

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 3016**

BY DELEGATES BUTLER AND PORTERFIELD

(BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION)

[Originating in the Committee on Finance, February 21, 2019.]



1 A BILL to repeal §29-2A-9, §29-2A-17, §29-2A-18, §29-2A-19, §29-2A-21, §29-2A-22,  
2 §29-2A-23, §29-2A-24, §29-2A-25, §29-2A-26, §29-2A-27, and §29-2A-28 of the Code of West  
3 Virginia, 1931, as amended; and to amend and reenact §29-2A-1, §29-2A-2, §29-2A-3, §29-2A-  
4 4, §29-2A-5, §29-2A-6, §29-2A-7, §29-2A-11, §29-2A-14, and §29-2A-20 of said code, all relating  
5 to the State Aeronautics Commission; repealing provisions relating to state airways systems,  
6 investigations, inquiries and hearings, disposition of fees, joint hearings, cooperation with and  
7 reports to agencies of state the United States, the use of state and municipal facilities and  
8 services, commission orders, notices and opportunity for hearings, judicial review of commission  
9 actions, criminal penalties and exchange of information for violations of provisions of article,  
10 severability, repeal of inconsistent provisions, and short title; removing antiquated and inoperable  
11 provisions modifying and deleting definitions; continuing the State Aeronautics Commission;  
12 modifying and updating membership requirements, powers, and duties of the commission; setting  
13 forth quorum and meeting requirements; providing for the organization and operation of the  
14 commission; modifying provisions related to the director of the commission; updating provisions  
15 related to funding and federal aid; continuing general powers related to planning, establishing,  
16 constructing, maintaining, and operating of airports; removing requirement for delivery of abstract  
17 of conviction to commission; and clarifying authority to require presentment of certificate, permit,  
18 rating or license and to enforce aeronautics laws.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 2A. STATE AERONAUTICS COMMISSION.**

### **§29-2A-1. Definitions.**

1 As used in the statutes of West Virginia, unless the context otherwise requires:

2 (a) "Aeronautics" means the art and science of flight, including, but not limited to,  
3 transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft  
4 power plants and accessories, including the repair, packing, and maintenance of parachutes; and

5 the design, establishment, construction, extension, operation, improvement, repair, or  
6 maintenance of airports or other air navigation facilities; and education about aeronautics.

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

9 (c) ~~"Airmen" means any individual who engages, as the person in command, or as pilot,  
10 mechanic or member of the crew, in the navigation of the aircraft while under way and any  
11 individual who is directly in charge of the inspection, maintenance, overhauling or repair of aircraft  
12 engines, propellers or appliances and any individual who serves in the capacity of aircraft  
13 dispatcher or air traffic control tower operator. It does not include any individual employed outside  
14 the United States, or any individual employed by a manufacturer of aircraft, aircraft engines,  
15 propellers or appliances to perform duties as inspector or mechanic in connection therewith, or  
16 any individual performing inspection or mechanical duties in connection with aircraft owned or  
17 operated by him or her~~

18 (d) "Air navigation" or "navigation" means the operation or navigation of aircraft in the air  
19 space over this state, or upon any airport within this state.

20 (e) "Air navigation facility" means any facility other than one owned or controlled by the  
21 federal government used in, available for use in, or designed for use in aid of air navigation,  
22 including airports, and any structures, mechanisms, lights, beacons, markers, communications  
23 system or other instrumentalities or devices used or useful as an aid or constituting an advantage  
24 or convenience to the safe taking off, navigation, and landing of aircraft or the safe and efficient  
25 operation or maintenance of an airport, and any combination of any or all of such facilities.

26 (f) "Airport" means any area of land or water which is used, or intended for use, for the landing  
27 and takeoff of aircraft and any appurtenant areas which are used, or intended for use, for airport  
28 buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities  
29 located thereon.

30 ~~(g) "Airport hazard" means any structure, object of natural growth or use of land which~~  
31 ~~obstructs the air space required for the flight of aircraft in landing or taking off at any airport or is~~  
32 ~~otherwise hazardous to such landing or taking off~~

33 (h) "Commission" means the West Virginia State Aeronautics Commission.

34 (i) "Director" means the director of ~~aeronautics of this state~~ the Commission.

35 (j) "Municipality" means any county, city, town, village, or other political subdivision of this  
36 state. "Municipal" means pertaining to a municipality as herein defined.

37 (k) "Operation of aircraft" or "operate aircraft" means the use, navigation, or piloting of aircraft  
38 in the airspace over this state or upon the ground within this state.

39 (l) "Person" means any individual, firm, ~~co~~partnership ~~partnership~~, corporation, company,  
40 association, joint stock association, or body politic and includes any trustee, receiver, assignee,  
41 or other similar representative thereof.

42 (m) ~~The singular of any of the above defined terms shall include the plural and plural the~~  
43 ~~singular.~~

**§29-2A-2. Creation and membership Short title; continuation of commission; membership  
and compensation; quorum.**

1 ~~There is hereby created an aeronautics commission, to be known as "The West Virginia~~  
2 ~~State Aeronautics Commission", to consist~~ (a) This article may be cited as the "State Aeronautics  
3 Commission Act".

4 (b) The West Virginia State Aeronautics Commission is hereby continued. The current  
5 members shall retain their seats until the expiration of their terms and may be reappointed. The  
6 commission consists of five members ~~to be~~ appointed by the Governor, by and with the advice  
7 and consent of the Senate. One ~~of such members~~ member shall be the Secretary of  
8 Transportation ex officio, whose term ~~as such member~~ shall continue for the period that he or she  
9 holds the office of Secretary of Transportation. The other four members of the commission ~~shall~~  
10 ~~be~~ are initially appointed by the Governor, ~~each to serve a term beginning the July 1, 1947~~ one to

11 serve for a term of one year, one to serve for a term of two years, one to serve for a term of three  
12 years, and one to serve for a term of four years. The successors of the members (~~other than the~~  
13 ~~Secretary of Transportation~~) initially appointed as provided herein shall be appointed for terms of  
14 four years each in the same manner as the members originally appointed under this ~~article~~  
15 section, except that any person appointed to fill a vacancy occurring prior to the expiration of the  
16 term for which his or her predecessor was appointed shall be appointed only for the remainder of  
17 such term. Each member shall serve until the appointment and qualification of his or her  
18 successor. No more than three members of the commission shall be members of the same  
19 political party. All members of the commission shall be citizens and residents of this state. The  
20 members of the commission who ~~shall be~~ are appointed by the Governor as provided by this  
21 section shall be selected with due regard to their fitness by reason of their aeronautical, legal,  
22 administrative, or management knowledge. ~~and practical experience in the field of aeronautics~~ In  
23 making such appointments, the Governor shall, so far as may be possible and practicable, select  
24 the several members from different geographical sections of the state.

25 (c) No member ~~shall~~ may receive any salary for his or her services, but each shall be  
26 reimbursed for actual and necessary expenses incurred by such member in the performance of  
27 his or her duties in accordance with state travel rules.

28 (d) Three members are a quorum, and a quorum is necessary to conduct business.  
29 Members may participate in any meeting by phone.

**§29-2A-3. Powers and duties of commission.**

1 ~~The commission shall assume, carry on and succeed to all the duties, rights, powers,~~  
2 ~~obligations and liabilities heretofore belonging to, exercised by, or assumed by the state board of~~  
3 ~~aeronautics, pursuant to statutory authority heretofore existing and as changed or modified by the~~  
4 ~~provisions of this article. It~~ The commission may enter into any contracts necessary to the  
5 execution of the powers granted to it by this article. It is empowered and directed to encourage,  
6 foster, and assist in the development of aeronautics in this state and to encourage the

7 establishment of airports and air navigation facilities. It shall cooperate with and assist the federal  
8 government, the municipalities of this state, and other persons in the development of aeronautics  
9 and shall act to coordinate the aeronautical activities of these bodies and persons. Municipalities  
10 are authorized to cooperate with the commission in the development of aeronautics and  
11 aeronautics facilities in this state. The commission is hereby given the power and authority to  
12 make such ~~rules~~ rules, policies, and guidelines as it may deem necessary and advisable for the  
13 public safety, governing the designing, laying out, locating, building, equipping and operating of  
14 all airports and the conduct of all other phases of aeronautics to effectuate the requirements of  
15 this article.

16 (1) The commission shall keep on file with the Secretary of State, and at the principal office  
17 of the commission, a copy of ~~all~~ its rules and orders having general effect for public inspection. It  
18 shall provide for the publication and general distribution of all its orders, rules, and ~~procedures~~  
19 ~~having general effect~~ other information of public interest. Copies of any such orders, ~~or~~ rules, and  
20 other information shall be ~~delivered~~ made available electronically and provided to any person  
21 interested, free of charge, upon request. The publication and distribution of any such order or rule  
22 ~~as provided herein in~~ proposed for legislative approval in accordance with the provisions of §29A-  
23 3-1 et seq. of this code shall be sufficient notice to the public of the provisions, requirements, and  
24 effect thereof.

25 ~~Each rule of the commission shall be promulgated as a legislative rule pursuant to the~~  
26 ~~provisions of chapter twenty-nine-a of this code~~

27 (2) Except where otherwise prohibited, the commission is authorized to permit the ~~state~~  
28 ~~Board of Investments~~ West Virginia Board of Treasury Investments or the West Virginia  
29 Investment Management Board to invest, as provided by this code, any funds received by the  
30 commission pursuant to the provisions of this code.

**§29-2A-4. Organization of commission; meetings; reports; offices.**

1           (a) The commission shall make, and may from time to time amend, rules for the  
2 administration of the powers granted to it by this article. ~~as are not inconsistent therewith and as~~  
3 ~~the commission may deem expedient~~ The commission shall organize by electing from among its  
4 members a ~~chairman~~ chairperson who shall serve as such for a period of two years. ~~Such~~  
5 ~~chairman shall have the power~~ The chairperson is authorized to sign documents, execute  
6 contracts, and otherwise act for and in the name of the commission in all matters within the lawful  
7 powers of the commission and ~~duly~~ authorized by a majority of its members.

8           (b) The commission shall determine the number, date, and place of its regular meetings,  
9 but at least one ~~such~~ meeting shall be held annually at the commission's established offices in  
10 the city of Charleston. Whenever the convenience of the public or of interested persons may be  
11 promoted, or delay or expense may be prevented, the commission may hold meetings ~~hearings~~  
12 ~~or proceedings~~ at any other place designated by it.

13           (c) The commission shall report in writing to the Governor on or before August 31 of each  
14 year. The report shall contain a summary of the commission's proceedings during the preceding  
15 fiscal year, a detailed and itemized statement of all revenue received, and all expenditures made  
16 by or on behalf of the commission, such other information ~~as it may deem~~ which may be necessary  
17 or useful, and any additional information which may be requested by the Governor. The fiscal  
18 year of the commission shall conform to the fiscal year of the state.

19           (d) An office shall be established and maintained by the commission in the city of  
20 Charleston. ~~In addition, the commission may establish and maintain such other offices within the~~  
21 ~~state as it may deem necessary and expedient~~

**§29-2A-5. Director of aeronautics; appointment, qualifications, compensation, powers and  
duties; administrative and other assistants staff.**

1           (a) A director of aeronautics shall be appointed by the commission, with the advice and  
2 consent of the Secretary of Transportation, who shall serve for an indefinite term at the pleasure  
3 of the commission. The director shall be appointed with due regard to his or her fitness ~~by~~

4 ~~aeronautical education and by knowledge of and recent practical experience in aeronautics, for~~  
5 ~~the efficient dispatch of the powers and duties vested in and imposed upon him by this article as~~  
6 ~~an administrator.~~ The director shall devote his or her time to the duties of his or her office as  
7 required and prescribed by this article and shall ~~may~~ not have any pecuniary interest in, or any  
8 stock in, or bonds of, any civil aeronautical enterprise. ~~The director shall receive such~~  
9 ~~compensation as the commission may determine, which said~~ The Secretary of Transportation, in  
10 consultation with the commission, shall determine the director's compensation. The  
11 ~~compensation shall however~~ conform in general to the compensation received by persons  
12 occupying positions of similar importance and responsibility with other agencies of this state. The  
13 director's compensation may not be paid, in whole or in part, from grant funds received by the  
14 commission. The director shall be reimbursed for all traveling and other expenses incurred by  
15 him or her in the discharge of his or her official duties in accordance with state travel rules. The  
16 director shall be the executive officer of the commission and under its supervision shall administer  
17 the provisions of this article and the rules and orders established thereunder and all ~~other~~  
18 applicable laws of the state ~~relative to aeronautics~~. The director shall attend, but not vote, at all  
19 meetings of the commission. The director ~~shall act as~~ serves as the secretary of the commission  
20 and ~~shall be~~ is in charge of its offices and responsible to the commission for the preparation of  
21 reports and the collection and dissemination of data and other public information relating to  
22 aeronautics. At the direction of the commission, the director ~~shall, together with the chairman of~~  
23 ~~the commission,~~ is authorized to execute all contracts entered into by the commission which are  
24 legally authorized and for which funds are provided in any state or federal appropriations act.

25 (b) The commission may, by written order filed in its office, delegate to the director any of  
26 the powers or duties vested or imposed upon it by this article. ~~Such~~ Any delegated powers and  
27 duties may be exercised by ~~such~~ the director in the name of the commission. The commission  
28 may also employ ~~such~~ any necessary administrative, engineering, technical, and clerical  
29 ~~assistance as may be required~~ staff. ~~The director and such other assistants may, under the~~

30 ~~supervision of the commission, insofar as is reasonably possible, make available the engineering~~  
31 ~~and other technical services of the commission, without charge to any municipality, and with or~~  
32 ~~without charge to any other person desiring them, in connection with the construction,~~  
33 ~~maintenance or operation, or proposed construction, maintenance or operation of any airport~~

**§29-2A-6. State financial assistance for county, municipal, and regional airports.**

1           The commission, out of any appropriation made to it by the Legislature or out of any funds  
2 at its disposal, may make funds available by grant or otherwise to counties, municipalities, and  
3 regional airport authorities, created under the provisions of chapter eight of this code, for the  
4 planning, acquisition, construction, improvement, maintenance, or operation of airports owned or  
5 operated or to be owned or operated by such counties, municipalities, or regional airport  
6 authorities. Acceptance of any moneys so made available to any such county, municipality, or  
7 regional airport authority, shall constitute consent by the recipient that a reasonable use of ~~such~~  
8 the airport may be made, upon request of the commission, by the United States government, the  
9 state, or any of their respective agencies, including the State Aeronautics Commission and the  
10 National Guard of West Virginia for state purposes related or incidental to aeronautics. ~~Such~~  
11 ~~financial assistance may be furnished in connection with federal or other financial aid for the same~~  
12 ~~purpose~~

**§29-2A-7. Federal aid.**

1           ~~(a) The commission is authorized to cooperate with the government of the United States,~~  
2 ~~and any agency or department thereof, in the planning, acquisition, construction, improvement,~~  
3 ~~maintenance and operation of airports and other air navigation facilities in this state. and The~~  
4 ~~commission is authorized to accept federal aid either outright or by way of matching ~~the same~~~~  
5 ~~funds, in whole or in part, as may be required, and when by the federal government. When~~  
6 ~~matching funds for ~~matching~~ are available to the commission, and to comply they may be used in~~  
7 ~~compliance with the provisions of the laws and regulations of the United States and any~~

8 ~~regulations made thereunder~~ for the expenditure of federal moneys ~~upon such~~ for airports and  
9 other air navigation facilities.

10 (b) The commission is authorized to accept and receive ~~and receipt for~~ federal moneys and  
11 other moneys, either public or private, for and ~~in~~ on behalf of this state, or any municipality thereof,  
12 for the planning, acquisition, construction, improvement, maintenance, and operation of airports  
13 and other air navigation facilities. ~~whether such~~ The funds may be expended regardless of  
14 whether the work is to be done by the state or ~~by such a~~ a municipality, or jointly. If the funds are  
15 ~~aided by grants of aid~~ from the United States, they shall be expended upon such terms and  
16 conditions as are or may be prescribed by the laws of the United States and any rules or  
17 regulations made thereunder. ~~and it~~ The commission is hereby designated as the agency of the  
18 state, and is authorized to and may act as agent of any municipality of this state upon the request  
19 of such municipality, in accepting and receiving ~~and receipting for such~~ moneys ~~in~~ on its behalf  
20 for airports or other air navigation facility purposes, and in contracting for the planning, acquisition,  
21 construction, improvement, maintenance, or operation of airports or other air navigation facilities,  
22 financed, either in whole or in part, by federal moneys. ~~and any such~~ A municipality is authorized  
23 to and may enter into an agreement with the commission prescribing the terms and conditions of  
24 such agency in accordance with federal laws, rules, and regulations and with this article. ~~Such~~ All  
25 moneys ~~as are paid over~~ by the United States government shall be retained by the state or paid  
26 ~~over~~ to said municipalities under such terms and conditions as may be imposed by the United  
27 States government in making such grants.

28 (c) All contracts for the planning, acquisition, construction, improvement, maintenance, and  
29 operation of airports, or other air navigation facilities made by the commission, either as the agent  
30 of the state or as the agent of any municipality therein, shall be made pursuant to the laws of this  
31 state governing the making of like contracts: *Provided*, That where the planning, acquisition,  
32 construction, improvement, maintenance, and operation of any airport or other air navigation  
33 facility is financed wholly or partially with federal moneys, the commission, as agent of the state

34 or of any municipality thereof, may let contracts in the manner prescribed by the federal  
35 authorities, acting under the laws of the United States, and any rules or regulations made  
36 thereunder, notwithstanding any other state law to the contrary.

37 (d) All moneys accepted for disbursement by the commission pursuant to this section shall  
38 be deposited in the State Treasury, and, unless otherwise prescribed by the authority from which  
39 the money is received, kept in separate funds, designated according to the purposes for which  
40 the moneys were made available, and held by the state in trust for such purposes. All such  
41 moneys are hereby appropriated for the purposes for which ~~the same~~ they were made available  
42 and shall be expended in accordance with federal laws and regulations and ~~with the provisions of~~  
43 this article. The commission is authorized, whether acting for this state or as the agent of any  
44 municipality therein, when requested by the United States government or any agency or  
45 department thereof, or when requested by the state or municipality for which the money has been  
46 made available, to disburse such moneys for the designated purposes, but this shall not preclude  
47 any other authorized method of disbursement.

48 (e) The state or any municipality therein is authorized to cooperate with the government of  
49 the United States, and any agency or department thereof, in the acquisition, construction,  
50 improvement, maintenance, and operation of airports and other air navigation facilities in this state  
51 and is authorized to accept federal aid, either by way of outright grant or by matching the ~~same~~  
52 funds, in whole or in part, as may be required, and to comply with the provisions of the laws of  
53 the United States and any rules or regulations made thereunder for the expenditure of federal  
54 moneys upon such airports and other navigation facilities.

**§29-2A-8. Establishment and operation of state airports.**

1 (a) The commission is authorized on behalf of and in the name of the state, out of  
2 appropriations and other moneys made available for such purposes, to plan, establish, construct,  
3 maintain, and operate airports and air navigation facilities within the state. For ~~such~~ these  
4 purposes the commission may, by purchase, gift, devise, lease, condemnation, or otherwise,

5 acquire such property, real or personal, as is necessary to permit safe and efficient operation of  
6 the airports and air navigation facilities. In like manner, the commission may acquire existing  
7 airports and air navigation facilities: *Provided, however,* That it shall not acquire or take over any  
8 airport or air navigation facility owned or controlled by a municipality of this or any other state  
9 without the consent of ~~such~~ the municipality. The commission may by sale, lease, or otherwise,  
10 dispose of any such property, airport, air navigation facility, or portion thereof or interest therein.  
11 ~~Such~~ Any disposal by lease shall be made pursuant to the terms of ~~§8-11-6 of the Code of West~~  
12 ~~Virginia~~ §8-28-7 of this code. ~~Such~~ Any disposal by sale or otherwise shall be in accordance with  
13 the laws of this state governing the disposition of other property of the state, except that in the  
14 case of disposal to any municipality or state government or the United States for aeronautical  
15 purposes incident thereto the sale or other disposal may be effected in such manner and upon  
16 such terms as the commission ~~may deem~~ determines are in the best interest of the state.

17 (b) Nothing contained in this article shall be construed to limit any right, power, or authority  
18 of the state or a municipality to regulate airport hazards by zoning.

19 (c) The commission may exercise any powers granted by this section jointly with any  
20 municipalities or agencies of the state government, with other states or their municipalities, or with  
21 the United States.

22 (d) In the condemnation of property authorized by this section, the commission shall  
23 proceed in the name of the state in the manner provided by §54-1-1, *et seq.* of this code.

**§29-2A-11. Operation of aircraft while under influence of alcohol, controlled substances or  
drugs; criminal penalties.**

1 (a) Any person who:

2 (1) Operates an aircraft in this state while:

3 (A) He or she is under the influence of alcohol; or

4 (B) He or she is under the influence of any controlled substance; or

5 (C) He or she is under the influence of any other drug; or

6 (D) He or she is under the combined influence of alcohol and any controlled substance or  
7 any other drug; or

8 (E) He or she has an alcohol concentration in his or her blood of four hundredths of one  
9 percent or more, by weight; and

10 (2) When so operating an aircraft does any act forbidden by law or fails to perform any  
11 duty imposed by law in the operation of such aircraft, which act or failure proximately causes  
12 bodily injury to any person other than himself or herself, is guilty of a felony, and, upon conviction  
13 thereof, shall be imprisoned in the penitentiary for a definite term of imprisonment of not less than  
14 one year nor more than five years, or in the discretion of the court, be confined in jail not more  
15 than one year and be fined not more than \$500.

16 (b) Any person who:

17 (1) Operates an aircraft in this state while:

18 (A) He or she is under the influence of alcohol; or

19 (B) He or she is under the influence of any controlled substance; or

20 (C) He or she is under the influence of any other drug; or

21 (D) He or she is under the combined influence of alcohol and any controlled substance or  
22 any other drug; or

23 (E) He or she has an alcohol concentration in his or her blood of four hundredths of one  
24 percent or more, by weight;

25 (2) Is guilty of a misdemeanor, and, upon conviction thereof, shall be confined in jail not  
26 more than one year or fined not more than \$500, or both, in the discretion of the court.

27 (c) Any person who:

28 (1) Knowingly permits his or her aircraft to be operated in this state by any other person  
29 who is:

30 (A) Under the influence of alcohol; or

31 (B) Under the influence of any controlled substance; or

32 (C) Under the influence of any other drug; or

33 (D) Under the combined influence of alcohol and any controlled substance or any other  
34 drug; or

35 (E) Has an alcohol concentration in his or her blood of four hundredths of one percent or  
36 more, by weight;

37 (2) Is guilty of a misdemeanor, and, upon conviction thereof, shall be confined in jail not  
38 more than one year or fined not more than \$500, or both, in the discretion of the court.

39 (d) A person violating any provision of subsection (a) of this section is, for the second  
40 offense under this section, guilty of a felony, and, upon conviction thereof, shall be imprisoned in  
41 the penitentiary for a definite term of imprisonment of not less than one year nor more than five  
42 years.

43 (e) A person violating any provision of subsection (b) or (c) of this section is, for the second  
44 offense under this section, guilty of a felony, and, upon conviction thereof, shall be imprisoned in  
45 the penitentiary for a definite term of imprisonment of not less than one year nor more than three  
46 years.

47 (f) For purposes of subsections (d) and (e) of this section relating to second and  
48 subsequent offenses, the following types of convictions shall be regarded as convictions under  
49 this section:

50 (1) Any conviction under the provisions of the prior enactment of this section;

51 (2) Any conviction under a statute of the United States or of any other state of an offense  
52 which has the same elements as an offense described in subsection (a), (b) or (c) of this section.

53 (g) A person may be charged in a warrant or indictment or information for a second or  
54 subsequent offense under this section if the person has been previously arrested for or charged  
55 with a violation of this section which is alleged to have occurred within the applicable time periods  
56 for prior offenses, notwithstanding the fact that there has not been a final adjudication of the  
57 charges for the alleged previous offense. In such case, the warrant or indictment or information

58 must set forth the date, location and particulars of the previous offense or offenses. No person  
59 may be convicted of a second or subsequent offense under this section unless the conviction for  
60 the previous offense has become final.

61 (h) The fact that any person charged with a violation of subsection (a) or (b) of this section,  
62 or any person permitted to operate an aircraft as described under subsection (c) of this section,  
63 is or has been legally entitled to use alcohol, a controlled substance or a drug shall not constitute  
64 a defense against any charge of violating subsection (a), (b) or (c) of this section.

65 (i) For purposes of this section, the term "controlled substance" shall have the meaning  
66 ascribed to it in chapter sixty-a of this code.

67 (j) When any person is convicted of violating any provision of this section, the clerk of the  
68 court in which such conviction is had shall, ~~within seventy-two hours after such conviction is had,~~  
69 ~~transmit to the commission a certified abstract of the judgment of conviction. The commission~~  
70 ~~shall,~~ within seventy-two hours after receipt thereof, transmit a true copy thereof to the federal  
71 aviation administration.

**§29-2A-14. Federal license required for operation of aircraft.**

1 No person shall operate or cause or authorize to be operated any aircraft within this state  
2 unless such aircraft has an appropriate effective certificate, permit or license issued by the United  
3 States, if such certificate, permit or license is required by the United States; nor shall any person  
4 engage in aeronautics as an airman in this state unless he or she has an appropriate effective  
5 airman certificate, permit, rating or license issued by the United States authorizing him or her to  
6 engage in the particular class of aeronautics in which he or she is engaged, if such certificate,  
7 permit, rating or license is required by the United States.

8 Where a certificate, permit, rating or license is required for an airman by the United States,  
9 it shall be kept in his or her personal possession when he or she is operating within this state and  
10 shall be presented for inspection upon the demand of any ~~peace officer or any other officer of the~~  
11 ~~state or of a municipality or member, official, or employee of the commission authorized under~~

12 ~~this article to enforce the aeronautics law of this state,~~ law enforcement officer, or any official,  
13 manager or person in charge of any airport upon which the airman shall land, or upon the  
14 reasonable request of any other person. Where a certificate, permit or license is required by the  
15 United States for an aircraft, it shall be carried in the aircraft at all times while the aircraft is  
16 operating in the state, shall be conspicuously posted in the aircraft where it may readily be seen  
17 by passengers or inspectors, and shall be presented for inspection upon the demand of any ~~peace~~  
18 ~~officer, or any other officer of the state or of a municipality or member, official or employee of the~~  
19 ~~commission authorized under this article to enforce the aeronautics laws of this state,~~ law  
20 enforcement officer, or any official, manager or person in charge of any airport upon which the  
21 aircraft shall land, or upon the reasonable request of any person.

**§29-2A-20. Enforcement of aeronautics laws.**

1 It shall be the duty of ~~the commission, its members, the director, officers and such~~  
2 ~~employees of the commission as may be designated by it, and every state and municipal officer~~  
3 ~~charged with the enforcement of state and municipal laws,~~ all law enforcement officers, to enforce  
4 and assist in the enforcement of this article ~~and of all rules and orders issued pursuant thereto~~  
5 ~~and of all other laws of this state relating to aeronautics; and in that connection each of the~~  
6 ~~aforesaid persons is~~ Law enforcement officers are authorized to inspect and examine at  
7 reasonable hours any aircraft, the credentials of any airman or other person engaged in  
8 aeronautics required by the laws of this state or of the United States to have in his or her  
9 possession credentials evidencing his or her authority or permission to engage in aeronautics,  
10 any premises and the buildings and other structures thereon, where airports, air navigation  
11 facilities or other aeronautical activities are operated or conducted.

12 ~~The commission is authorized in the name of the state to enforce the provisions of this article~~  
13 ~~and the rules and orders issued pursuant thereto by injunction or other legal process in the courts~~  
14 ~~of this state.~~

**§29-2A-9. State airways.**

1 [Repealed.]

**§29-2A-17. Investigations; hearings; power to subpoena witnesses; self-incrimination.**

1 [Repealed.]

**§29-2A-18. Disposition of fees.**

1 [Repealed.]

**§29-2A-19. Federal-state joint hearings; reciprocal services; accident reporting.**

1 [Repealed.]

**§29-2A-21. Use of state and municipal facilities and services.**

1 [Repealed.]

**§29-2A-22. Commission orders, notices and opportunity for hearings.**

1 [Repealed.]

**§29-2A-23. Judicial review of commission's action.**

1 [Repealed.]

**§29-2A-24. Penalties for violation of provisions of article.**

1 [Repealed.]

**§29-2A-25. Exchange of information as to violations.**

1 [Repealed.]

**§29-2A-26. Severability.**

1 [Repealed.]

**§29-2A-27. Repeal.**

1 [Repealed.]

**§29-2A-28. Short title.**

1 [Repealed.]