

FILED MAR 1 1978

Reprinted 3/78

SENATE FILE 2169

BY COMMITTEE ON TRANSPORTATION

Passed Senate, Date 3-13-78 (p. 546) Passed House, Date _____

Vote: Ayes 47 Nays 1 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to air transportation regulation.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 2169

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S-5337

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1 Amend Senate File 2169 as follows:

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2 1. Page 3, by striking lines 18 and 19.

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S-5337 FILED *Adopted 3/13 (p. 546)* C. W. HUTCHINS

22

MARCH 9, 1978

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1 Section 1. Acts of the Sixty-seventh General Assembly,
2 1977 Session, chapter one hundred eight (108), section two
3 (2), is amended to read as follows:

4 SEC. 2. Section three hundred twenty-eight point twelve
5 (328.12), Code 1977, is amended by adding the following new
6 subsection:

7 NEW SUBSECTION. Commuter air carrier demonstration
8 projects. The department may encourage the development of
9 commuter air carrier service in the state by:

10 a. Recommending routes between cities that may support
11 such service.

12 b. Making available funding for demonstration projects
13 from any federal funds made available to the state or from
14 any state funds appropriated for such purposes. ~~Nothing in~~
15 ~~this subsection shall be construed to permit moneys~~
16 ~~appropriated to the state department of transportation to~~
17 ~~be expended to develop or assist in the development of commuter~~
18 ~~air carrier service in this state.~~

19 c. Establishing specifications, operational requirements,
20 terms and conditions under which demonstration projects will
21 be participated in by the state.

22 Sec. 2. Section three hundred twenty-eight point twelve
23 (328.12), subsection twelve (12), Code 1977, is amended to
24 read as follows:

25 12. SUFFICIENCY RATINGS. It shall issue sufficiency
26 ratings for all airports in the state, which are owned and
27 operated by a governmental subdivision, based on the functional
28 classification of those airports as set out in the department's
29 annual transportation plan.

30 Sec. 3. Section three hundred twenty-eight point twenty-
31 one (328.21), Code 1977, is amended to read as follows:

32 328.21 AIRCRAFT REGISTRATION FEES. There shall be paid
33 to the department at the time of such registration an annual
34 registration fee for each such aircraft, to be computed as
35 follows:

1 1. ~~For~~ Unless otherwise provided in this section, for
2 the first registration, a sum equal to one and one-half percent
3 of the manufacturer's list price of the aircraft.

4 2. After said aircraft has been registered once the
5 registration fee shall be seventy-five percent of the rate
6 as fixed for the first registration; after two times fifty
7 percent; and after three times twenty-five percent; provided,
8 however, that no aircraft shall be registered for a
9 registration fee of less than ~~ten~~ fifteen dollars.

10 3. Where there is no delinquency and the registration
11 is made in August or succeeding months to and including May,
12 the fee shall be computed on the basis of one-twelfth of the
13 annual registration fee multiplied by the number of the
14 unexpired months of the year and said amount shall be the
15 fee collected. No fee shall be required for the month of
16 June for a new aircraft, in good faith delivered in that
17 month, providing said aircraft is registered at the time of
18 purchase for the following year.

19 4. The registration fee for an aircraft operated in
20 scheduled interstate airline operation, owned by an Iowa
21 person and operated part-time within this state shall be a
22 fee of ~~ten~~ twenty-five dollars ~~each for the first two years~~
23 ~~of registration and thereafter a sum equal to a percentage~~
24 ~~of the aircraft registration fee hereinbefore provided for~~
25 ~~in subsections 2 and 3 of this section, which percentage shall~~
26 ~~be computed by dividing the total number of hours during which~~
27 ~~said aircraft is operated within this state by the total~~
28 ~~number of hours during which said aircraft is operated in~~
29 ~~scheduled interstate airline operation. The full registration~~
30 ~~fee shall be paid at the beginning of the registration period~~
31 ~~and adjustment and refund shall be made by the department~~
32 ~~following the close of the registration period upon application~~
33 ~~therefor by the person in whose name the aircraft was~~
34 ~~registered, said.~~ The application to for registration shall
35 be supported by such records as the department shall prescribe.

1 5. Should the department find and determine that no
2 established manufacturer's list price exists for any such
3 aircraft the department is hereby authorized and empowered
4 to ~~thereupon~~ determine and fix the fair value of such aircraft
5 which fair value shall be used in lieu of a manufacturers'
6 list price in computing the registration fee for each such
7 aircraft as otherwise provided by this section.

8 When the fee as so computed results in a fractional part
9 of a dollar, it shall be computed to the nearest quarter of
10 a dollar.

11 6. Any aircraft thirty years old, or older, which is used
12 exclusively for noncommercial purposes shall be registered
13 as an antique aircraft for a registration fee of fifteen
14 dollars.

15 Sec. 4. Section three hundred twenty-eight point forty-
16 one (328.41), unnumbered paragraph five (5), Code 1977, is
17 amended by striking the unnumbered paragraph.

18 Sec. 5. The provisions of this Act shall become effective
19 January 1, 1979.

20 EXPLANATION

21 This bill strikes an exemption to the use of state funds
22 for demonstration commuter air carrier service in the state,
23 and confines the duties for issuing sufficiency ratings by
24 the state transportation commission to issuing ratings for
25 public airports owned by governmental subdivisions. This
26 bill raises the lowest aircraft registration fee to fifteen
27 dollars and the fee for interstate airline operation is set
28 at twenty-five dollars, striking the current formula
29 computation. This bill strikes the requirement that
30 intoxication convictions while operating an aircraft must
31 be posted in state liquor stores.

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S-5352

1 Amend Senate File 2169 as follows:
 2 1. Page 3, line 17, by inserting after the word
 3 "paragraph" the following: "and inserting in lieu
 4 thereof the following:
 5 The owner or operator of an aircraft shall not
 6 be liable for any damages to any passenger or person
 7 riding in the aircraft as a guest or by invitation
 8 and not for hire unless damage is caused as a result
 9 of the operator of the aircraft being under the
 10 influence of an alcoholic beverage, a narcotic, hypnotic
 11 or other drug, or any combination of such substances,
 12 or because of the reckless operation by the operator
 13 of the aircraft".

S-5352 FILED
 MARCH 13, 1978
 RULED OUT OF ORDER (p. 548)

BY: BERL E. PRIEBE
 CALVIN O. HULTMAN
 NORMAN G. RODGERS
 LOUIS P. CULVER
 ALVIN V. MILLER
 C. W. HUTCHINS
 JAMES GALLAGHER
 CHARLES P. MILLER
 IRVIN L. BERGMAN
 MILO MERRITT
 F. F. ASHCRAFT
 TOM SLATER
 RICHARD F. DRAKE
 WILLARD R. HANSEN
 ELIZABETH R. MILLER
 DAVID READINGER
 ROLF CRAFT

WARREN E. CURTIS
 CLOYD ROBINSON
 DALE L. TIEDEN
 RAY TAYLOR
 CLIFF BURROUGHS
 JOHN N. NYSTROM
 BASS VAN GILST
 F. O. SCHWENGELS
 LOWELL L. JUNKIN
 FRED W. NOLTING
 MERLIN D. HULSE
 JAMES CALHOON
 EUGENE M. HILL
 STEPHEN BISENIUS
 EDGAR H. HOLDEN
 ROGER SHAFF
 BOB CARR

S-5353

1 Amend Senate File 2169 as follows:
 2 1. Page 3, line 16, by striking the word and
 3 figure "five (5)" and inserting in lieu thereof the word
 4 and figure "four (4)".

S-5353 FILED
 MARCH 13, 1978
 ADOPTED (p. 548)

BY EARL M. WILLITS

S-5354

1 Amend Senate File 2169 as follows:
 2 1. Page 2, line 22, by striking the words
 3 "twenty-five" and inserting in lieu thereof the
 4 words "thirty-five".

S-5354 FILED
 MARCH 13, 1978

BY PHILIP B. HILL

SENATE FILE 2169

FISCAL NOTE

Date: March 6, 1978

Requested by: Senator Hutchins

In compliance with a written request received February 22, 19 78, there is hereby submitted a Fiscal Note for Senate File 2169 pursuant to Joint Rule 16. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

Senate File 2169, An Act relating to air transportation regulation.

This bill strikes an exemption to the use of state funds for demonstration commuter air carrier service in the state, and confines the duties for issuing sufficiency ratings by the state transportation commission to issuing ratings for public airports owned by governmental subdivisions. This bill raises the lowest aircraft registration fee to fifteen dollars and the fee for interstate airline operation is set at twenty-five dollars, striking the current formula computation. This bill strikes the requirement that intoxication convictions while operating an aircraft must be posted in state liquor stores.

Section, Subsections 2 & 6 Involves 480 aircraft

Proposed Fees	\$6,500
Present Fees	<u>5,000</u>

\$1,500 Increase

Section 3, Subsection 4 Involves 56 aircraft

Present Fees	\$1,750
Proposed Fees	<u>1,400</u>

\$ 350 Decrease

NET INCREASE \$1,150

Source: Department of Transportation
Aeronautics Division
Aircraft Registration Records

Gerry Rankin
FISCAL DIRECTOR
Legislative Fiscal Bureau

FILED
MARCH 7, 1978

1 Section 1. Acts of the Sixty-seventh General Assembly,
2 1977 Session, chapter one hundred eight (108), section two
3 (2), is amended to read as follows:

4 SEC. 2. Section three hundred twenty-eight point twelve
5 (328.12), Code 1977, is amended by adding the following new
6 subsection:

7 NEW SUBSECTION. Commuter air carrier demonstration
8 projects. The department may encourage the development of
9 commuter air carrier service in the state by:

10 a. Recommending routes between cities that may support
11 such service.

12 b. Making available funding for demonstration projects
13 from any federal funds made available to the state or from
14 any state funds appropriated for such purposes. ~~Nothing in~~
15 ~~this subsection shall be construed to permit moneys~~
16 ~~appropriated to the state department of transportation to~~
17 ~~be expended to develop or assist in the development of commuter~~
18 ~~air carrier service in this state.~~

19 c. Establishing specifications, operational requirements,
20 terms and conditions under which demonstration projects will
21 be participated in by the state.

22 Sec. 2. Section three hundred twenty-eight point twelve
23 (328.12), subsection twelve (12), Code 1977, is amended to
24 read as follows:

25 12. SUFFICIENCY RATINGS: It shall issue sufficiency
26 ratings for all airports in the state, which are owned and
27 operated by a governmental subdivision, based on the functional
28 classification of those airports as set out in the department's
29 annual transportation plan.

30 Sec. 3. Section three hundred twenty-eight point twenty-
31 one (328.21), Code 1977, is amended to read as follows:

32 328.21 AIRCRAFT REGISTRATION FEES. There shall be paid
33 to the department at the time of such registration an annual
34 registration fee for each such aircraft, to be computed as
35 follows:

1 1. For Unless otherwise provided in this section, for
2 the first registration, a sum equal to one and one-half percent
3 of the manufacturer's list price of the aircraft.

4 2. After said aircraft has been registered once the
5 registration fee shall be seventy-five percent of the rate
6 as fixed for the first registration; after two times fifty
7 percent; and after three times twenty-five percent; provided,
8 however, that no aircraft shall be registered for a
9 registration fee of less than ten fifteen dollars.

10 3. Where there is no delinquency and the registration
11 is made in August or succeeding months to and including May,
12 the fee shall be computed on the basis of one-twelfth of the
13 annual registration fee multiplied by the number of the
14 unexpired months of the year and said amount shall be the
15 fee collected. No fee shall be required for the month of
16 June for a new aircraft, in good faith delivered in that
17 month, providing said aircraft is registered at the time of
18 purchase for the following year.

19 4. The registration fee for an aircraft operated in
20 scheduled interstate airline operation, owned by an Iowa
21 person and operated part-time within this state shall be a
22 fee of ten thirty-five dollars ~~each for the first two years~~
23 ~~of registration and thereafter a sum equal to a percentage~~
24 ~~of the aircraft registration fee hereinbefore provided for~~
25 ~~in subsections 2 and 3 of this section, which percentage shall~~
26 ~~be computed by dividing the total number of hours during which~~
27 ~~said aircraft is operated within this state by the total~~
28 ~~number of hours during which said aircraft is operated in~~
29 ~~scheduled interstate airline operation. The full registration~~
30 ~~fee shall be paid at the beginning of the registration period~~
31 ~~and adjustment and refund shall be made by the department~~
32 ~~following the close of the registration period upon application~~
33 ~~therefor by the person in whose name the aircraft was~~
34 ~~registered, said.~~ The application to for registration shall
35 be supported by such records as the department shall prescribe.

1 5. Should the department find and determine that no
2 established manufacturer's list price exists for any such
3 aircraft the department is hereby authorized and empowered
4 to thereupon determine and fix the fair value of such aircraft
5 which fair value shall be used in lieu of a manufacturers'
6 list price in computing the registration fee for each such
7 aircraft as otherwise provided by this section.

8 When the fee as so computed results in a fractional part
9 of a dollar, it shall be computed to the nearest quarter of
10 a dollar.

11 6. Any aircraft thirty years old, or older, which is used
12 exclusively for noncommercial purposes shall be registered
13 as an antique aircraft for a registration fee of fifteen
14 dollars.

15 Sec. 4. Section three hundred twenty-eight point forty-
16 one (328.41), unnumbered paragraph four (4), Code 1977, is
17 amended by striking the unnumbered paragraph.

* 18 EXPLANATION

19 This bill strikes an exemption to the use of state funds
20 for demonstration commuter air carrier service in the state,
21 and confines the duties for issuing sufficiency ratings by
22 the state transportation commission to issuing ratings for
23 public airports owned by governmental subdivisions. This
24 bill raises the lowest aircraft registration fee to fifteen
25 dollars and the fee for interstate airline operation is set
26 at twenty-five dollars, striking the current formula
27 computation. This bill strikes the requirement that
28 intoxication convictions while operating an aircraft must
29 be posted in state liquor stores.

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SF 2169
tb/slc/26C

SENATE FILE 2169

H-5696

1 Amend Senate File 2169 as follows:

2 1. Page 3, line 17, by striking the word
3 "paragraph." and inserting in lieu thereof the
4 following:

5 "paragraph and inserting in lieu thereof the
6 following:

7 The owner or operator of an aircraft shall not
8 be liable for any damages to any passenger or person
9 riding in the aircraft as a guest or by invitation
10 and not for hire unless damage is caused as a result
11 of the operator of the aircraft being under the
12 influence of an alcoholic beverage, a narcotic, hyp-
13 notic or other drug, or any combination of such
14 substances, or because of the reckless operation by
15 the operator of the aircraft."

H-5696 FILED *Adopted 3/20* BY SCHROEDER of Pottawattamie
MARCH 20, 1978 (*P 1066*) HOFFMANN of Muscatine
MIDDLESWART of Warren
BAKER of Buena Vista
HANSEN of O'Brien
MILLER-SERGEANT of Calhoun
HULLINGER of Decatur
DUNTON of Keokuk
LONERGAN of Boone
CRABB of Crawford
VARLEY of Adair
WELLS of Linn
WYCKOFF of Benton
SPENCER of Clay
PAVICH of Pottawattamie
STROMER of Hancock

SENATE FILE 2169

H-5699

1 Amend amendment H-5696, to Senate File 2169 as
2 passed by the Senate and reprinted, as follows:

3 1. Page 1, by inserting after line 15 the
4 following new paragraph:

5 "The owner or operator shall post
6 notice in a conspicuous place that such owner or
7 operator is not liable under the circumstance out-
8 lined in the foregoing paragraph. Failure to post
9 such notice shall make the owner and or operator
10 liable, the above paragraph notwithstanding."

H-5699 FILED *Adopted 3/20* BY MILLER of Buchanan
MARCH 20, 1978 (*P 1066*)

SENATE FILE 2169

AN ACT

RELATING TO AIR TRANSPORTATION REGULATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred eight (108), section two (2), is amended to read as follows:

SEC. 2. Section three hundred twenty-eight point twelve (328.12), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. Commuter air carrier demonstration projects. The department may encourage the development of commuter air carrier service in the state by:

- a. Recommending routes between cities that may support such service.
- b. Making available funding for demonstration projects from any federal funds made available to the state or from

~~any state funds appropriated for such purposes. Nothing in this subsection shall be construed to permit moneys appropriated to the state department of transportation to be expended to develop or assist in the development of commuter air carrier service in this state.~~

c. Establishing specifications, operational requirements, terms and conditions under which demonstration projects will be participated in by the state.

Sec. 2. Section three hundred twenty-eight point twelve (328.12), subsection twelve (12), Code 1977, is amended to read as follows:

12. SUFFICIENCY RATINGS. It shall issue sufficiency ratings for all airports in the state, which are owned and operated by a governmental subdivision, based on the functional classification of those airports as set out in the department's annual transportation plan.

Sec. 3. Section three hundred twenty-eight point twenty-one (328.21), Code 1977, is amended to read as follows:

328.21 AIRCRAFT REGISTRATION FEES. There shall be paid to the department at the time of such registration an annual registration fee for each such aircraft, to be computed as follows:

1. For Unless otherwise provided in this section, for the first registration, a sum equal to one and one-half percent of the manufacturer's list price of the aircraft.
2. After said aircraft has been registered once the registration fee shall be seventy-five percent of the rate as fixed for the first registration; after two times fifty percent; and after three times twenty-five percent; provided, however, that no aircraft shall be registered for a registration fee of less than ~~ten~~ fifteen dollars.
3. Where there is no delinquency and the registration is made in August or succeeding months to and including May, the fee shall be computed on the basis of one-twelfth of the annual registration fee multiplied by the number of the

unexpired months of the year and said amount shall be the fee collected. No fee shall be required for the month of June for a new aircraft, in good faith delivered in that month, providing said aircraft is registered at the time of purchase for the following year.

4. The registration fee for an aircraft operated in scheduled interstate airline operation, owned by an Iowa person and operated part-time within this state shall be a fee of ~~ten thirty-five dollars each for the first two years of registration and thereafter a sum equal to a percentage of the aircraft registration fee hereinbefore provided for in subsections 2 and 3 of this section, which percentage shall be computed by dividing the total number of hours during which said aircraft is operated within this state by the total number of hours during which said aircraft is operated in scheduled interstate airline operation. The full registration fee shall be paid at the beginning of the registration period and adjustment and refund shall be made by the department following the close of the registration period upon application therefor by the person in whose name the aircraft was registered, said.~~ The application to for registration shall be supported by such records as the department shall prescribe.

5. Should the department find and determine that no established manufacturer's list price exists for any such aircraft the department is hereby authorized and empowered to ~~thereupon~~ determine and fix the fair value of such aircraft which fair value shall be used in lieu of a manufacturers' list price in computing the registration fee for each such aircraft as otherwise provided by this section.

When the fee as so computed results in a fractional part of a dollar, it shall be computed to the nearest quarter of a dollar.

6. Any aircraft thirty years old, or older, which is used exclusively for noncommercial purposes shall be registered as an antique aircraft for a registration fee of fifteen dollars.

Sec. 9. Section three hundred twenty-eight point forty-one (328.41), unnumbered paragraph four (4), Code 1977, is amended by striking the unnumbered paragraph.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2169, Sixty-seventh General Assembly.

KEVIN P. LIGHT
Acting Secretary of the Senate

Approved: April 13, 1978

ROBERT D. RAY
Governor