

CHAPTER 148

AERONAUTICS COMMISSION

H. F. 358

AN ACT relating to aeronautics; providing for the development and promotion thereof within this state; creating a state aeronautics commission and the office of director of aeronautics; prescribing the powers and duties of such commission and director; providing for the registration of persons engaged in aeronautics, aircraft, and aeronautic facilities; prescribing penalties, and providing for the repeal of chapter 383.1, code, 1939, and chapter 383.2, code, 1939; and providing for an appropriation.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. **Definitions.** The following words, terms, and phrases
2 when used in this act shall, for the purposes of this act, have the mean-
3 ings herein given, unless otherwise specifically defined, or unless an-
4 other intention clearly appears, or the context otherwise requires:

5 1. "Aeronautics" means transportation by aircraft; the operation,
6 construction, repair, or maintenance of aircraft, aircraft power plants
7 and accessories, including the repair, packing and maintenance of
8 parachutes, the design, establishment, construction, extension, oper-
9 ation, improvement, repair, or maintenance of landing areas, or other
10 air navigation facilities, and air instruction.

11 2. "Aeronautics instructor" means any individual giving or offer-
12 ing to give instruction, in aeronautics, either in flying or ground sub-
13 jects, or both, for hire or reward.

14 3. "Aircraft" means any contrivance now known, or hereafter in-
15 vented, used or designed for navigation of or flight in the air, for the
16 purpose of transporting persons or property, or both.

17 4. "Air instruction" means the imparting of aeronautical informa-
18 tion, by any aeronautics instructor, or in or by any air school or flying
19 club.

20 5. "Airman" means any individual who engages, as the person in
21 command, or as pilot, mechanic, or member of the crew, in the naviga-
22 tion of aircraft while under way and any individual who is directly
23 in charge of the inspection, maintenance, overhauling, or repair of
24 aircraft, aircraft engines, propellers,* aircraft appliances, or para-
25 chutes; and any individual who serves in the capacity of aircraft
26 dispatcher or air-traffic control-tower operator. It shall not include
27 individuals engaged in aeronautics as an employee of the United
28 States or any state or foreign country and any individuals employed
29 by a manufacturer of aircraft, aircraft engines, propellers, or appli-
30 ances to perform duties as inspector or mechanic in connection there-
31 with, and any individual performing inspection or mechanical duties
32 in connection with aircraft owned or operated by him.

33 6. "Air Navigation" means the operation or navigation of aircraft
34 in the air space over this state, or upon any landing area within this
35 state.

36 7. "Air Navigation Facility" means any facility, other than one
37 owned or controlled by the Federal Government, used, available for
38 use, or designed for use, in aid of air navigation, including landing
39 areas, and any structures, mechanisms, lights, beacons, markers,

*According to enrolled act.

40 communicating systems, or other instrumentalities or devices having
41 a similar purpose for guiding or controlling flight in the air or the
42 landing and take-off of aircraft.

43 8. "Airport" means any landing area used regularly by aircraft
44 for receiving or discharging passengers or cargo, and all appurtenant
45 areas used or suitable for airport buildings or other airport facilities,
46 and all appurtenant rights of way, whether heretofore or hereafter
47 established.

48 9. "Air School" means any person engaged in giving, or offering
49 to give, instruction, in aeronautics, either in flying or ground sub-
50 jects, or both, for hire or reward, and who employs other persons for
51 such purposes. It does not include any public school or university of
52 this state, or any institution of higher learning duly accredited and
53 approved for carrying on collegiate work.

54 10. "Civil Aircraft" means any aircraft other than a public air-
55 craft.

56 11. "Commission" means the Iowa Aeronautics Commission; "state"
57 or "this state" means the State of Iowa; and "director" means the
58 Director of Aeronautics of this state.

59 12. "Landing Area" means any locality, either of land or water,
60 including intermediate landing fields, which is used or intended to
61 be used, for the landing and take-off of aircraft, whether or not facili-
62 ties are provided for the shelter, servicing, or repair of aircraft, or
63 for receiving or discharging passengers or cargo; it does not include
64 any intermediate landing field established or maintained by the fed-
65 eral government as a part of any civil airway.

66 13. "Municipality" means any county, city, village, town or town-
67 ship, of this state, and any other political subdivision, public cor-
68 poration, authority, or district in this state which is or may be author-
69 ized by law to acquire, establish, construct, maintain, improve, and
70 operate landing areas and other air navigation facilities.

71 14. "Operation of Aircraft" or "operate aircraft" means the use
72 of aircraft for the purpose of air navigation, and includes the naviga-
73 tion or piloting of aircraft and shall embrace any person who causes
74 or authorizes the operation of aircraft, whether with or without the
75 right of legal control (in the capacity of owner, lessee, or otherwise).

76 15. "Person" means any individual, firm, partnership, corporation,
77 company, association, joint stock association or body politic; and in-
78 cludes any trustee, receiver, assignee, or other similar representative
79 thereof.

80 16. "Public Aircraft" means an aircraft used exclusively in the
81 service of any government or of any political subdivision thereof,
82 including the government of any state, territory, or possession of the
83 United States, or the District of Columbia, but not including any
84 government-owned aircraft engaged in carrying persons or property
85 for commercial purposes.

86 17. "Operation for Hire" shall mean hire to the general public or
87 members or classes thereof, and shall not include such operations as
88 are incidental to the carrying on of the general business of an aircraft
89 owner engaged in business other than aeronautics.

90 18. The singular shall include the plural, and the plural the singular.

1 SEC. 2. Aeronautics commission—creation—membership. There
2 is hereby created and established an aeronautics commission to be

3 known as the "Iowa Aeronautics Commission", to consist of five
4 members, only three of whom shall be members of the same political
5 party, and who shall be appointed by the governor with the approval
6 of the senate in executive session.

1 **SEC. 3. Tenure.** The members of said commission shall hold office
2 for six years, except that on the first commission one member shall
3 be appointed for the period ending July 1, 1947, two for the period
4 ending on the first day of July, 1949, and two for the period ending
5 on the first day of July, 1951. Each member shall serve until the
6 appointment and qualification of his successor.

1 **SEC. 4. Vacancies.** Vacancies on the commission shall be filled
2 by appointment by the governor, for the balance of the unexpired
3 term.

1 **SEC. 5. Qualifications.** All members of the commission shall be
2 electors of the State, and at least three members must hold at the time
3 of their appointment valid federal airman certificates in the grade of
4 private pilot or higher.

1 **SEC. 6. Compensation.** No member of the commission shall receive
2 any salary for his services, but each shall be reimbursed for necessary
3 expenses incurred by him in the performance of his duties, and each
4 shall be paid, in addition to said expenses, the sum of nine dollars
5 (\$9.00) per diem, or part thereof, spent in attending to his duties as
6 commissioner, provided such per diem compensation shall not exceed
7 four hundred fifty dollars for each fiscal year.

1 **SEC. 7. Organization.** The commission shall, within thirty days
2 after its appointment, meet and organize. At such meeting it shall
3 elect from among its members a chairman, a vice chairman, and a
4 secretary, to serve for one year, and annually thereafter shall elect
5 such officers; all to serve until their successors are elected and qual-
6 ified.

1 **SEC. 8. Qualifications of chairman.** The member elected as chair-
2 man shall have no personal financial interest in any commercial aero-
3 nautics enterprise, and acquisition of such interest subsequent to his
4 election shall disqualify him from further service as chairman.

1 **SEC. 9. Meetings.** It shall at its initial meeting fix the date and
2 place for its regular meetings. Three members shall constitute a
3 quorum, and no action shall be taken by less than a majority of the
4 commission. Special meetings may be called upon notice, as provided
5 by its rules and regulations. All commission meetings shall be open
6 to the public. Regular meetings shall be held at its office, but when-
7 ever the convenience of the public or of the parties may be promoted,
8 or delay or expense may be prevented, it may hold hearings or pro-
9 ceedings at any other place designated by it.

1 **SEC. 10. Reports.** It shall report in writing to the governor on or
2 about December 1st, of each year, a summary of its proceedings dur-
3 ing the preceding fiscal year, a detailed and itemized statement of
4 all revenue and expenditures, such other information as it may deem
5 necessary or useful, and any additional information which may be
6 requested by the governor.

1 **SEC. 11. Office and expenses.** Suitable offices and other equipment
2 shall be provided by the state for the commission in the city of Des
3 Moines and it may incur the necessary expense for office furniture,
4 stationery, printing, incidental expenses, and other expenses neces-
5 sary for the enforcement of this act and the general promotion of
6 aeronautics within the state. The commission may employ such
7 clerical, technical, and other employees and assistants as it may deem
8 necessary for the proper transaction of its business and shall fix their
9 salaries, subject to the approval of the governor and comptroller.

1 **SEC. 12. Powers and duties.** The commission shall have the fol-
2 lowing powers and duties:

3 1. *Promotion of aeronautics.* It is empowered and directed to
4 encourage, foster, and assist in the general development and promo-
5 tion of aeronautics in this state, and to make disbursements from the
6 State Aviation fund for such purposes.

7 2. *Rules and regulations.* It shall have power to make such rea-
8 sonable rules and regulations, consistent with the provisions of this
9 act, as may be deemed by the commission to be necessary and expedi-
10 dent for the administration of the affairs of the commission, and the
11 administration and enforcement of this act, and to amend said rules
12 and regulations at any time.

13 3. *Filing of rules.* It shall keep on file at the office of the commis-
14 sion, for public inspection, a copy of all its rules and regulations with
15 all amendments thereto, and mail copy thereof to all registered land-
16 ing areas in this state. All rules shall take effect thirty (30) days
17 after such mailing.

18 4. *Technical services available.* It shall, in so far as is reasonably
19 possible, make available the engineering and other technical services
20 of the commission, without charge, in connection with aeronautics.

21 5. *Intervention.* It may participate as party plaintiff or defendant,
22 or as intervenor, complainant or movant, on behalf of the state or
23 any municipality or citizen thereof, in any proceeding having to do
24 with aeronautics; provided however that in any application before
25 the Civil Aeronautics Board the commission shall take no position
26 as between applicants or municipalities.

27 6. *Enforcement of aeronautics laws.* It shall be the duty of the
28 commission, its members and employees, and the director of aero-
29 nautics, to enforce and assist in the enforcement of this act and of all
30 rules and regulations issued pursuant thereto, and of all other laws
31 of this state relating to aeronautics; and, in the aid of such enforce-
32 ment and within the scope of such duties general powers of peace
33 officers are hereby conferred upon the commission, each of its mem-
34 bers, the director of aeronautics, and such of the officers and em-
35 ployees of the commission as may be designated by it to exercise
36 such powers. The commission is further authorized, in the name
37 of this state, to enforce the provisions of this act and the rules
38 and regulations issued pursuant thereto by injunction in the courts
39 of this state.

40 7. *Use of existing facilities.* The commission, in the discharge of
41 all functions prescribed by this act, law enforcement, technical, and
42 other, to every feasible extent shall use the facilities of other agencies
43 of the state, and such agencies are authorized and directed to make
44 available to the commission such facilities and services.

45 8. *Investigations.* The commission, any member thereof, the di-
 46 rector of aeronautics, or any officer or employee of the commission
 47 designated by it, when acting for, and with the authority of the com-
 48 mission, shall have the power to hold investigations, inquiries, and
 49 hearings concerning matters covered by the provisions of this act
 50 and orders, rules and regulations of the commission. In any such
 51 inquiry, investigation, or hearing, the person acting for the commis-
 52 sion shall have power to administer oaths and affirmations, certify
 53 to all official acts, issue subpoenas, and compel the attendance and
 54 testimony of witnesses, and the production of papers, books, and
 55 documents.

56 9. *Reports of investigations—limitations on use.* The reports of
 57 investigations or hearings, or any part thereof, shall not be admitted
 58 in evidence or used for any purpose in any civil suit, growing out of
 59 any matter referred to in said investigation, hearing, or report there-
 60 of, except in case of criminal or other proceedings instituted in behalf
 61 of the commission or this state under the provisions of this act and
 62 other laws of this state relating to aeronautics.

63 10. *Authority to contract.* It may enter into any contracts neces-
 64 sary to the execution of the powers granted it by this act.

65 11. *No exclusive rights granted.* It shall grant no exclusive right
 66 for the use of any airway, airport, landing area, or other air naviga-
 67 tion facility under its jurisdiction.

1 SEC. 13. **Cooperation with federal government.** The commission
 2 is authorized to cooperate with the Government of the United States,
 3 and any agency or department thereof, in the acquisition, construction,
 4 improvement, maintenance and operation of airports and other air
 5 navigation facilities in this state, and to comply with the provisions
 6 of the laws of the United States and any regulations made thereunder
 7 for the expenditures of federal monies upon such airports and other
 8 navigation facilities; provided, however, that no matching of federal
 9 funds by state funds may be made unless such federal monies have
 10 been accepted by the General Assembly.

1 SEC. 14. **Authority to receive federal monies for state and municipi-**
 2 **palities.** It is authorized to accept, receive, and receipt for federal
 3 monies and other monies, either public or private, for and in behalf of
 4 this state, or any municipality thereof, for the acquisition, construc-
 5 tion, improvement, maintenance, and operation of airports and other
 6 air navigation facilities, whether such work is to be done by the state or
 7 by such municipalities, or jointly, aided by grants of aid from the
 8 United States, upon such terms and conditions as are or may be pre-
 9 scribed by the laws of the United States and any rules or regulations
 10 made thereunder, and it is authorized to act as agent of any municipi-
 11 pality of this state, upon the request of such municipality, in accept-
 12 ing, receiving, and receipting for such monies in its behalf for air-
 13 ports or other air navigation facility purposes, and in contracting
 14 for the acquisition, construction, improvement, maintenance, or oper-
 15 ation of airports or other air navigation facilities, financed either in
 16 whole or in part by federal monies, and the governing body of any
 17 such municipality is authorized to designate the commission as its
 18 agent for such purposes and to enter into an agreement with it pre-
 19 scribing the terms and conditions of such agency in accordance with

20 federal laws, rules, and regulations and with this act. Such monies
21 as are paid over by the United States Government shall be retained by
22 the state, or paid over to said municipalities, under such terms and
23 conditions as may be imposed by the United States Government in
24 making such grants.

1 **SEC. 15. Contracts—law governing.** All contracts for the acqui-
2 tion, construction, improvement, maintenance, and operation of air-
3 ports, or other air navigation facilities made by the commission,
4 either as the agent of this state or of any municipality or made by
5 any such municipality itself, shall be made pursuant to the laws of
6 this state governing the making of like contracts; provided, however,
7 that where such undertaking is financed wholly or partially with
8 federal monies, the commission, as such agent, or the municipality
9 acting for itself, may let contracts in the manner prescribed by the
10 federal authorities, acting under the laws of the United States, and
11 any rules or regulations made thereunder, notwithstanding any other
12 state law to the contrary.

1 **SEC. 16. Disposition of federal funds.** All monies accepted for dis-
2 bursement by the commission pursuant to Section 14 of this act shall
3 be deposited in the state treasury, and, unless otherwise prescribed
4 by the authority from which the money is received, kept in separate
5 funds, designated according to the purposes for which the monies
6 were made available, and held by the state in trust for such purposes.
7 All such monies are hereby appropriated for the purposes for which
8 the same were made available, to be expended in accordance with
9 federal laws and regulations and with this act. The commission is
10 authorized, whether acting for this state or as the agent of any of
11 its municipalities, or when requested by the United States Govern-
12 ment or any agency or department thereof, to disburse such monies
13 for the designated purposes, but this shall not preclude any other
14 authorized method of disbursement.

1 **SEC. 17. Director of aeronautics.** A director of aeronautics shall
2 be appointed by the commission, to serve for an indefinite term at
3 the pleasure of the commission. He shall hold, at the time of his ap-
4 pointment and for the duration of his tenure, valid federal airman
5 certificate in the grade of private pilot or higher, and shall have had
6 at least two years practical experience in aeronautics. He shall de-
7 vote his entire time to the duties of his office as required and pre-
8 scribed by this act and shall not be actively engaged or employed in
9 any other business, vocation, or employment, nor shall he have any
10 pecuniary interest of any kind in any civil aeronautics enterprise. He
11 shall receive such compensation as the commission may determine,
12 subject to the approval of the executive council, and shall be reim-
13 bursed for all expenses actually and necessarily incurred by him in
14 the discharge of his official duties.

1 **SEC. 18. Powers and duties of director.** The Director shall be the
2 executive officer of the commission, but shall not be a member thereof.
3 He shall be in charge of the office of the commission and responsible
4 to the commission. At the direction of the commission he shall, to-
5 gether with the chairman of the commission, execute all contracts

6 entered into by the commission which are legally authorized, and
7 perform such duties as may be prescribed by the commission.

1 **SEC. 19. Registration.** Every airman, aeronautics instructor, land-
2 ing area and air school, shall register annually with the aeronautics
3 commission.

4 There shall be paid to the commission, at the time of such registra-
5 tions, the following annual registration fees:

6 1. Airmen and Aeronautics Instructors, One Dollar (\$1.00).

7 2. Air School, Twenty Dollars (\$20.00) for the first registration
8 and Ten Dollars (\$10.00) for each annual renewal thereof.

9 The commission shall collect no fee for the registration of landing
10 areas.

1 **SEC. 20. Registration of aircraft.** Every civil aircraft owned and
2 operated in this state, unless specifically excepted under the provisions
3 of this act, shall be registered annually with the commission, by the
4 owner thereof.

1 **SEC. 21. Aircraft registration fees.** There shall be paid to the
2 commission at the time of such registration an annual registration
3 fee for each such aircraft, to be computed as follows:

4 1. For the first and second registrations, a sum equal to one and
5 one-half (1½) per centum of the manufacturer's list price of the air-
6 craft and all its equipment.

7 2. After said aircraft has been registered two (2) times the reg-
8 istration fee shall be seventy-five (75) per cent of the rate as fixed for
9 the first registration; after three (3) times fifty (50) per cent; and
10 after four (4) times twenty-five (25) per cent; provided however
11 that no aircraft shall be registered for a registration fee of less than
12 Ten Dollars (\$10.00).

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

21 4. The registration fee for an aircraft operated in scheduled inter-
22 state airline operation, owned by an Iowa person and operated part
23 time within this state shall be a sum equal to a percentage of the air-
24 craft registration fee hereinbefore provided for, which percentage
25 shall be computed by dividing the total number of hours during which
26 said aircraft is operated within this state by the total number of hours
27 during which said aircraft is operated in scheduled inter-state airline
28 operation. The full registration fee shall be paid at the beginning
29 of the registration period and adjustment and refund shall be made
30 by the commission following the close of the registration period upon
31 application therefor by the person in whose name the aircraft was
32 registered, said application to be supported by such records as the
33 commission shall prescribe.

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

1 SEC. 22. **Used aircraft.** When an aircraft other than new is reg-
2 istered in Iowa the age of the aircraft in years calculated to the near-
3 est anniversary of the date of manufacture shall be construed as the
4 number of times previously registered, and reduction of the registra-
5 tion fee computed accordingly.

1 SEC. 23. **Credit on registration fees.** There shall be credited upon
2 the registration fee due for the registration of any aircraft pursuant
3 to the provisions of this act, any tax, registration fee, or license fee
4 levied upon or charged for said aircraft and paid to any other state,
5 and the registration fee due and to be collected pursuant to the pro-
6 visions of this act, shall be reduced by the amount of said tax, regis-
7 tration fee or license fee, upon the presentation of the official receipt
8 therefor with the application for registration.

1 SEC. 24. **Refunds of fees.** If, during the year for which an air-
2 craft was registered and the required fee paid therefor, such aircraft
3 is destroyed by fire or accident or junked, and its identity as an air-
4 craft entirely eliminated, or it is removed and continuously used be-
5 yond the boundaries of the state, then the owner in whose name it
6 was registered at the time of such destruction, dismantling or re-
7 moval from the state shall return the certificate of registration to the
8 commission within ten (10) days and make affidavit of such destruc-
9 tion, dismantling or removal and make claim for such refund.
10 The registration fee for the unexpired portion of the year shall
11 thereupon be refunded pro-rata to the nearest full calendar month.

1 SEC. 25. **Fees in lieu of taxes.** The registration fees imposed by
2 this act upon aircraft shall be in lieu of all taxes, general or local, to
3 which aircraft may be subject, and if an aircraft shall have been reg-
4 istered at any time under this act it shall not thereafter be subject to
5 a personal property tax unless such aircraft shall have been in storage
6 continuously as an unregistered aircraft during the preceding regis-
7 tration year.

1 SEC. 26. **Application for registration.** Every application for regis-
2 tration pursuant to Sections 19 to 22 inclusive shall be made upon
3 such forms, and shall contain such information, as the commission
4 may prescribe, and every application shall be accompanied by the full
5 amount of the registration fee.

1 SEC. 27. **Issuance of certificates.** The commission shall forthwith
2 cause to be issued, upon receipt of proper application and fee for reg-
3 istration, a certificate of registration which shall be numbered and
4 recorded by the commission, shall state the name and address of the
5 person to whom it is issued, shall be entitled with the designation of
6 the class of registrant covered thereby and shall contain such other
7 information as the commission may prescribe including, in the case
8 of aircraft, a description thereof. Every certificate of registration
9 or special certificate issued hereunder shall expire at midnight on the
10 30th day of June of each year.

1 SEC. 28. **Operation under special certificate.** A manufacturer or
2 dealer owning any aircraft otherwise required to be registered here-
3 under may operate the same for purposes of transporting, testing,
4 demonstrating, or selling the same without registering each such air-

5 craft, upon condition that any such aircraft display therein a special
6 certificate issued to such owner as provided in Sections 28* to 33 in-
7 clusive.

8 A transporter may operate any such aircraft solely for the purpose
9 of delivery upon likewise displaying therein, a special certificate
10 issued to him as provided in these sections.

11 The provisions of this section and sections 28* and 33 inclusive shall
12 not apply to aircraft owned by manufacturer, transporter or dealer,
13 which are used for hire or principally for transportation of persons
14 and property, aside from the transporting of the aircraft itself, or
15 testing or demonstrating thereof.

1 **SEC. 29. Application.** Any manufacturer, transporter, or dealer,
2 may, upon payment of a fee of Twenty-five Dollars (\$25.00) make
3 application to the commission upon such forms as the commission may
4 prescribe for a special certificate containing a general distinguishing
5 number and for one or more duplicate special certificates hereunder.
6 The applicant shall also submit such reasonable proof of his status as
7 a bona fide manufacturer, transporter, or dealer as the commission
8 may require. Dealers in new aircraft shall furnish satisfactory evi-
9 dence of a valid franchise with manufacturer or distributor of such
10 aircraft authorizing such dealership.

1 **SEC. 30. Issuance of special certificates.** The commission upon
2 granting any such application shall issue to the applicant a special
3 certificate containing the applicant's name and address, and the gen-
4 eral distinguishing number assigned to the applicant, and such other
5 information as the commission may prescribe.

1 **SEC. 31. Issuance of duplicate special certificates.** The commission
2 shall also issue duplicate special certificates as applied for which shall
3 have displayed thereon the general distinguishing number assigned
4 to the applicant. Each duplicate special certificate so issued shall
5 also contain a number or symbol identifying the same from every
6 other duplicate special certificate bearing the same general distinguish-
7 ing number. The fee for each additional such duplicate special cer-
8 tificate shall be Three Dollars (\$3.00).

1 **SEC. 32. Expiration of special certificate.** Every special certificate
2 issued hereunder shall expire at midnight on the 30th day of June
3 of each year, and a new special certificate for the ensuing year may
4 be obtained by the person to whom any such expired special certifi-
5 cate was issued, upon application to the commission, and payment of
6 the fee provided by law.

1 **SEC. 33. Records required.** Every manufacturer, transporter, or
2 dealer shall keep a written record of the aircraft upon which such
3 special certificates are used, which records shall be open to inspection
4 of any police officer, or any officer or employee of the commission.

1 **SEC. 34. Grounds for refusing, revoking or suspending certificates.**
2 The commission may refuse to issue, or may revoke or suspend a cer-
3 tificate of registration or special certificate for any one, or any com-
4 bination, of the following reasons:

*According to enrolled act.

5 1. That the application contains any false or fraudulent material
6 statement, or that the applicant has failed to furnish required infor-
7 mation or reasonable additional information requested, or that the
8 applicant is not entitled to registration of the aircraft under this act.

9 2. That the commission has reasonable ground to believe that the
10 aircraft is a stolen or embezzled aircraft, or that granting of regis-
11 tration would constitute a fraud against the rightful owner.

12 3. That the required fee has not been paid.

13 4. That the commission has reasonable ground to believe that fraud-
14 ulent use, against the state or any municipality or citizen thereof, is
15 being made of such certificate of registration or special certificate.

16 5. That the person making application for, or holding, the certifi-
17 cate is not certificated or licensed by the government of the United
18 States or any authorized agency thereof, pursuant to the laws of the
19 United States or any rules or regulations promulgated thereunder,
20 to do the acts for which he has been, or seeks to be, registered as per-
21 forming, or to perform, pursuant to the provisions of this act.

22 6. That the aircraft registered, or for which application for regis-
23 tration is made, is not certificated or licensed for operation by the
24 government of the United States or any authorized agency thereof,
25 pursuant to the laws of the United States or any rules or regulations
26 promulgated thereunder.

1 **SEC. 35. Exceptions to registration requirements.** The provisions
2 of Sections 19 and 20 hereof shall not apply to:

3 1. An aircraft which has been licensed by a foreign country with
4 which the United States has a reciprocal agreement covering the oper-
5 ations of such licensed aircraft.

6 2. An aircraft which is owned by a non-resident of this state, and
7 which is lawfully entitled to operate in the state of residence of such
8 owner.

9 3. An aircraft engaged principally in commercially flying in inter-
10 state or foreign commerce, except as provided in paragraph 4 of Sec-
11 tion 21, of this act.

12 4. An airman operating military or public aircraft or any aircraft
13 licensed as provided in paragraph 1 of this section.

14 5. Persons operating model aircraft nor to any person piloting an
15 aircraft which is equipped with fully functioning dual controls when
16 an appropriately registered pilot is in full charge of one set of said
17 controls and such flight is solely for instruction or for the demonstra-
18 tion of said aircraft to a bona fide prospective purchaser.

19 6. A non-resident operating aircraft in this state who is lawfully
20 entitled to operate aircraft in the state of his residence.

21 7. An airman while operating or taking part in the operation of
22 an aircraft engaged principally in commercially flying in interstate
23 or foreign commerce.

24 8. Any airport, landing area or other air navigation facility owned
25 or operated by the federal government within this state.

26 9. Any landing areas created or maintained solely for personal use
27 and not for hire.

1 **SEC. 36. State aviation fund.** There is hereby created a fund to
2 be known as the State Aviation Fund, which shall consist of all monies
3 received by the commission, together with all monies appropriated to
4 said fund by the state.

1 **SEC. 37. Appropriation.** - There is hereby appropriated from the
2 general fund of the state, for each year of the biennium beginning
3 July 1, 1945 and ending June 30, 1947, to the State Aviation Fund,
4 the sum of Twenty-five Thousand (\$25,000.00) Dollars, for use by the
5 State Aeronautics commission in carrying out its functions.

1 **SEC. 38. Repayment.** During the biennium beginning July 1, 1945,
2 and ending June 30, 1947, the fees collected by the commission pur-
3 suant to the provisions of this act shall be paid from the State Avia-
4 tion Fund into the general fund of the state. All unexpended moneys
5 in said fund, in excess of twenty-five thousand dollars (\$25,000.00)
6 at the end of each fiscal year shall be paid into the general fund of the
7 state.

1 **SEC. 39. Operations unlawful without certificate.** Except as pro-
2 vided in Section 35, it shall be unlawful for any person to operate,
3 or cause or authorize to be operated, any civil aircraft, airport, land-
4 ing area or other air navigation facility, or air school, or to engage
5 in aeronautics as an airman or aeronautics instructor in this state,
6 unless there has been issued therefor or thereto an appropriate cer-
7 tificate of registration or special certificate by the commission and
8 such certificate is in force and effect.

1 **SEC. 40. Exhibition of certificates.** The certificate of registration
2 or special certificate issued by the commission or any agency of an-
3 other state (unless the requirement therefor is excepted by the pro-
4 visions of this act) shall, as to an airman or aeronautics instructor,
5 be kept in his personal possession whenever engaging in aeronautics;
6 as to an aircraft be conspicuously displayed therein; as to a landing
7 area be conspicuously displayed in the office of the person in charge
8 thereof; as to an air school be conspicuously displayed in the principal
9 office thereof; and as to a navigation facility be conspicuously displayed
10 in the office of the person responsible for the operation thereof; and
11 must be presented for inspection upon demand of any passenger,
12 peace officer, authorized member, official or employee of the commis-
13 sion or any official, manager or person in charge of any landing area
14 in this state where landing is made.

1 **SEC. 41. Order of commission—review.** In any case where the
2 commission refuses to issue a certificate of registration or special
3 certificate, or in any case where it shall issue any order requiring
4 certain things to be done, or revoking or suspending any certificate,
5 it shall set forth its reasons therefor and shall state the requirements
6 to be met before such certificate will be issued or such order will be
7 modified or changed. Any order made by the commission pursuant
8 to the provisions of this act shall be served upon the interested per-
9 sons by registered mail or in person.

10 Any order of the commission or any refusal to issue, revocation
11 or suspension of any certificate shall be subject to review by the dis-
12 trict courts of this state.

1 **SEC. 42. Penalties.** Any person who violates any of the provisions
2 of this act, or who makes any material false statement or represen-
3 tation in any application or statement filed with the commission as
4 required by this act or any of the rules and regulations issued pur-

5 suant thereto shall be guilty of a misdemeanor, and upon conviction
6 thereof shall be punished accordingly.

1 **SEC. 43. Separability.** If any section, clause, sentence, or phrase
2 of this act is for any reason held to be unconstitutional or invalid,
3 such decision shall not affect the validity of the remaining portions
4 of this act. The legislature hereby declares that it would have passed
5 this act and each section, clause, sentence or phrase hereof, irrespec-
6 tive of whether any one or more of the sections, clauses, sentences,
7 or phrases be declared unconstitutional.

1 **SEC. 44. Repeal.** Chapters three hundred eighty-three and one-
2 tenth (383.1) and three hundred eighty-three and two-tenths (383.2),
3 Code of Iowa, 1939, and all other acts or parts of acts inconsistent
4 with the provisions of this act are hereby repealed.

1 **SEC. 45. Special charter cities.** The provisions of this act shall be
2 applicable to cities operating under special charter.

1 **SEC. 46. Short title.** This act may be cited as the "State Aeronau-
2 tics Act."

Approved April 4, 1945.

CHAPTER 149

AIRPORT ZONING REGULATIONS

H. F. 366

AN ACT to empower municipalities, including cities acting under special charter, and other political subdivisions to promulgate, administer, and enforce, airport zoning regulations limiting the height of structures and objects of natural growth, and otherwise regulating the use of property, in the vicinity of airports, and to acquire, by purchase, grant, condemnation or otherwise air rights and other interests in land; and to empower the state aeronautics commission to exercise like powers under given circumstances; and to provide penalties and remedies for violations of this act or any ordinance or regulation made under the authority conferred herein; and for other purposes as appear herein.

Be It Enacted by the General Assembly of the State of Iowa:

1 **SECTION 1. Definitions.** The following words, terms and phrases,
2 when used in this act, shall, for the purposes of this act, have the
3 meaning herein given, unless otherwise specifically defined, or unless
4 another intention clearly appears, or the context otherwise requires:

5 1. "Airport" means any area of land or water designed and set
6 aside for the landing and take-off of aircraft and utilized, or to be
7 utilized, in the interest of the public for such purposes.

8 2. "Airport hazard" means any structure or tree, or use of land,
9 which obstructs the airspace required for the flight of aircraft in
10 landing or taking-off at an airport, or is otherwise hazardous to such
11 landing or taking-off of aircraft.

12 3. "Airport hazard area" means any area of land or water upon
13 which an airport hazard might be established if not prevented as
14 provided by this act.