

LEGISLATIVE BILL 341

Approved by the Governor May 21, 1973

Introduced by Kelly, 35

AN ACT to amend sections 3-129, 3-130, and 3-131, Reissue Revised Statutes of Nebraska, 1943, and section 3-128, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 391, Eighty-third Legislature, First Session, 1973, relating to aeronautics; to eliminate the requirement of registration of aircraft with the Department of Aeronautics; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 3-128, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 391, Eighty-third Legislature, First Session, 1973, be amended to read as follows:

3-128. To safeguard and promote the general public interest and safety, the safety of persons receiving instruction concerning or operating, using or traveling in aircraft and of persons and property on the ground, the interest of aeronautical progress requiring that aircraft operated within this state should be airworthy, that airmen and those engaged in air instruction should be properly qualified, that airports, restricted landing areas and navigation facilities should be suitable for the purposes for which they are designed, the purposes of sections 3-101 to 3-154 requiring that the department should be enabled to exercise the powers of supervision herein granted, the advantages of uniform regulations making it desirable that aircraft operated within this state should conform with respect to design, construction and airworthiness to the standards prescribed by the United States government with respect to civil aircraft subject to its jurisdiction and that persons engaging in aeronautics within this state should have the qualifications necessary for obtaining and holding appropriate airman certificates of the United States; the department is authorized:

(1) To require the registration of federal licenses, permits or certificates ~~of civil aircraft engaged in air navigation within this state~~, of airmen engaged in aeronautics within this state, and of aeronautics instructors giving instruction in flying

subjects, and to issue certificates of such registration. Such registration shall be annual. ~~The fee for such registration shall be one dollar annually for each aircraft.~~ Such certificates of registration shall constitute licenses of such aircraft, airman and instructors for operations within this state to the extent permitted by the federal licenses, certificates or permits so registered. It may accept, as evidence of the holding of a federal license, certificate or permit, the verified application of the owner of the aircraft, the airman or the instructor, which application shall contain such information as the department may prescribe by rule, regulation or order; ~~in registering aircraft the department shall neither receive nor accept application or registration fee nor issue any certificate of registration for any aircraft, unless the owner shall first exhibit a certificate by the county assessor that such aircraft has been properly assessed for the year in which application for registration is made;~~

(2) To license the operation of air schools and aeronautics instructors giving instruction in ground subjects in accordance with rules and regulations to be adopted by the department, and to annually renew such licenses;

(3) To approve airport and restricted landing area sites and to license airports, restricted landing areas or other air navigation facilities, in accordance with rules and regulations to be adopted by the department, and to annually renew such licenses. Licenses granted under this subdivision or under any prior law may be annually renewed. It shall make no charge for approval certificates of proposed property acquisition for airport or restricted landing area purposes;

(4) To issue appropriate certificates authorizing qualified individuals to conduct aerial pesticide application operations in this state. To insure safety, training, qualification criteria, financial responsibility requirements, and certificate renewal procedures shall be as prescribed by rules and regulations of the Department of Aeronautics; and

(5) To temporarily or permanently revoke any license or certificate of registration of an aircraft, airman, air school, aerial pesticide applicator, or aeronautics instructor, issued by it, or to refuse to issue any such license or certificate of registration, when it shall reasonably determine that ~~any aircraft is not airworthy, or~~ that any airman, air school, aerial pesticide applicator or aeronautics instructor is not



qualified, has willfully violated the provisions of sections 3-101 to 3-154, the rules and regulations prescribed pursuant thereto, or any other statute of this state relating to aeronautics, or any act of Congress or any rule or regulation promulgated pursuant thereto, is addicted to the use of narcotics or other habit-forming drug or the excessive use of intoxicating liquor, has made any false statement in an application for registration of a federal license certificate or permit, or has been guilty of other conduct, acts or practices dangerous to the public safety and the safety of those engaged in aeronautics.

Sec. 2. That section 3-129, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-129. Except as hereinafter provided in section 3-130, it shall be unlawful for any person to operate or cause or authorize to be operated any civil aircraft within this state unless such aircraft has an appropriate effective license, certificate or permit issued by the United States government, ~~which has been registered with the department and which registration with the department is in full force and effect~~, and it shall be unlawful for any person to engage in aeronautics as an airman in this state unless he has, from the department, an effective certificate of registration of an appropriate effective airman's license, certificate or permit issued by the United States government authorizing him to engage in the particular class of aeronautics in which he is engaged.

Sec. 3. That section 3-130, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-130. The provisions of section 3-128, subdivision (1), and section 3-129 shall not apply to:

(1) An aircraft which has been licensed by a foreign country with which the United States has a reciprocal agreement covering the operations of such licensed aircraft;

~~(2) An aircraft which is owned by a nonresident of this state who is lawfully entitled to operate such aircraft in the state of his residence;~~

~~(3) An aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;~~

(4) (2) An airman operating military or public aircraft, or any aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft;

(5) (3) Persons operating model aircraft or to any person piloting an aircraft which is equipped with fully functioning dual controls when a licensed instructor is in full charge of one set of said controls and such flight is solely for instruction or for the demonstration of said aircraft to a bona fide prospective purchaser;

(6) (4) A nonresident operating aircraft in this state who is lawfully entitled to operate aircraft in the state of residence; or

(7) (5) An airman while operating or taking part in the operation of an aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce.

Sec. 4. That section 3-131, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-131. The federal license, certificate or permit, and the evidence of registration in this or another state, if any, required for an airman shall be kept in the personal possession of the airman when he is operating within this state and must be presented for inspection upon the demand of any passenger, peace officer of this state, authorized official or employee of the department, official, manager or person in charge of any airport in this state upon which he shall land or the reasonable request of any other person. The federal aircraft license, certificate or permit, ~~and the evidence of registration in this or another state, if any,~~ required for aircraft must be carried in every aircraft operating in this state at all times and must be conspicuously posted therein where it may readily be seen by passengers or inspectors and must be presented for inspection upon the demand of any passenger, peace officer of this state, authorized official or employee of the department, official, manager or person in charge of any airport in this state upon which it shall land or the reasonable request of any person.

Sec. 5. That original sections 3-129, 3-130, and 3-131, Reissue Revised Statutes of Nebraska, 1943, and section 3-128, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 391, Eighty-third Legislature, First Session, 1973, are repealed.



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Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.