

SB1127



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1127

Introduced 2/5/2019, by Sen. Thomas Cullerton

SYNOPSIS AS INTRODUCED:

620 ILCS 5/42

from Ch. 15 1/2, par. 22.42

Amends the Illinois Aeronautics Act. Provides that the Division of Aeronautics of the Department of Transportation shall require the display of an MIA flag at any airport in its jurisdiction, either upon the same flag-staff as the United States national flag or otherwise. Effective immediately.

LRB101 07254 TAE 52293 b

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 Section 42 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 a
10 one-time registration of airmen engaged in aeronautics
11 within this State, and to issue certificates of such
12 registration. These certificates of registration
13 constitute the authorization of such aircraft and airmen
14 for operations within this State to the extent permitted by
15 the federal licenses, certificates or permits so
16 registered. It shall charge a fee, payable every 2 years,
17 for the registration of each federal license, certificate
18 or permit of \$20 for each aircraft certificate and a
19 one-time fee of \$20, payable at registration, for each
20 airman's certificate. It may accept as evidence of the
21 holding of a federal license, certificate or permit the
22 verified application of the airman or the owner of the
23 aircraft, which application shall contain such information
24 as the Department may by rule, ruling, regulation, order or
25 decision prescribe. The Department's authority to register
26 aircraft or to issue certificates of registration is

1 limited as follows:

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

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

21 (2) To classify and approve airports and restricted
22 landing areas and any alterations or extensions thereof.
23 Certificates of approval issued pursuant to this
24 paragraph, or pursuant to any prior law, shall be issued in
25 the name of the applicant and shall be transferable upon a
26 change of ownership or control of the airport or restricted

1 landing area only after approval of the Department. No
2 charge or fee shall be made or imposed for any kind of
3 certificate of approval or a transfer thereof.

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

9 (i) is not qualified;

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

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

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

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

24 (c) The Department may refuse to issue or may suspend the
25 certificate of any person who fails to file a return, or to pay
26 the tax, penalty or interest shown in a filed return, or to pay

1 any final assessment of tax, penalty or interest, as required
2 by any tax Act administered by the Illinois Department of
3 Revenue, until such time as the requirements of any such tax
4 Act are satisfied.

5 (d) The Department shall require the display of an MIA flag
6 at any airport in its jurisdiction, either upon the same
7 flag-staff as the United States national flag or otherwise.

8 (Source: P.A. 99-605, eff. 1-1-17.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.