics or any rules, rulings,
13 regulations, orders, or decisions issued pursuant
14 thereto, or any Federal law or any rule or regulation
15 issued pursuant thereto;

16 (iii) is addicted to the use of narcotics or other
17 habit forming drug, or to the excessive use of
18 intoxicating liquor;

19 (iv) has made any false statement in any
20 application for registration of a federal aircraft
21 license, certificate or permit; or

22 (v) has been guilty of other conduct, acts, or
23 practices dangerous to the public safety or the safety
24 of those engaged in aeronautics.

25 (c) The Department may refuse to issue or may suspend the
26 certificate of any person who fails to file a return, or to pay

1 the tax, penalty or interest shown in a filed return, or to pay
2 any final assessment of tax, penalty or interest, as required
3 by any tax Act administered by the Illinois Department of
4 Revenue, until such time as the requirements of any such tax
5 Act are satisfied.

6 (Source: P.A. 92-341, eff. 8-10-01; 93-24, eff. 6-20-03.)

7 (620 ILCS 5/43) (from Ch. 15 1/2, par. 22.43)

8 Sec. 43. Operations unlawful without license or
9 certificate. Except as hereinafter provided, when such
10 registration is required by the Department, it shall be
11 unlawful for any person to operate or cause or authorize to be
12 operated any civil aircraft within this State unless such
13 aircraft has an appropriate effective license, certificate or
14 permit issued by the United States Government for which a
15 certificate of registration has been issued by the Department
16 which is in full force and effect, and it shall be unlawful for
17 any person to engage in aeronautics as an airman in this State
18 unless he has obtained ~~from the Department a certificate of~~
19 ~~registration of~~ an appropriate effective airman's license,
20 certificate or permit issued by the United States Government
21 authorizing him to engage in the particular class of
22 aeronautics in which he is engaged, which certificate of
23 registration is in full force and effect.

24 Aircraft and airmen that are not required to be licensed,
25 certificated, or permitted by the United States government and

1 that have not received a license, certificate, or permit are
2 not required to register with the Department before engaging in
3 aeronautics in Illinois.

4 (Source: P.A. 92-341, eff. 8-10-01.)

5 (620 ILCS 5/45) (from Ch. 15 1/2, par. 22.45)

6 Sec. 45. Exhibition of licenses and certificates.

7 The federal license, certificate, or permit, ~~and the~~
8 ~~evidence of registration in this or another state, if any,~~
9 required for an airman shall be kept in the personal possession
10 of the airman when he is operating within this State and must
11 be presented for inspection upon the demand of any passenger,
12 or any peace officer of this State, any officer or authorized
13 employee of the Department, or any official, manager or person
14 in charge of any airport in this State upon which he shall
15 land, or upon the reasonable request of any other person. The
16 federal aircraft license, certificate, or permit, ~~and the~~
17 ~~evidence of registration in this or another state, if any,~~
18 required for aircraft must be carried in every aircraft
19 operating in this State at all times and must be conspicuously
20 posted therein where it may readily be seen by passengers or
21 inspectors and must be presented for inspection upon the demand
22 of any passenger, any peace officer of this State, any officer
23 or authorized employee of the Department, or any official,
24 manager, or person in charge of any airport in this State upon
25 which it shall land, or upon the reasonable request of any

1 person.

2 (Source: Laws 1945, p. 335.)