

STATE OF NEW JERSEY

INTRODUCED JANUARY 26, 1931

By Mr. REEVES

Referred to Committee on Judiciary

AN ACT to establish a Department of Aviation and to provide for the appointment of a Commissioner of Aviation, the licensing of aircraft and airmen, and the regulation of air traffic in and over the State.

1 BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1 1. Purpose. The purpose of this act is to provide in the interest of public
2 safety and of aeronautical progress for the regulation of aircraft in and over this
3 State, that aircraft operating in and over the State shall conform with respect to
4 design, construction and air-worthiness to the standards prescribed by the United
5 States government with respect to the navigation of aircraft for civil purposes sub-
6 ject to its jurisdiction, and to require the the licensing of both aircraft and airmen.

1 2. Definition of Terms. The word "aircraft" in this act means any contri-
2 vance now known, or hereafter invented, used or designed for navigation or flight
3 in the air, except a parachute or other contrivance designed for such navigation but
4 used primarily as safety equipment. The word "airmen" in this act means any person
5 who engages in the navigation of aircraft while under way.

1 3. Department and Office Created. There is hereby created a Department of
2 Aviation and the office of Commissioner of Aviation.

1 4. Appointment, Qualifications, Removal. The Commissioner of Aviation shall
2 be a licensed airman. He shall be appointed by the Governor by and with the con-
3 sent of the Senate for the term of five years and until his successor is appointed
4 and qualified. The Governor may remove the Commissioner of Aviation for ineffi-
5 ciency, neglect of duty, or misconduct in office, having first given to such Commis-

6 sioner a copy of the charges against him and the opportunity of being publicly heard
7 in person or by counsel in his own defense upon not less than ten days' notice in
8 writing. The Commissioner of Aviation shall receive such annual salary as shall
9 be fixed by the Governor at the time of appointment, not in excess of seven thousand
10 five hundred dollars (\$7,500), and shall be paid in semi-monthly payments by the
11 State Treasurer on the warrant of the Comptroller out of the funds appropriated
12 for that purpose. The term of office of the first Commissioner of Aviation shall
13 begin on the first day of April, one thousand nine hundred and thirty-one, or on the
14 date after the passage of this act upon which he shall have been appointed and quali-
15 fied. In case of a vacancy in the office when the Senate is not in session an ad-
16 interim appointment may be made. Any appointment to fill a vacancy in this office
17 shall be for the unexpired term only. Before entering upon his duties the Commis-
18 sioner of Aviation shall take an oath of office before one of the justices of the
19 Supreme Court as required of the Treasurer of New Jersey. He shall give a bond
20 in the sum of ten thousand dollars (\$10,000) conditioned for the proper expenditure
21 of funds appropriated for the use of his department.

1 5. Powers and Duties. The Commissioner of Aviation shall have charge and
2 supervision of the administration and enforcement of this act and any of the acts
3 amendatory hereof or supplementary hereto. He shall execute all contracts entered
4 into by this department for which authority is legally made and for which funds are
5 specifically provided in any appropriation act. He shall approve all bills for the dis-
6 bursement of moneys under any of the provisions of this act or any act amendatory
7 hereof or supplementary hereto, which bills when properly approved shall be paid by
8 the State Treasurer on the warrant of the Comptroller out of any appropriations
9 made therefor. He shall appoint such clerks and other assistants as may be required
10 and authorized for the proper discharge of the functions of the department and for
11 whose services funds have been appropriated. He shall establish and revise from
12 time to time air traffic rules for the navigation, protection and identification of air-
13 craft which shall conform to and coincide with, in so far as is practicable, the Air
14 Commerce Act of one thousand nine hundred and twenty-six and all acts amendatory
15 thereof and supplementary thereto. He shall establish standards of worthiness for
16 aircraft operating within the State not inconsistent with the Air Commerce Act of

17 one thousand nine hundred and twenty-six and its amendments and supplements.
18 He shall encourage and effect, in so far as practicable, uniform field rules for air-
19 ports. He shall investigate and record causes of accidents to aircraft within the
20 State. He shall keep a record of all his official acts and shall make an annual report
21 to the Governor reviewing the operations of his department, together with his
22 recommendations for improvement and development of aeronautical safety and
23 progress.

1 6. Licensing Requirement of Aircraft and Airmen. After six months from the
2 date of the taking effect of this act it shall be unlawful for any person to navigate,
3 fly or operate any aircraft in or over this State unless such aircraft conforms to the
4 standards prescribed by the United States Government with respect to design, con-
5 struction and air-worthiness and unless such aircraft is licensed by the Department
6 of Commerce of the United States in the manner prescribed by the regulations of
7 the United States Government then in force. After such period of six months from
8 the date of the taking effect of this act it shall be unlawful for any person to navi-
9 gate, fly or operate any aircraft in or over this State unless such person shall have
10 complied with all of the requirements of the United States Government then in
11 force and holds the class of license as required by the said United States Govern-
12 ment for the kind of flying operations in which he is engaged. None of the fore-
13 going restrictions shall be held to apply to military aircraft of the United States or
14 of any State, territory, or possession thereof, nor to any aircraft licensed by a for-
15 eign government with which the United States has a reciprocal agreement covering
16 the licensing of aircraft.

1 7. Display of Licenses. A Federal certificate of license required shall be at-
2 tached to each aircraft operating in or over this State at all times, and such aircraft
3 shall be made available for the inspection of the Commissioner of Aviation or his
4 official representatives at all times. The airman's certificate of license herein
5 required shall be kept in the personal possession of the licensee at all times when he
6 is operating aircraft in or over this State and must be presented for inspection upon
7 the demand of any passenger, any peace officer of the State, or any officer, manager,
8 or other person in charge of landing fields in this State upon which he may land
9 or operate under the terms of his said license.

1 8. Advisory Council, Special Inspectors. The Commissioner of Aviation shall
2 have authority to appoint an advisory council of not more than seven (7) from
3 among the citizens of the State to assist him in the formulation of air traffic rules
4 and regulations and in such other ways as he may determine in the interests of the
5 development of aeronautical progress. Members of the advisory council shall serve
7 without compensation but shall receive actual travel and other expenses incidental to
8 the work of the department on the approval of the Commissioner. He shall also
9 have authority to appoint any number of citizens not exceeding one hundred (100)
10 interested in the development of aviation and the proper enforcement of this act, who
11 shall be known as special inspectors. They shall serve without pay and shall have
12 such power of inspection as may be delegated to them by the Commissioner.

1 9. Penalties. Any person who violates any of the provisions of this act shall be
2 guilty of a misdemeanor and punishable by a fine of not more than one hundred
3 dollars (\$100) or by imprisonment for not more than ninety (90) days, or both.
4 Prosecutions therefor may be instituted in the name of the Commissioner of Avia-
5 tion either by the Attorney General or by the prosecutor of the pleas in and for the
6 county in which the offense is alleged to have been committed when so directed by
7 the Attorney General.

1 10. Power to Subpoena. The Commissioner of Aviation shall have power to
2 administer oaths and to subpoena and require the attendance in this State of witnesses
3 and the production thereby of books and papers pursuant to any investigation or
4 inquiry made or held by or before him touching any of the provisions of this act.
5 The said subpoena shall be made returnable at his office at the State Capitol or in any
6 city, town, township or other municipality in the State. Service may be made by
7 registered mail or by personal service. No person who shall be served with a subpoena
8 issued by the Commissioner of Aviation to appear and testify or produce such books
9 and papers shall refuse or neglect to appear and testify or to produce books and
10 papers relevant to such investigation or inquiry as commanded in such subpoena. Any
12 disobedience to or neglect of any subpoena so issued, as provided in this act, or
13 any refusal to testify or to produce books and papers relevant to such investigation
14 or inquiry shall be certified in writing to the Attorney General of the State, and such
15 person shall be subject to a penalty not exceeding one hundred dollars (\$100), to

16 be recovered with costs in an action of debt to be prosecuted by the Attorney General
17 of the State.

1 11. Quarters. The State House Commission shall provide suitable quarters for
2 the Department of Aviation in or near the State Capitol buildings at Trenton.

1 12. Appropriation. There is hereby appropriated, when the same shall be con-
2 tained in any annual or other appropriation act, the sum of eighteen thousand dollars
3 (\$18,000) for the use of the Department of Aviation for the fiscal year next ensuing
4 the passage of this act.

1 13. Constitutionality. The provisions of this act shall be severable and if any
2 of its provisions shall be held to be unconstitutional or the applications thereof to any
3 person or circumstance invalid, the decision of the court respecting such provision
4 shall not affect the constitutionality or validity of any other provisions which can be
5 given effect without such unconstitutional or invalid provisions. It is hereby declared
6 as the legislative intent that this act would have been adopted by the Senate and
7 General Assembly had such unconstitutional or invalid provisions not been included
8 herein.

1 14. All acts or parts of acts inconsistent with the provisions of this act be and
2 the same are hereby repealed. This act shall take effect immediately.

STATEMENT

This type of legislation is recommended by the National Council on Uniform Aero-
nautic Regulatory Laws. Twenty-six States in the Union now have comparable legis-
lation and are undertaking to regulate aviation within the State. There is practically
no attempt being made in this State to establish air traffic regulations and to undertake
to see that such regulations are observed. By reason of her geographical position New
Jersey is bound to be one of the most important States in the Union with respect to the
development of aviation. Practically all of the air lines of the East either cross or have
their terminals in the State. Millions of dollars have been invested in airports and there
are a large number of planes being operated in and over the State every day. This bill
is proposed in the interests of the safety of the air traveling public and the advance-
ment of aviation. It is so designed that it will cost a minimum to operate the depart-
ment. It is urged on its merits.

COMMITTEE SUBSTITUTE FOR
SENATE, No. 105

STATE OF NEW JERSEY

ADOPTED MARCH 23, 1931

AN ACT to establish a department of aviation, to provide for the appointment of a State Aviation Commission and a State Director of Aviation, the licensing of aircraft and airmen and the supervision and regulation of aircraft and air traffic in and over the State.

1 BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1 1. Purpose. The purpose of this act is to provide in the interests of public safety
2 and of aeronautical progress for the regulation of aircraft in and over this State, to
3 require that aircraft operating in and over the State shall conform with respect to
4 design, construction and air-worthiness to the standards prescribed by the United States
5 government with respect to the navigation of aircraft for civil purposes, subject to its
6 jurisdiction, and to require the licensing of aircraft and airmen.

1 2. Definition of terms. The word "aircraft" in this act means any contrivance
2 now known or hereafter invented, used or designed for navigation or flight in the air
3 except a parachute or other contrivance designed for such navigation but used prima-
4 rily as safety equipment. The word "airmen" in this act means any person who
5 engages in the navigation or direction of aircraft while under way. The word "com-
6 mission" when used in this act means the State Aviation Commission. The word
7 "director" in this act means the State Director of Aviation.

1 3. Department created. There is hereby created and established a State Depart-
2 ment of Aviation, a State Aviation Commission of five members and the office of
3 State Director of Aviation.

1 4. Appointment, qualifications and removal of members of the commission. All
2 members of the commission shall be citizens and bona fide residents of the State of
3 New Jersey. At least three of them shall be actively engaged in the aviation industry.

4 The members of the commission shall be appointed by the Governor by and with the
5 advice and consent of the Senate to take office on the first day of April, one thousand
6 nine hundred and thirty-one, or on the date after the passage of this act upon which
7 they shall have been appointed and qualified, for the following terms: one member
8 for one year, one member for two years, one member for three years, one member
9 for four years and one member for five years. Thereafter all appointments shall
10 be for a term of five years. The Governor may remove any member of the commis-
11 sion for inefficiency, neglect of duty or misconduct in office, having first given to
12 such offending member a written statement of the charges against him and the oppor-
13 tunity of being publicly heard in person or by counsel in his own defense upon not
14 less than ten days' notice of the time and place of such hearing. In case of a vacancy
15 in the commission when the Senate is not in session an ad interim appointment may
16 be made. Any appointment to fill a vacancy shall be for the unexpired term only.

1 5. Appointment, qualifications and removal of the director. The State Director
2 of Aviation shall be appointed by the Governor by and with the consent of the Senate
3 for a term of five years and until his successor is appointed and qualified. He shall
4 be an airman holding a valid license issued by the United States government for the
5 piloting of aircraft. The director may be removed by the Governor for the same
6 reasons and in the same manner as provided in this act for the removal of a member
7 of the commission.

1 6. Organization and procedure of the commission. At the first meeting after
2 appointment and qualification the commission shall organize by the election of a chair-
3 man for a period of one year and until his successor is elected and qualified. There-
4 after the chairman shall be elected annually. The commission shall hold at least six
5 regular meetings in each calendar year in accordance with such schedule as may be
6 adopted and such special meetings as may be deemed advisable. Three members
7 shall constitute a quorum and all action shall be taken by a majority vote. Special
8 meetings may be called by the chairman upon at least forty-eight hours' written
9 notice to each member and to the director. The chairman shall preside at all meet-
10 ings of the commission and represent it upon official and ceremonial occasions. The
11 director shall be the executive officer and secretary of the commission and privileged
12 to attend all regular and special meetings.

1 7. Powers and duties of the commission. The commission shall have general
2 charge of and supervision over the administration and enforcement of this act and
3 all acts amendatory hereof and supplementary hereto. It may establish and revise
4 from time to time air traffic rules for the navigation, protection and identification of
5 aircraft which shall conform to and coincide with, insofar as is practicable, the air
6 commerce act of one thousand nine hundred and twenty-six and all acts amendatory
7 thereof and supplementary thereto and not inconsistent with the provisions of this act.
8 It may establish standards of air-worthiness for aircraft operating within the State
9 not inconsistent with the air commerce act of one thousand nine hundred and twenty-
10 six and its amendments and supplements. It may encourage and effect, insofar as is
11 practicable, uniform field rules for airports. It shall keep a record of all of its pro-
12 ceedings and official acts, collect and disseminate information relative to the aviation
13 industry in the State and shall make an annual report to the Governor reviewing the
14 operation of the department together with its recommendations for the improvement
15 and development of aeronautical safety and progress.

1 8. Powers and duties of the director. The director shall be the executive officer
2 of the commission and under its general supervision shall administer and enforce the
3 provisions of this act and the rules and regulations established thereunder. He shall,
4 subject to the approval of the commission, appoint such clerks and other assistants
5 as may be required and authorized for the proper discharge of the functions of the
6 department and for whose services funds have been appropriated. He shall be in
7 charge of the office of the commission and responsible for the preparation of reports
8 and the collection and dissemination of data and other public information relating to
9 the aviation industry. He shall approve all bills for the disbursement of moneys
10 under any of the provisions of this act or any act amendatory hereof and supplement-
11 ary hereto which bills, when properly approved by the commission and signed by the
12 chairman, shall be paid by the State Treasurer on the warrant of the comptroller
13 out of any appropriations made therefor. At the direction of the commission he shall,
14 together with the chairman of such commission, execute all contracts entered into by
15 the department for which authority is legally made and for which funds are specifi-
16 cally provided in any appropriation act.

1 9. Penalties. Any person who violates any of the provisions of this act or any
2 rule or regulation thereunder shall be guilty of a misdemeanor and punishable by a
3 fine of not more than two hundred dollars (\$200) or by imprisonment for not more
4 than ninety (90) days, or both. Prosecution therefor may be instituted in the name
5 of the commission or the director either by the Attorney General or by the prose-
6 cutor of the pleas in and for the county in which the offense is alleged to have been
7 committed when so directed by the Attorney General. The members of the commis-
8 sion and the director shall be peace officers and have authority to make arrests for
9 violations of the provisions of this act, or any acts amendatory hereof or supplement-
10 ary hereto or of any rules and regulations established thereunder.

1 10. Power to subpoena. The chairman of the commission shall have power to
2 administer oaths and when directed by vote of the commission to subpoena and require
3 the attendance in this State of witnesses and the production thereby of books and
4 papers pursuant to any investigation or inquiry made or held by or before the com-
5 mission touching any of the provisions of this act. The said subpoena shall be made
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11 lect of any subpoena so issued, or any refusal to testify or to produce books and papers
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13 General and such person shall be subject to a penalty not exceeding one hundred dol-
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2 shall be fixed by the Governor at the time of appointment, not in excess of seven
3 thousand five hundred dollars (\$7,500) and shall be paid in semi-monthly payments
4 by the State Treasurer on the warrant of the comptroller, out of the funds appropri-
5 ated for that purpose. The members of the commission shall serve without compen-

6 sation but they shall be reimbursed for their actual expenses incurred in the perform-
7 ance of their official duties, which expenses shall be paid to them in the same manner
8 as other such expenses are now paid.

1 12. Quarters. The State House Commission shall provide suitable quarters for
2 the department in or near the State Capitol buildings at Trenton.

1 13. Appropriation. There is hereby appropriated, when the same shall be con-
2 tained in any annual or other appropriation act, the sum of eighteen thousand
3 dollars (\$18,000) for the use of the department for the fiscal year next ensuing the
4 passage of this act.

1 14. Constitutionality. The provisions of this act shall be severable and if any of
2 its provisions shall be held to be unconstitutional or the applications thereof to any
3 person or circumstance invalid, the decision of the court respecting such provision
4 shall not affect the constitutionality or validity of any other provisions which can be
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3 New Jersey. At least three of them shall be actively engaged in the aviation industry.

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5 advice and consent of the Senate to take office on the first day of April, one thousand
6 nine hundred and thirty-one, or on the date after the passage of this act upon which
7 they shall have been appointed and qualified, for the following terms: one member
8 for one year, one member for two years, one member for three years, one member
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10 be for a term of five years. The Governor may remove any member of the commis-
11 sion for inefficiency, neglect of duty or misconduct in office, having first given to
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6 adopted and such special meetings as may be deemed advisable. Three members
7 shall constitute a quorum and all action shall be taken by a majority vote. Special
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9 notice to each member and to the director. The chairman shall preside at all meet-
10 ings of the commission and represent it upon official and ceremonial occasions. The
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12 to attend all regular and special meetings.

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13 industry in the State and shall make an annual report to the Governor reviewing the
14 operation of the department together with its recommendations for the improvement
15 and development of aeronautical safety and progress.

1 8. Powers and duties of the director. The director shall be the executive officer
2 of the commission and under its general supervision shall administer and enforce the
3 provisions of this act and the rules and regulations established thereunder. He shall,
4 subject to the approval of the commission, appoint such clerks and other assistants
5 as may be required and authorized for the proper discharge of the functions of the
6 department pursuant to an act regulating the employment, tenure and discharge of
7 certain officers and employees of this State, and of the various counties and munici-
8 palities thereof, and providing for a Civil Service Commission, and defining its
9 powers and duties, approved April tenth, one thousand nine hundred and eight,
10 and the acts amendatory thereof and supplemental thereto, and for whose services
11 funds have been appropriated. He shall be in charge of the officer of the commis-
12 sion and responsible for the preparation of reports and the collection and dissemina-
13 tion of data and other public information relating to the aviation industry. He
14 shall approve all bills for the disbursement of moneys under any of the provisions
15 of this act or any act amendatory hereof and supplementary hereto which bills,
16 when properly approved by the commission and signed by the chairman, shall be
17 paid by the State Treasurer on the warrant of the comptroller out of any appro-

3 appropriations made therefor. At the direction of the commission he shall, together
9 with the chairman of such commission, execute all contracts entered into by the
20 department for which authority is legally made and for which funds are specifically
21 provided in any appropriation act.

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2 rule or regulation thereunder shall be guilty of a misdemeanor and punishable by a
3 fine of not more than two hundred dollars (\$200) or by imprisonment for not more
4 than ninety (90) days, or both. Prosecution therefor may be instituted in the name
5 of the commission or the director either by the Attorney General or by the prose-
6 cutor of the pleas in and for the county in which the offense is alleged to have been
7 committed when so directed by the Attorney General. The members of the commis-
8 sion and the director shall be peace officers and have authority to make arrests for
9 violations of the provisions of this act, or any acts amendatory hereof or supplement-
10 ary hereto or of any rules and regulations established thereunder.

1 10. Power to subpoena. The chairman of the commission shall have power to
2 administer oaths and when directed by vote of the commission to subpoena and require
3 the attendance in this State of witnesses and the production thereby of books and
4 papers pursuant to any investigation or inquiry made or held by or before the com-
5 mission touching any of the provisions of this act. The said subpoena shall be made
6 returnable at the office of the commission at the State Capitol or in any city, town,
7 township or other municipality in the State. Service may be made by registered mail
8 or by personal service. No person who shall be served with a subpoena issued by
9 the director to appear and testify or produce such books and papers shall refuse or
9½ neglect to appear and testify or to produce books and papers relevant to such
10 investigation or inquiry as commanded in such subpoena. Any disobedience to or neg-
11 lect of any subpoena so issued, or any refusal to testify or to produce books and papers
12 relevant to such investigation or inquiry shall be certified in writing to the Attorney
13 General and such person shall be subject to a penalty not exceeding one hundred dol-
14 lars (\$100), to be recovered with costs in an action of debt to be prosecuted by the
15 Attorney General.

1 11. Compensation and expenses. The director shall receive such annual salary as
2 shall be fixed by the Governor at the time of appointment, not in excess of five

3 thousand dollars (\$5,000.00) and shall be paid in semi-monthly payments by
4 the State Treasurer on the warrant of the comptroller, out of the funds appropri-
5 ated for that purpose. The members of the commission shall serve without compen-
6 sation but they shall be reimbursed for their actual expenses incurred in the perform-
7 ance of their official duties, which expenses shall be paid to them in the same manner
8 as other such expenses are now paid.

1 12. Quarters. The State House Commission shall provide suitable quarters for
2 the department in or near the State Capitol buildings at Trenton.

1 13. Appropriation. There is hereby appropriated, when the same shall be con-
2 tained in any annual or other appropriation act, the sum of eight thousand
3 dollars (\$8,000.00) for the use of the department for the fiscal year next ensuing the
4 passage of this act.

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2 its provisions shall be held to be unconstitutional or the applications thereof to any
3 person or circumstance invalid, the decision of the court respecting such provision
4 shall not affect the constitutionality or validity of any other provisions which can be
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2 the same are hereby repealed. This act shall take effect immediately.