

6:1-20 et seq. December 17, 1970

LEGISLATIVE HISTORY OF R.S.6:1-20 et seq.  
(Regulation of aerial navigation)

L.1938 - Chap.48 - S108.

February 14 - Introduced by Clee.

Bill had statement (copy enclosed).

Amended by Senate.

(In Senate Journal, 1938, p. 223-224 - copy enclosed).

No hearings or reports on this legislation were located.

RSL/EH  
Enclosure

SENATE, No. 108

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1938

By Mr. CLEE

Referred to Committee on Judiciary

AN ACT to regulate aeronautics over and within this State.

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

1 1. Purpose. The purpose of this act is to provide in the interest of pub-  
2 lic safety and of aeronautic progress for the regulation of aeronautics in  
3 and over this State; to require that aircraft, airports, airport managements,  
4 landing fields, landing strips, and other avigational facilities, airmen,  
5 ground personnel and all persons engaged in aeronautics within or over this  
6 State, shall conform to standards of safety and sound practice as pre-  
7 scribed by the laws of this State and any rules or regulations **thereunder,**  
8 and for uniformity in certain regards **with the laws, rules and regulations**  
9 of the United States Government.

1 2. Definitions. When used in this act:

2 (a) "Aeronautics" means **avigation** of or transportation by aircraft;  
3 air instruction; the operation, repair or maintenance of aircraft, aircraft  
4 power plants and accessories; and the design, construction, repair, mainte-  
5 nance, operation or management of airports, landing fields, landing strips  
6 and other avigational facilities.

7 (b) "Avigation" means the operating, steering, directing or managing  
8 of aircraft in or through the air and on the ground or water.

9 (c) "Aircraft" means any contrivance now known or hereafter in-  
10 vented, used or designed for **avigation or flight in the air.**

11 (d) "Public aircraft" means an aircraft used exclusively in the service  
12 of any government or of any political subdivision thereof, including the  
13 Government of the United States, of the District of Columbia, and of any  
14 State, territory or insular possession of the United States, but not including  
15 any government owned aircraft engaged in carrying for hire persons or  
16 goods.

17 (e) "Civil aircraft" means any aircraft other than a public aircraft.

18 (f) "Airport" means any area of land, water or both, which is used or  
~~19 made available for the landing and take-off, and which provides facilities for~~  
20 the shelter, supply and repair of aircraft, and which, as to size, design, sur-  
21 face, marking, maintenance, repair and management, meets the minimum re-  
22 quirements for the various classes of airports established from time to time  
23 by the New Jersey State Aviation Commission.

24 (g) "Landing field" means any area of land, water or both, which is  
25 used or is made available for the landing and take-off of aircraft, and which  
26 does not provide facilities for the shelter, supply and repair of aircraft, and  
27 which, as to size, design, surface, marking, equipment, maintenance, repair  
28 and management, meets the minimum requirements for the various classes  
29 of landing fields established from time to time by the New Jersey State  
30 Aviation Commission.

31 (h) "Landing strip" means any area of land, water or both, other than  
32 an airport or landing field, which is used or is made available for the land-  
33 ing and take-off of aircraft.

34 (i) "Air instruction" means instruction in aeronautics or in the art or  
35 science of aviation or flight of aircraft.

36 (j) "Air school" means any person engaged in giving, offering to give,  
37 advertising, representing or holding himself out as giving, to the public,  
38 with or without compensation or other reward, air instruction.

39 (k) "Person" means any individual, corporation, copartnership or  
40 other association of individuals.

41 (l) "Commission" means the State Aviation Commission.

42 (m) "Director" means the State Director of Aviation.

43 (n) The singular shall include the plural and any gender shall include  
44 every other gender.

1 3. Department, commission and director of aviation continued. The  
2 State Department of Aviation, the State Aviation Commission and the office  
3 of State Director of Aviation, created and established by the act entitled  
4 "An act to establish a department of aviation, to provide for the appoint-  
5 ment of a State Aviation Commission, and a State Director of Aviation, the  
6 licensing of aircraft and airmen and the supervision and regulation of air-  
7 craft and air traffic in and over the State," approved April twenty-first, one  
8 thousand nine hundred and thirty-one and continued by section 6:1-3 of the  
9 Revised Statutes are continued.

1 4. Office quarters. The Department of Aviation shall be provided with  
2 suitable quarters by the State House Commission in the city of Trenton and  
3 at such other places as the commission may designate. The commission  
4 may incur the necessary expenses for automobiles, airplanes, the operation  
5 and hire thereof and necessary travelling expenses, office furniture, station-  
6 ery, printing and such incidentals as may be necessary for effecting the pur-  
7 poses of this act, within the appropriation provided.

1 5. Aviation commission; appointment and qualifications of members;  
2 term; removal. The State Aviation Commission shall consist of five mem-  
3 bers who shall be appointed by the Governor by and with the advice and  
4 consent of the Senate. They shall be citizens and bona fide residents of the  
5 State and at least three of them shall be actively engaged in the aviation  
6 industry. The members of the present commission shall continue in office  
7 for the expiration of their present terms and thereafter all appointments  
8 shall be for a term of five years. In case of a vacancy in the commission  
9 when the Senate is not in session, an ad interim appointment may be made  
10 by the Governor. Any appointment to fill a vacancy shall be for the unex-  
11 pired term only.

12 The Governor may remove any member of the commission for ineffi-  
13 ciency, neglect of duty or misconduct in office, having first given to the of-

14 fending member a written statement of the charges against him and the op-  
15 portunity of being publicly heard in person or by counsel in his own de-  
16 fense upon not less than ten days' notice of the time and place of the  
17 hearing.

1       6. Director of aviation; appointment, tenure and removal in accordance  
2 with civil service laws; qualifications. The State Director of Aviation shall  
3 be appointed, removed or discharged in accordance with the provisions of  
4 the civil service laws, and the preference acts relating to war veterans, ap-  
5 plying to the State classified service. The director in office on December  
6 seventh, one thousand nine hundred and thirty-three, shall continue in of-  
7 fice and in the performance of the duties attaching thereto, in accordance  
8 with the provisions of the civil service laws applying to the State classified  
9 service, and shall not be removed, demoted, discharged or dismissed except  
10 as provided therein and as provided in any law or laws relating to the ten-  
11 ure of war veterans in the public service of the State. Any vacancy occur-  
12 ring in such office after December seventh, one thousand nine hundred and  
13 thirty-three, shall be filled as other positions in the State classified service  
14 are filled. The Director shall be a person holding or having held a valid  
15 transport license or its equivalent, issued by the United States Government  
16 for the piloting of aircraft, with at least ten years' experience in the aero-  
17 nautical industry, and with at least three thousand (3,000) certified flying  
18 hours as pilot.

1       7. Compensation of director. The director shall receive an annual sal-  
2 ary not in excess of seven thousand five hundred dollars (\$7,500.00) and  
3 shall be paid in semi-monthly payments by the State Treasurer on the war-  
4 rant of the comptroller, out of the funds appropriated for that purpose.

1       8. Compensation of commission. The members of the commission shall  
2 serve without compensation but they shall be reimbursed for their actual  
3 expenses incurred in the performance of their official duties, which expenses  
4 shall be paid to them in the same manner as other such expenses are now  
5 paid.

1     9. Commission; seal; organization. The commission shall adopt a seal  
2 and make such rules and regulations as it may deem expedient for the ad-  
3 ministration of the commission, and may from time to time amend such  
4 rules and regulations. The commission shall elect annually from among its  
5 members a chairman, a vice-chairman and a secretary, each of whom shall  
6 serve until his successor is elected and qualified. At least twelve meetings  
7 shall be held in each calendar year and such special meetings as may be  
8 deemed advisable. Three members shall constitute a quorum, and no action  
9 shall be taken by less than a majority of the commission. Special meetings  
10 may be called as provided by rules adopted by the commission. The chair-  
11 man shall preside at meetings of the commission and he or his appointee  
12 shall represent it upon official and ceremonial occasions.

1     10. Powers and duties of the commission: adoption of rules, regulations  
2 and orders. Except as otherwise specifically provided by law, the commis-  
3 sion shall promote progress and education in and shall have supervision over  
4 aeronautics within this State, including, but not by way of limitation, the  
5 avigation, flight and operation of aircraft, the establishment, location,  
6 maintenance, operation, size, design, repair, management and use of air-  
7 ports, landing fields, landing strips, air markings and other avigational fa-  
8 cilities, and the establishment, operation, management and equipment of air  
9 schools and other persons giving air instruction. The commission may  
10 adopt and promulgate rules, regulations and orders regulating air traffic  
11 and establishing minimum standards for aircraft, pilots, air schools, air-  
12 ports, landing fields, landing strips, air markings and all avigational facili-  
13 ties within the State and establishing minimum altitudes of flight in order to  
14 protect the public safety, the safety of persons operating or using aircraft  
15 and the safety of persons and property on the ground, and to develop and  
16 promote aeronautics within this State. The commission shall have power to  
17 promulgate and adopt any reasonable rules and regulations that may be  
18 necessary to effectuate the purposes of this act in the interest of public  
19 safety and the development of aeronautics in this State.

20 The rules, regulations and orders of the commission shall be kept in  
21 conformity as nearly as may be with the laws, rules and regulations of the  
22 United States Government concerning aeronautics. The members of the  
23 commission and the director shall be peace officers and have authority to  
24 make arrests for violations of the provisions of this act, or any acts amend-  
25 tory hereof or supplementary hereto, or of any rules and regulations estab-  
26 lished thereunder. ~~The commission may employ such expert assistance as~~  
27 it shall deem necessary to perform its duties under this act.

1 11. Powers and duties of director. The director shall be the executive  
2 officer of the department and, under the supervision of the commission, shall  
3 administer and enforce the provisions of this chapter and the rules, regula-  
4 tions and orders established thereunder, and all the laws of the State of  
5 New Jersey with reference to aeronautics. He shall, subject to the ap-  
6 proval of the commission, appoint, pursuant to the provisions of civil service,  
7 such clerks and other assistants as may be required and authorized for the  
8 proper discharge of the functions of the department and for whose services  
9 funds have been appropriated. He shall be in charge of the offices of the  
10 department and responsible to the commission for the preparation of re-  
11 ports and the collection and dissemination of data and other public informa-  
12 tion relating to the aviation industry. He shall approve all bills for the  
13 disbursement of moneys under any of the provisions of this act, which bills,  
14 when properly approved by the commission and signed by the chairman, or  
15 in his absence by the vice-chairman, shall be paid by the State Treasurer on  
16 a warrant of the Comptroller out of any appropriations made therefore.  
17 At the direction of the commission the director shall, together with the  
18 chairman of the commission, execute all contracts entered into by the de-  
19 partment which are legally authorized and for which funds are specifically  
20 provided in any appropriation act. The director shall attend, but not vote,  
21 at all regular or special meetings.

1 12. Commission: hearings; information; records; reports. It shall be the  
2 duty of the commission to hold public hearings on matters affecting aeronau-

3 ties; to conduct investigations, inquiries and hearings concerning matters cov-  
4 ered by the provisions of this chapter; to advise the Legislature upon all  
5 aeronautical legislation and to recommend and suggest legislation for the  
6 improvement of aeronautical safety and the promotion of aeronautical pro-  
7 gress; to co-operate with the Federal authorities and the authorities of  
8 other States; to collect and disseminate information relative to and concern-  
9 ing aeronautics and the safeguarding of the interests of the general public  
10 and of those engaged in all phases of aeronautics; to advise communities  
11 and groups in preparing and prosecuting projects for the development of  
12 flying, airways, airports and all other facilities for the promotion of  
13 aeronautics within this State; to advise with all law enforcement agencies in  
14 the enforcement of aeronautical laws and regulations; to investigate ac-  
15 cidents or injuries arising out of the operation of aircraft within this State;  
16 to keep a record of its proceedings and its official acts; to make annual  
17 reports to the Governor reviewing the operation of the commission.

1     13. Commission: safety devices and facilities; markings; hazards to  
2 aviation. The commission may, in order to protect the public safety and  
3 the safety of those participating in aeronautical activities adopt rules,  
4 regulations and orders requiring the installation in and carriage by, air-  
5 craft, and the installation in airports, landing fields and landing strips, of  
6 safety devices and other aviation facilities consistent with the develop-  
7 ment of the art; and require obstructions which may be hazardous to avi-  
8 gation to be suitably marked by lights, signs or otherwise as the commis-  
9 sion may provide. The commission shall have the right and is hereby em-  
10 powered to proceed by appropriate legal or equitable action to cause any  
11 obstruction to flight in and about any airport or landing field to be abated  
12 and such obstructions are hereby declared to be hazards to human life and  
13 property, and the commission may cause the same to be removed by such  
14 orders and decrees as the court may issue in any legal or equitable pro-  
15 ceedings instituted by the commission for that purpose.

1 14. Police and departmental cooperation. It shall be the duty of all  
 2 departmental and political subdivisions of this State, all peace officers, and  
 3 every county and municipal officer charged with the enforcement of State  
 4 and municipal laws to enforce and assist in the enforcement of the provi-  
 5 sions of this act and the rules, regulations and orders issued and promul-  
 6 gated pursuant thereto and all laws of the State of New Jersey with ref-  
 7 erence to aeronautics. ~~Airport regulations adopted by any local subdivi-~~  
 8 sions operating an airport shall be inoperative in so far as such regula-  
 9 tions are inconsistent with the provisions of this act or with the rules, reg-  
 10 ulations and orders issued and promulgated pursuant thereto.

1 15. Licenses: aircraft; requirement for. It shall be unlawful, except as  
 2 hereinafter provided, to operate, pilot or avigate, or cause to be operated,  
 3 piloted or avigated, any aircraft on or over the land or waters or through  
 4 the air space of this State unless it shall be licensed as provided in this  
 5 chapter.

1 16. Licenses: aircraft; provisions for. The commission shall provide  
 2 for the licensing of all civil aircraft by reasonable rules, regulations and  
 3 orders adequate to protect the public safety and the safety of those partici-  
 4 pating in aeronautics and to insure the satisfactory and safe perform-  
 5 ance of all aircraft in accordance with their design and contemplated use.

6 Any class of aircraft shall be deemed to be licensed under the provi-  
 7 sions of section sixteen of this article; *provided*, such aircraft shall be  
 8 validly and effectively licensed and registered under the provisions of the  
 9 laws, rules and regulations of the United States Government.

1 17. Licenses: temporary emergency. The commission may provide for  
 2 the issuance of a temporary license for civil aircraft whose license has  
 3 been invalidated for any cause, said temporary license to be for a period  
 4 not to exceed twenty-four (24) hours; *provided*, such aircraft has been in-  
 5 spected and approved by the commission or its authorized representative.

1 18. Identification of aircraft. It shall be unlawful to operate, pilot or  
 2 avigate any aircraft on or over the land or waters or through the air space  
 3 of this State unless such aircraft shall display its license number.

1 19. Licenses: pilots; requirement for. It shall be unlawful, except as  
2 hereinafter provided, for any person to operate, pilot or avigate any air-  
3 craft on or over the land or waters or through the air space of this State  
4 unless he shall be licensed as provided in this chapter.

1 20. Licenses: pilots; provisions for. The commission shall provide for  
2 the licensing of all pilots for a limited or unlimited operation of aircraft by  
3 rules, regulations and orders adequate to protect the public safety and the  
4 safety of those participating in aeronautics. Such rules, regulations and  
5 orders may provide for periodic physical and mental examinations and  
6 periodic examinations of pilots' flying ability.

7 Any class of pilots shall be deemed to be licensed under the provisions  
8 of section twenty-one of this article; *provided*, that such pilots shall hold  
9 valid and effective licenses issued under the provisions of the laws, rules  
10 and regulations of the United States Government for the particular class of  
11 operations.

1 21. Licenses: possession; inspection. Any pilot licensed under this  
2 chapter shall at all times have his license and the license of the aircraft  
3 operated by him or under his control available for inspection by any officer  
4 charged with the enforcement of this chapter.

1 22. Licenses: nonresident pilots and aircraft. The commission may, by  
2 general rule or order, provide that nonresident pilots and aircraft, which  
3 have complied with the licensing provisions of the law of the State of their  
4 residence, shall not be subject to the licensing provisions of this chapter for  
5 a reasonable period of time not exceeding thirty (30) consecutive days;  
6 *provided, however*, that no such pilot or aircraft shall operate or be em-  
7 ployed to carry passengers or property for hire or reward or be used in the  
8 pursuit of a business or for exhibition purposes within this State; *and pro-*  
9 *vided, further*, that the State of residence allows reciprocal privileges to  
10 pilots and aircraft of this State and the commission shall determine that  
11 the standards maintained by such State are at least as rigid as the stand-  
12 ards established by this chapter and the rules, regulations and orders

13 issued pursuant thereto; *and provided, further*, that this section shall not  
14 apply to pilots or aircraft engaged exclusively in scheduled interstate  
15 commerce.

1 23. Licenses: air meets, exhibitions, et cetera. No air meet, air race or  
2 aerial exhibition shall be conducted or operated in this State without a license  
3 first obtained from the commission.

1 24. Licenses: airports, airport managements, air schools, aviation  
2 facilities, et cetera; requirement for. It shall be unlawful, except as herein-  
3 after provided, to use, operate or cause to be used or operated any airport,  
4 landing field, landing strip, or other aviation facility, air school or flying  
5 club, unless it, and, in the case of airports, its management, shall be licensed  
6 as provided in this chapter; and except in case of emergency no aircraft shall  
7 land upon, or take off from, any airport, landing field or landing strip, not  
8 so licensed; *provided, however*, that neither the provisions of this chapter,  
9 nor the rules, regulations or orders issued pursuant thereto, shall apply to  
10 any airport, landing field, landing strip, or other aviation facility, or air  
11 school owned and operated by the government of the United States.

1 25. Licenses: airports, airport managements, air schools, aviation  
2 facilities, et cetera; provisions for. The commission shall provide for the  
3 licensing of airports, airport managements, landing fields, landing strips,  
4 other aviation facilities, air schools or flying clubs by rules, regulations  
5 and orders adequate to protect the public health and safety and the safety  
6 of those participating in aeronautical activities; *provided, however*, that the  
7 continued use and operation of airports, landing fields, landing strips and  
8 other aviation facilities, air schools, or flying clubs in use and operation  
9 on the effective date of this chapter, for which an application for a license  
10 shall have been filed within the time fixed by the commission, shall be per-  
11 mitted, pending the granting or rejection of such applications; *and provided*,  
12 *further*, that the application for a license for any airport, landing field,  
13 landing strip, other aviation facility, air school or flying club in use and  
14 operation on the effective date of this chapter shall be granted, unless the

15 commission shall find that such airports, landing fields, landing strips,  
16 other aviation facilities, air schools or flying clubs are not constructed,  
17 equipped and operated in accordance with the standards and requirements  
18 fixed by the rules, regulations and orders of the commission. Whenever the  
19 commission shall reject any application for a license under the provisions of  
20 this section, it shall state in writing the reasons for such rejection.

1 26. Licenses: modification; suspension; revocation. Any license issued  
2 pursuant to the provisions of this chapter may be modified, suspended or  
3 revoked when in the interest of public safety or the safety of those par-  
4 ticipating in aeronautical activities, the commission shall deem such action  
5 advisable, after violation of any provision of this chapter or any rule,  
6 regulation or order promulgated thereunder. In the event the commission  
7 shall exercise the powers granted by sections sixteen, twenty-two and twen-  
8 ty-four of this article, it shall by rule, regulation or order provide for the  
9 modification, suspension or revocation of the privilege granted thereunder,  
10 as the public safety or the safety of those participating in aeronautical ac-  
11 tivities shall require.

1 27. Examination and inspection; pilots and aircraft. Any member of  
2 the commission, the director, any inspector or other authorized agent of  
3 the commission may examine and inspect any pilot, aircraft, airport, landing  
4 field, landing strip, other aviation facility, air school or flying club, and upon  
5 finding a violation of any of the provisions of this chapter or of any of the  
6 rules, regulations or orders issued pursuant thereto, may prevent flight or  
7 aviation by any such pilot or aircraft until such violation is removed.  
8 Within twenty-four hours after the taking of such action the inspector or  
9 other authorized agent must file with the commission a written report  
10 setting forth the reasons therefor. Any person aggrieved by such action  
11 may demand a hearing before the commission or its duly authorized agent.  
12 The commission shall provide by rule, regulation or order for such hearing  
13 and the conduct thereof; *provided, however,* that any such hearing shall be  
14 held within five days from the receipt of a demand therefor.

1     **28. Licenses: burden of proof.** In any proceeding, investigation or hear-  
2 ing, criminal or otherwise, under any of the provisions of this chapter, any  
3 person who relies upon a license of any kind shall have the burden of proving  
4 that he is the holder of a valid and effective license.

1     **29. Periodical inspection: aircraft, airports, aviation facilities, etc.** The  
2 commission may adopt rules, regulations and orders providing for the period-  
3 ical inspection and examination of aircraft, airports, landing fields, landing  
4 strips, other aviation facilities, aircraft power plants, accessories and other  
5 equipment, air schools or flying clubs, which rules, regulations or orders may  
6 require full particulars concerning the design and calculations upon which the  
7 design is based and of the materials and methods used in the construction  
8 and operation of such aircraft, airports, landing fields, landing strips, other  
9 aviation facilities, aircraft power plants, accessories and other equipment,  
10 air schools or flying clubs.

1     **30. Malicious interference with aviation facilities.** No person shall will-  
2 fully and maliciously interfere or tamper with any aircraft, airport, land-  
3 ing field, landing strip, or any other aviation facility, or the equipment  
4 thereof.

#### ARTICLE IV

1     **31. Rules, regulations and orders; posting; service; filing.** General rules  
2 and orders of the commission shall be posted for public inspection in all offices  
3 of the commission at least fifteen days before they shall become effective, and  
4 every rule, regulation and order of the commission shall be posted in the  
5 main office of the commission and shall be distributed to all licensed airports  
6 for posting, and shall be given such further publicity by advertisement in  
7 newspapers or otherwise as the commission shall deem advisable. Every  
8 order applying only to a particular person or persons named therein shall be  
9 mailed to, or served upon, such person. Every rule, regulation and order,  
10 general or otherwise, adopted by the commission shall be filed with the  
11 Secretary of State.

1     **32. Investigations: hearings; attendance of witnesses; production of**  
2 documents. The commission shall have the power to **conduct investigations,**  
3 **inquiries and hearings concerning matters covered by the provisions of this**  
4 **act and accidents or injuries incident to the operation of aircraft occurring**  
5 **within this State, and for this purpose the commission or its authorized repre-**  
6 **sentatives may take possession of any wreckage or aircraft damaged in such**  
7 accidents and hold same until it releases such possession or unless any prop-  
8 erly authorized paramount Federal agency requests possession. In all inves-  
9 tinations, inquiries and hearings the chairman, or in his absence, the vice-  
10 chairman, shall have the power to administer oaths and affirmations, certify  
11 to official acts, issue subpoenas, compel the attendance and testimony of wit-  
12 nesses and the production of papers, books, and documents. If any person  
13 shall fail to comply with any subpoena or order issued under authority of  
14 this chapter, the chairman, or in his absence, the vice-chairman, may invoke  
15 the aid of any Supreme Court of this State. The court may thereupon order  
16 any such person to comply with the requirements of the subpoena or order, or  
17 to give evidence upon the matter in question. Any failure to obey the order  
18 of the court shall be punishable by the court as for a contempt thereof.

1     **33. Depositions: records; findings, witness fees and expenses; testimony**  
2 **of commissioners or director. The commission or director or any party, in**  
3 any investigation, may cause to be taken the deposition of witnesses resid-  
4 ing within or without the State in the manner prescribed by law for like  
5 depositions in civil actions in the courts of record in this State. A full and  
6 complete record shall be kept of all proceedings had before the commission,  
7 or any hearings had, and all testimony shall be taken down by a stenog-  
8 rapher appointed by the commission. Every order of the commission shall  
9 contain findings in sufficient detail to enable a court to determine the con-  
10 troverted questions presented by the proceeding, and whether proper weight  
11 was given to the evidence. Each witness who shall appear before the com-  
12 mission shall receive for his attendance the fees and mileage now provided  
13 for witnesses in civil cases in courts of record of this State, which shall be

14 audited and paid by the State in the same manner as other expenses are  
 15 audited and paid, upon presentation of proper vouchers sworn to by such  
 16 witnesses and approved by the chairman of the commission, or, in his ab-  
 17 sence, by the vice-chairman.

#### ARTICLE V

##### REVIEW OF ORDERS OF COMMISSION

1 34. Certiorari: application; notice. Any order made by the commission  
 2 may be reviewed upon certiorari by the Supreme Court. No certiorari shall  
 3 be allowed unless application therefor be made within thirty (30) days from  
 4 the date upon which the order becomes effective, nor unless notice in writ-  
 5 ing of the application shall have been given to the commission with a copy  
 6 of the affidavits or proofs upon which the application is based. The notice  
 7 shall be served upon the chairman of the commission either personally or by  
 8 leaving it at the office of the commission in Trenton. The evidence presented  
 9 to the commission, together with the findings and the order issued thereon,  
 10 shall be certified by the commission to the Supreme Court with its writ.

1 35. Stay of orders in general. The allowance of a writ of certiorari to  
 2 review any order of the commission shall not supersede or stay the order of  
 3 the commission unless the Supreme Court or a justice thereof shall so direct.  
 4 The prosecutor in certiorari may be required by the Supreme Court or a  
 5 justice thereof to give bond in such form and amount as the Supreme Court  
 6 or the justice thereof allowing the stay shall require.

1 36. Stay of orders; effect of. No stay of any order of the commission  
 2 shall be granted unless the prosecutor shall apply to the Supreme Court or a  
 3 justice thereof for a review of the order within ten days of the service  
 4 thereof. Written notice of the application for a review and a stay in such  
 5 case shall be given to the commission within five (5) days after the service  
 6 of the commission's order; except that if the day following service of the  
 7 order falls on Sunday or a legal holiday, the prosecutor shall have five (5)  
 8 days following such day to serve the notice. The notice shall be served upon  
 9 the chairman of the commission either personally or by leaving the same at  
 10 the office of the commission in Trenton.

1 37. Setting aside orders. The Supreme Court is hereby given jurisdic-  
2 tion to review any order of the commission and to set aside such order  
3 in whole or in part when it clearly appears that there was no evidence be-  
4 fore the commission to support the same reasonably, or that the same was  
5 without jurisdiction of the commission.

6 No order shall be set aside in whole or in part for any irregularity or  
7 ~~informality in the proceedings of the commission unless the irregularity~~  
8 or informality tends to defeat or impair substantial right or interest of the  
9 prosecutor in certiorari.

1 38. Ordering rehearing by commission. If, with respect to any order  
2 brought under review by certiorari, it shall appear equitable and just that  
3 a rehearing should be had before the commission, the Supreme Court may  
4 order that a rehearing be had before the commission upon such terms and  
5 conditions as are reasonable. The commission shall thereupon proceed to  
6 a rehearing of the evidence upon which the order under review was based,  
7 and upon such additional evidence, if any, as may be produced.

8 As a result of the rehearing the commission may readopt the order or  
9 alter, amend, modify or extend it.

10 The Court of Errors and Appeals on appeal from a judgment of the  
11 Supreme Court upon certiorari to review an order of the commission, may,  
12 whenever it shall deem it equitable and just that a rehearing should be had  
13 before the commission, remit the record and proceedings before it to the  
14 Supreme Court to the end that said court may order and such rehearing  
15 may be had before the commission upon such terms and conditions as are  
16 reasonable, as hereinbefore provided.

1 39. Commission proceedings to have preference. Any proceedings in  
2 any court of this State directly affecting an order of the commission or to  
3 which the commission is a party, shall have preference over all other civil  
4 proceedings pending in such court.

1 40. Penalties. Any person willfully violating any of the provisions of  
2 this chapter, or the rules, regulations or orders issued pursuant thereto,

3 except provisions, rules or regulations or orders pertaining to the organiza-  
4 tion or operation of the commission, shall be guilty of a misdemeanor and  
5 punishable by a fine of not more than five hundred dollars (\$500.00) or by  
6 imprisonment for not more than ninety days, or both.

1 41. Constitutionality. If any provision of this chapter or the applica-  
2 tion thereof to any person or circumstance shall be held invalid, such in-  
3 validity shall not affect the other provisions or applications of this chap-  
4 ter, which can be given effect without the invalid provisions or applications,  
5 and to this end the provisions of this chapter are declared to be severable.

1 42. Repealer. All acts or parts of acts inconsistent with the provisions  
2 of this chapter are hereby repealed.

1 43. When to take effect. This act shall take effect immediately.

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#### STATEMENT

The purpose of this act is to provide complete and effective regulation within the State of New Jersey of all aeronautics and persons engaged therein in order to promote the safety not only of the 4,000,000 people of the State but also in the interest of assuring safety for the participants themselves.

New Jersey is the foremost of the United States in the field of aviation. It is traversed by the busiest airways and air routes in the world and boasts of the busiest airport. One-fourth of all the scheduled air traffic of the United States enters or departs in and flies over this State. Private flying and unscheduled operations have been increasing yearly. Until a year ago the number of mishaps in the State was so small as to be negligible. Within the past year, however, there has been an alarming increase in the number of accidents with attendant losses and injuries, particularly in the operations of nonscheduled private fliers.

For a long time it has been maintained by persons vitally interested in the promotion of aviation and active therein that our present laws are not adequate for proper effective regulation of persons engaged in aeronautics nor to protect the public and the participants in aeronautics from mishaps in the air.

Several members of the State Aviation Commission, including its chairman and the chairman of its legislative committee, strongly feel that more adequate legislation is necessary and that this act would serve the desired objective. The executive officer of the commission has on several occasions reported defiance from those whose conduct has endangered lives and property on the ground that there was no legal sanction for his attempts to discipline them. He has expressed his own doubts as to his authority under the present laws.

The present aeronautical regulatory law is embodied in the 1937 Revised Statutes, Title 6, chapter one, which provides that all pilots and all aircraft in New Jersey must first obtain federal licenses, that owners or operators of airports shall first obtain authority from the State Aviation Commission, and that the commission may make rules as to air traffic and establish standards of airworthiness in conformity with "the federal air commerce act of one thousand nine hundred and twenty-six and all acts amendatory thereof and supplementary thereto." The foregoing constitutes the essence of the present regulatory law.

There is some doubt as to the legality of requiring all pilots and airplanes including those engaged in purely intrastate or noncommercial flights to obtain licenses from a federal agency whose authority to issue them rests upon the interstate commerce powers of Congress. There are also doubts as to the constitutionality of the provision which seems to incorporate by reference a federal act, as is done in the provision giving the commission rule-making powers.

The act now presented is designed to overcome such technicalities and to give the State Aviation Commission effective regulatory powers in the interest of public safety and the safety of those participating in aeronautics as well as for the protection of legitimate, conscientious and responsible operators and other phases of the aviation industry. To the extent that these ends are accomplished public confidence in this field will be fostered. This in turn will enable the commission to fulfill its further duties under the act, viz., to promote aeronautical progress in New Jersey.

This act is the product of three years of research, study and preparation, during which time similar laws in 28 other States as well as a proposed uniform aviation regulatory act have been considered. For practical and constitutional reasons, none of these could be adopted in their entirety. The proposed uniform act providing for an incorporation by reference of the federal act would run counter to the New Jersey constitution. A similar act, varying in certain details only, has been evolved by a committee on aeronautical law of the New York County Lawyers' Association, and approved by the New York State Bar Association and the Association of the Bar of the city of New York, and will probably be submitted this year to the New York Legislature.

This act provides for the requirement and issuance of licenses for pilots, aircraft and airports by the commission, but in the interest of uniformity of air laws, further provides that if an airman or aircraft is licensed by the Federal Government they shall be deemed licensed under this act. This act further effectively empowers the commission to regulate aeronautics over and within New Jersey by making rules and regulations commensurate with the needs of public safety, the safety of persons operating or using aircraft and the safety of persons and property on the ground. The present organization of the Department of Aviation, including the commission and the director, is not affected by this act.

In short, this act provides for a reasonable but effective regulation of aeronautics in New Jersey in the interest of public safety and aeronautical progress.

[OFFICIAL COPY REPRINT]

SENATE, No. 108

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# STATE OF NEW JERSEY

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INTRODUCED FEBRUARY 14, 1938

By Mr. CLEE

Referred to Committee on Judiciary

AN ACT to regulate aeronautics over and within this State.

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

1 1. Purpose. The purpose of this act is to provide in the interest of pub-  
2 lic safety and of aeronautic progress for the regulation of aeronautics in  
3 and over this State; to require that aircraft, airports, airport managements,  
4 landing fields, landing strips, and other avigational facilities, airmea,  
5 ground personnel and all persons engaged in aeronautics within or over this  
6 State, shall conform to standards of safety and sound practice as pre-  
7 scribed by the laws of this State and any rules or regulations **thereunder**,  
8 and for uniformity in certain regards with the laws, rules and regulations  
9 of the United States Government.

1 2. Definitions. When used in this act:

2 (a) "Aeronautics" means avigation of or transportation by aircraft;  
3 air instruction; the operation, repair or maintenance of aircraft, aircraft  
4 power plants and accessories; and the design, construction, repair, mainte-  
5 nance, operation or management of airports, landing fields, landing strips  
6 and other avigational facilities.

7 (b) "Avigation" means the operating, steering, directing or managing  
8 of aircraft in or through the air and on the ground or water.

9 (c) "Aircraft" means any contrivance now known or hereafter in-  
10 vented, used or designed for avigation or flight in the air.

11 (d) "Public aircraft" means an aircraft used exclusively in the service  
12 of any government or of any political subdivision thereof, including the  
13 Government of the United States, of the District of Columbia, and of any  
14 State, territory or insular possession of the United States, but not including  
15 any government owned aircraft engaged in carrying for hire persons or  
16 goods.

17 (e) "Civil aircraft" means any aircraft other than a public aircraft.

18 (f) "Airport" means any area of land, water or both, which is used or  
19 made available for the landing and take-off, and which provides facilities for  
20 the shelter, supply and repair of aircraft, and which, as to size, design, sur-  
21 face, marking, maintenance, repair and management, meets the minimum re-  
22 quirements for the various classes of airports established from time to time  
23 by the New Jersey State Aviation Commission.

24 (g) "Landing field" means any area of land, water or both, which is  
25 used or is made available for the landing and take-off of aircraft, and which  
26 does not provide facilities for the shelter, supply and repair of aircraft, and  
27 which, as to size, design, surface, marking, equipment, maintenance, repair  
28 and management, meets the minimum requirements for the various classes  
29 of landing fields established from time to time by the New Jersey State  
30 Aviation Commission.

31 (h) "Landing strip" means any area of land, water or both, other than  
32 an airport or landing field, which is used or is made available for the land-  
33 ing and take-off of aircraft.

34 (i) "Air instruction" means instruction in aeronautics or in the art or  
35 science of aviation or flight of aircraft.

36 (j) "Air school" means any person engaged in giving, offering to give,  
37 advertising, representing or holding himself out as giving, to the public,  
38 with or without compensation or other reward, air instruction.

39 (k) "Person" means any individual, corporation, copartnership or  
40 other association of individuals.

41 (l) "Commission" means the State Aviation Commission.

42 (m) "Director" means the State Director of Aviation.

43 (n) The singular shall include the plural and any gender shall include  
44 every other gender.

1 3. Department, commission and director of aviation continued. The  
2 State Department of Aviation, the State Aviation Commission and the office  
3 of State Director of Aviation, created and established by the act entitled  
4 "An act to establish a department of aviation, to provide for the appoint-  
5 ment of a State Aviation Commission, and a State Director of Aviation, the  
6 licensing of aircraft and airmen and the supervision and regulation of air-  
7 craft and air traffic in and over the State," approved April twenty-first, one  
8 thousand nine hundred and thirty-one and continued by Title 6, chapter one,  
9 section three, of the Revised Statutes of one thousand nine hundred and  
10 thirty-seven are continued.

1 4. Office quarters. The Department of Aviation shall be provided with  
2 suitable quarters by the State House Commission in the city of Trenton and  
3 at such other places as the commission may designate. The commission  
4 may incur the necessary expenses for automobiles, airplanes, the operation  
5 and hire thereof and necessary travelling expenses, office furniture, station-  
6 ery, printing and such incidentals as may be necessary for effecting the pur-  
7 poses of this act, within the appropriation provided.

1 5. Aviation commission; appointment and qualifications of members;  
2 term; removal. The State Aviation Commission shall consist of five mem-  
3 bers who shall be appointed by the Governor by and with the advice and  
4 consent of the Senate. They shall be citizens and bona fide residents of the  
5 State and at least three of them shall be actively engaged in the aviation  
6 industry. The members of the present commission shall continue in office  
7 for the expiration of their present terms and thereafter all appointments  
8 shall be for a term of five years. In case of a vacancy in the commission  
9 when the Senate is not in session, an ad interim appointment may be made  
10 by the Governor. Any appointment to fill a vacancy shall be for the unex-  
11 pired term only.

12 The Governor may remove any member of the commission for ineffi-  
13 ciency, neglect of duty or misconduct in office, having first given to the of-

14 fending member a written statement of the charges against him and the op-  
15 portunity of being publicly heard in person or by counsel in his own de-  
16 fense upon not less than ten days' notice of the time and place of the  
17 hearing.

1     6. Director of aviation; appointment, tenure and removal in accordance  
2 with civil service laws: qualifications. The State Director of Aviation shall  
3 be appointed, removed or discharged in accordance with the provisions of  
4 the civil service laws, and the preference acts relating to war veterans, ap-  
5 plying to the State classified service. The director in office on December  
6 seventh, one thousand nine hundred and thirty-three, shall continue in of-  
7 fice and in the performance of the duties attaching thereto, in accordance  
8 with the provisions of the civil service laws applying to the State classified  
9 service, and shall not be removed, demoted, discharged or dismissed except  
10 as provided therein and as provided in any law or laws relating to the ten-  
11 ure of war veterans in the public service of the State. Any vacancy occur-  
12 ring in such office hereafter shall be filled as other positions in the State classi-  
13 fied service are filled. The director shall be a person holding or having held a  
14 valid transport license or its equivalent, issued by the United States Govern-  
15 ment for the piloting of aircraft, with at least ten years' experience in the  
16 aeronautical industry, and with at least three thousand (3,000) certified fly-  
17 ing hours as pilot.

1     7. Compensation of director. The director shall receive an annual sal-  
2 ary not in excess of seven thousand five hundred dollars (\$7,500.00) and  
3 shall be paid in semi-monthly payments by the State Treasurer on the war-  
4 rant of the comptroller, out of the funds appropriated for that purpose.

1     8. Compensation of commission. The members of the commission shall  
2 serve without compensation but they shall be reimbursed for their actual  
3 expenses incurred in the performance of their official duties, which expenses  
4 shall be paid to them in the same manner as other such expenses are now  
5 paid.

1     9. Commission; seal; organization. The commission shall adopt a seal  
2 and make such rules and regulations as it may deem expedient for the ad-  
3 ministration of the commission, and may from time to time amend such  
4 rules and regulations. The commission shall elect annually from among its  
5 members a chairman, a vice-chairman and a secretary, each of whom shall  
6 serve until his successor is elected and qualified. At least twelve meetings  
7 shall be held in each calendar year and such special meetings as may be  
8 deemed advisable. Three members shall constitute a quorum, and no action  
9 shall be taken by less than a majority of the commission. Special meetings  
10 may be called as provided by rules adopted by the commission. The chair-  
11 man shall preside at meetings of the commission and he or his appointee  
12 shall represent it upon official and ceremonial occasions.

1     10. Powers and duties of the commission: adoption of rules, regulations  
2 and orders. Except as otherwise specifically provided by law, the commis-  
3 sion shall promote progress and education in and shall have supervision over  
4 aeronautics within this State, including, but not by way of limitation, the  
5 avigation, flight and operation of aircraft, the establishment, location,  
6 maintenance, operation, size, design, repair, management and use of air-  
7 ports, landing fields, landing strips, air markings and other avigational fa-  
8 cilities, and the establishment, operation, management and equipment of air  
9 schools and other persons giving air instruction. The commission may adopt  
10 and promulgate reasonable rules, regulations and orders regulating air traffic  
11 and establishing minimum standards for aircraft, pilots, air schools, air-  
12 ports, landing fields, landing strips, air markings and all avigational facili-  
13 ties within the State and establishing minimum altitudes of flight commensu-  
14 rate with the needs of the public safety, the safety of persons operating or us-  
15 ing aircraft and the safety of persons and property on the ground, and to de-  
16 velop and promote aeronautics within this State. The commission shall have  
17 power to promulgate and adopt any reasonable rules and regulations that may  
18 be necessary to effectuate the purposes of this act in the interest of public  
19 safety and the development of aeronautics in this State.

20 The rules, regulations and orders of the commission shall be kept in  
21 conformity as nearly as may be with the laws, rules and regulations of the  
22 United States Government concerning aeronautics. The members of the  
23 commission and the director shall be peace officers and have authority to  
24 make arrests for violations of the provisions of this act, or any acts amend-  
25 tory hereof or supplementary hereto, or of any rules and regulations estab-  
26 lished thereunder. The commission may employ such expert assistance as  
27 it shall deem necessary to perform its duties under this act.

1 11. Powers and duties of director. The director shall be the executive  
2 officer of the department and, under the supervision of the commission, shall  
3 administer and enforce the provisions of this chapter and the rules, regula-  
4 tions and orders established thereunder, and all the laws of the State of  
5 New Jersey with reference to aeronautics. He shall, subject to the ap-  
6 proval of the commission, appoint, pursuant to the provisions of civil service,  
7 such clerks and other assistants as may be required and authorized for the  
8 proper discharge of the functions of the department and for whose services  
9 funds have been appropriated. He shall be in charge of the offices of the  
10 department and responsible to the commission for the preparation of re-  
11 ports and the collection and dissemination of data and other public informa-  
12 tion relating to the aviation industry. He shall approve all bills for the  
13 disbursement of moneys under any of the provisions of this act, which bills,  
14 when properly approved by the commission and signed by the chairman, or  
15 in his absence by the vice-chairman, shall be paid by the State Treasurer on  
16 a warrant of the Comptroller out of any appropriations made therefore.  
17 At the direction of the commission the director shall, together with the  
18 chairman of the commission, execute all contracts entered into by the de-  
19 partment which are legally authorized and for which funds are specifically  
20 provided in any appropriation act. The director shall attend, but not vote,  
21 at all regular or special meetings.

1 12. Commission: hearings; information; records; reports. It shall be the  
2 duty of the commission to hold public hearings on matters affecting aeronau-

3 ties; to conduct investigations, inquiries and hearings concerning matters cov-  
4 ered by the provisions of this chapter; to advise the Legislature upon all  
5 aeronautical legislation and to recommend and suggest legislation for the  
6 improvement of aeronautical safety and the promotion of aeronautical pro-  
7 gress; to co-operate with the Federal authorities and the authorities of  
8 other States; to collect and disseminate information relative to and concern-  
9 ing aeronautics and the safeguarding of the interests of the general public  
10 and of those engaged in all phases of aeronautics; to advise communities  
11 and groups in preparing and prosecuting projects for the development of  
12 flying, airways, airports and all other facilities for the promotion of  
13 aeronautics within this State; to advise with all law enforcement agencies in  
14 the enforcement of aeronautical laws and regulations; to investigate ac-  
15 cidents or injuries arising out of the operation of aircraft within this State;  
16 to keep a record of its proceedings and its official acts; to make annual  
17 reports to the Governor reviewing the operation of the commission.

1     13. Commission: safety devices and facilities; markings; hazards to aviga-  
2 tion. The commission may, in order to protect the public safety and the safety  
3 of those participating in aeronautical activities adopt reasonable rules,  
4 regulations and orders requiring the installation in and carriage by, air-  
5 craft, and the installation in airports, landing fields and landing strips, of  
6 safety devices and other avigation facilities consistent with the develop-  
7 ment of the art; and require obstructions which may be hazardous to avi-  
8 gation to be suitably marked by lights, signs or otherwise as the commis-  
9 sion may provide. The commission shall have the right and is hereby em-  
10 powered to proceed by appropriate legal or equitable action to cause any  
11 obstruction to flight in and about any airport or landing field to be abated  
12 and such obstructions are hereby declared to be hazards to human life and  
13 property, and the commission may cause the same to be removed by such  
14 orders and decrees as the court may issue in any legal or equitable pro-  
15 ceedings instituted by the commission for that purpose.

1 14. Police and departmental co-operation. It shall be the duty of all  
2 departmental and political subdivisions of this State, all peace officers, and  
3 every county and municipal officer charged with the enforcement of State  
4 and municipal laws to enforce and assist in the enforcement of the provi-  
5 sions of this act and the rules, regulations and orders issued and promul-  
6 gated pursuant thereto and all laws of the State of New Jersey with ref-  
7 erence to aeronautics. **Airport regulations adopted by any local subdivi-**  
8 **sions operating an airport shall be inoperative in so far as such regula-**  
9 **tions are inconsistent with the provisions of this act or with the rules, reg-**  
10 **ulations and orders issued and promulgated pursuant thereto.**

1 15. Licenses: aircraft; requirement for. It shall be unlawful, except as  
2 hereinafter provided, to operate, pilot or avigate, or cause to be operated,  
3 piloted or avigated, any aircraft on or over the land or waters or through  
4 the air space of this State unless it shall be licensed as provided in this  
5 chapter.

1 16. Licenses: aircraft; provisions for. The commission shall provide  
2 for the licensing of all civil aircraft by reasonable rules, regulations and  
3 orders adequate to protect the public safety and the safety of those partici-  
4 pating in aeronautics and to insure the satisfactory and safe perform-  
5 ance of all aircraft in accordance with their design and contemplated use.

6 Any class of aircraft shall be deemed to be licensed under the provi-  
7 sions of section sixteen of this article; *provided*, such aircraft shall be  
8 validly and effectively licensed and registered under the provisions of the  
9 laws, rules and regulations of the United States Government.

1 17. Licenses: temporary emergency. The commission may provide for  
2 the issuance of a temporary license for civil aircraft whose license has  
3 been invalidated for any cause, said temporary license to be for a period  
4 not to exceed twenty-four (24) hours; *provided*, such aircraft has been in-  
5 spected and approved by the commission or its authorized representative.

1 18. Identification of aircraft. It shall be unlawful to operate, pilot or  
2 avigate any aircraft on or over the land or waters or through the air space  
3 of this State unless such aircraft shall display its license number.

1 19. Licenses: pilots, requirement for. It shall be unlawful, except as  
2 hereinafter provided, for any person to operate, pilot or avigate any air-  
3 craft on or over the land or waters or through the air space of this State  
4 unless he shall be licensed as provided in this chapter.

1 20. Licenses: pilots; provisions for. The commission shall provide for  
2 the licensing of all pilots for a limited or unlimited operation of aircraft by  
3 rules, regulations and orders adequate to protect the public safety and the  
4 safety of those participating in aeronautics. Such rules, regulations and  
5 orders may provide for periodic physical and mental examinations and  
6 periodic examinations of pilots' flying ability.

7 Any class of pilots shall be deemed to be licensed under the provisions  
8 of this section of this article; *provided*, that such pilots shall hold  
9 valid and effective licenses issued under the provisions of the laws, rules  
10 and regulations of the United States Government for the particular class of  
11 operations.

1 21. Licenses: possession; inspection. Any pilot licensed under this  
2 chapter shall at all times have his license and the license of the aircraft  
3 operated by him or under his control available for inspection by any officer  
4 charged with the enforcement of this chapter.

1 22. Licenses: nonresident pilots and aircraft. The commission may, by  
2 general rule or order, provide that nonresident pilots and aircraft, which  
3 have complied with the licensing provisions of the law of the State of their  
4 residence, shall not be subject to the licensing provisions of this chapter for  
5 a reasonable period of time not exceeding thirty (30) consecutive days;  
6 *provided, however*, that no such pilot or aircraft shall operate or be em-  
7 ployed to carry passengers or property for hire or reward or be used in the  
8 pursuit of a business or for exhibition purposes within this State; *and pro-*  
9 *vided, further*, that the State of residence allows reciprocal privileges to  
10 pilots and aircraft of this State and the commission shall determine that  
11 the standards maintained by such State are at least as rigid as the stand-  
12 ards established by this chapter and the rules, regulations and orders

13 issued pursuant thereto; *and provided, further*, that this section shall not  
14 apply to pilots or aircraft engaged exclusively in scheduled interstate  
15 commerce.

1 23. Licenses: air meets, exhibitions, et cetera. No air meet, air race or  
2 aerial exhibition shall be conducted or operated in this State without a license  
3 first obtained from the commission.

1 24. Licenses: airports, airport managements, air schools, aviation  
2 facilities, et cetera; requirement for. It shall be unlawful, except as herein-  
3 after provided, to use, operate or cause to be used or operated any airport,  
4 landing field, landing strip, or other aviation facility, air school or flying  
5 club, unless it, and, in the case of airports, its management, shall be licensed  
6 as provided in this chapter; and except in case of emergency no aircraft shall  
7 land upon, or take off from, any airport, landing field or landing strip, not  
8 so licensed; *provided, however*, that neither the provisions of this chapter,  
9 nor the rules, regulations or orders issued pursuant thereto, shall apply to  
10 any airport, landing field, landing strip, or other aviation facility, or air  
11 school owned and operated by the government of the United States.

1 25. Licenses: airports, airport managements, air schools, aviation  
2 facilities, et cetera; provisions for. The commission shall provide for the  
3 licensing of airports, airport managements, landing fields, landing strips,  
4 other aviation facilities, air schools or flying clubs by rules, regulations  
5 and orders adequate to protect the public health and safety and the safety  
6 of those participating in aeronautical activities; *provided, however*, that the  
7 continued use and operation of airports, landing fields, landing strips and  
8 other aviation facilities, air schools, or flying clubs in use and operation  
9 on the effective date of this chapter, for which an application for a license  
10 shall have been filed within the time fixed by the commission, shall be per-  
11 mitted, pending the granting or rejection of such applications; *and provided*,  
12 *further*, that the application for a license for any airport, landing field,  
13 landing strip, other aviation facility, air school or flying club in use and  
14 operation on the effective date of this chapter shall be granted, unless the

15 commission shall find that such airports, landing fields, landing strips,  
16 other aviation facilities, air schools or flying clubs are not constructed,  
17 equipped and operated in accordance with the standards and requirements  
18 fixed by the rules, regulations and orders of the commission. Whenever the  
19 commission shall reject any application for a license under the provisions of  
20 this section, it shall state in writing the reasons for such rejection.

1     26. Licenses: modification; suspension; revocation. Any license issued  
2 pursuant to the provisions of this chapter may be modified, suspended or  
3 revoked when in the interest of public safety or the safety of those par-  
4 ticipating in aeronautical activities, the commission shall deem such action  
5 advisable, after violation of any provision of this chapter or any rule,  
6 regulation or order promulgated thereunder. In the event the commission  
7 shall exercise the powers granted by sections sixteen, twenty, twenty-two  
8 and twenty-five of this article, it shall by rule, regulation or order provide for  
9 the modification, suspension or revocation of the privilege granted thereun-  
10 der, as the public safety or the safety of those participating in aeronautical  
11 activities shall require.

1     27. Examination and inspection; pilots and aircraft. Any member of  
2 the commission, the director, any inspector or other authorized agent of  
3 the commission may examine and inspect any pilot, aircraft, airport, landing  
4 field, landing strip, other aviation facility, air school or flying club, and upon  
5 finding a violation of any of the provisions of this chapter or of any of the  
6 rules, regulations or orders issued pursuant thereto, may prevent aviation  
7 or operation thereof by any such pilot or other person until such violation is  
8 removed. Within twenty-four hours after the taking of such action the inspec-  
9 tor or other authorized agent must file with the commission a written report  
10 setting forth the reasons therefor. Any person aggrieved by such action  
11 may demand a hearing before the commission or its duly authorized agent.  
12 The commission shall provide by rule, regulation or order for such hearing  
13 and the conduct thereof; *provided, however*, that any such hearing shall be  
14 held within five days from the receipt of a demand therefor.

1 28. Licenses: burden of proof. In any proceeding, investigation or hear-  
 2 ing, criminal or otherwise, under any of the provisions of this chapter, any  
 3 person who relies upon a license of any kind shall have the burden of proving  
 4 that he is the holder of a valid and effective license.

1 29. Periodical inspection: aircraft, airports, aviation facilities, etc. The  
 2 commission may adopt rules, regulations and orders providing for the period-  
 3 ical inspection and examination of aircraft, airports, landing fields, landing  
 4 strips, other aviation facilities, aircraft power plants, accessories and other  
 5 equipment, air schools or flying clubs, which rules, regulations or orders may  
 6 require full particulars concerning the design and calculations upon which the  
 7 design is based and of the materials and methods used in the construction  
 8 and operation of such aircraft, airports, landing fields, landing strips, other  
 9 aviation facilities, aircraft power plants, accessories and other equipment,  
 10 air schools or flying clubs.

1 30. Malicious interference with aviation facilities. No person shall will-  
 2 fully and maliciously interfere or tamper with any aircraft, airport, land-  
 3 ing field, landing strip, or any other aviation facility, or the equipment  
 4 thereof.

#### ARTICLE IV

1 31. Rules, regulations and orders; posting; service; filing. General rules  
 2 and orders of the commission shall be posted for public inspection in all offices  
 3 of the commission at least fifteen days before they shall become effective, and  
 4 every rule, regulation and order of the commission shall be posted in the  
 5 main office of the commission and shall be distributed to all licensed airports  
 6 for posting, and shall be given such further publicity by advertisement in  
 7 newspapers or otherwise as the commission shall deem advisable. Every  
 8 order applying only to a particular person or persons named therein shall be  
 9 mailed to, or served upon, such person. Every rule, regulation and order,  
 10 general or otherwise, adopted by the commission shall be filed with the  
 11 Secretary of State.

1     **32. Investigations: hearings; attendance of witnesses; production of**  
2 **documents. The commission shall have the power to conduct investigations,**  
3 **inquiries and hearings concerning matters covered by the provisions of this**  
4 **act and accidents or injuries incident to the operation of aircraft occurring**  
5 **within this State, and for this purpose the commission or its authorized repre-**  
6 **sentatives may take possession of any wreckage or aircraft damaged in such**  
7 **accidents and hold same until it releases such possession or unless any prop-**  
8 **erly authorized paramount Federal agency requests possession. In all inves-**  
9 **tigations, inquiries and hearings the chairman, or in his absence, the vice-**  
10 **chairman, shall have the power to administer oaths and affirmations, certify**  
11 **to official acts, issue subpoenas, compel the attendance and testimony of wit-**  
12 **nesses and the production of papers, books, and documents. If any person**  
13 **shall fail to comply with any subpoena or order issued under authority of**  
14 **this chapter, the chairman, or in his absence, the vice-chairman, may invoke**  
15 **the aid of any court of common pleas of this State. The court may thereupon**  
16 **order any such person to comply with the requirements of the subpoena or or-**  
17 **der, or to give evidence upon the matter in question. Any failure to obey the**  
18 **order of the court shall be punishable by the court as for a contempt thereof.**

1     **33. Depositions: records; findings, witness fees and expenses; testimony**  
2 **of commissioners or director. The commission or director or any party, in**  
3 **any investigation, may cause to be taken the deposition of witnesses resid-**  
4 **ing within or without the State in the manner prescribed by law for like**  
5 **depositions in civil actions in the courts of record in this State. A full and**  
6 **complete record shall be kept of all proceedings had before the commission,**  
7 **or any hearings had, and all testimony shall be taken down by a stenog-**  
8 **rapher appointed by the commission. Every order of the commission shall**  
9 **contain findings in sufficient detail to enable a court to determine the con-**  
10 **troverted questions presented by the proceeding, and whether proper weight**  
11 **was given to the evidence. Each witness who shall appear before the com-**  
12 **mission shall receive for his attendance the fees and mileage now provided**  
13 **for witnesses in civil cases in courts of record of this State, which shall be**

14 audited and paid by the State in the same manner as other expenses are  
15 audited and paid, upon presentation of proper vouchers sworn to by such  
16 witnesses and approved by the chairman of the commission, or, in his ab-  
17 sence, by the vice-chairman.

#### ARTICLE V

##### REVIEW OF ORDERS OF COMMISSION

1     34. Certiorari: application; notice. Any order made by the commission  
2 may be reviewed upon certiorari by the Supreme Court. No certiorari shall  
3 be allowed unless application therefor be made within thirty (30) days from  
4 the date upon which the order becomes effective, nor unless notice in writ-  
5 ing of the application shall have been given to the commission with a copy  
6 of the affidavits or proofs upon which the application is based. The notice  
7 shall be served upon the chairman of the commission either personally or by  
8 leaving it at the office of the commission in Trenton. The evidence presented  
9 to the commission, together with the findings and the order issued thereon,  
10 shall be certified by the commission to the Supreme Court with its writ.

1     35. Stay of orders in general. The allowance of a writ of certiorari to  
2 review any order of the commission shall not supersede or stay the order of  
3 the commission unless the Supreme Court or a justice thereof shall so direct.  
4 The prosecutor in certiorari may be required by the Supreme Court or a  
5 justice thereof to give bond in such form and amount as the Supreme Court  
6 or the justice thereof allowing the stay shall require.

1     36. Stay of orders; effect of. No stay of any order of the commission  
2 shall be granted unless the prosecutor shall apply to the Supreme Court or a  
3 justice thereof for a review of the order within ten days of the service  
4 thereof. Written notice of the application for a review and a stay in such  
5 case shall be given to the commission within five (5) days after the service  
6 of the commission's order; except that if the day following service of the  
7 order falls on Sunday or a legal holiday, the prosecutor shall have five (5)  
8 days following such day to serve the notice. The notice shall be served upon  
9 the chairman of the commission either personally or by leaving the same at  
10 the office of the commission in Trenton.

1     **37. Setting aside orders.** The Supreme Court is hereby given jurisdic-  
2 tion to review any order of the commission and to set aside such order  
3 in whole or in part when it clearly appears that there was no evidence be-  
4 fore the commission to support the same reasonably, or that the same was  
5 without jurisdiction of the commission.

6     No order shall be set aside in whole or in part for any irregularity or  
7 informality in the proceedings of the commission unless the irregularity  
8 or informality tends to defeat or impair substantial right or interest of the  
9 prosecutor in certiorari.

1     **38. Ordering rehearing by commission.** If, with respect to any order  
2 brought under review by certiorari, it shall appear equitable and just that  
3 a rehearing should be had before the commission, the Supreme Court may  
4 order that a rehearing be had before the commission upon such terms and  
5 conditions as are reasonable. The commission shall thereupon proceed to  
6 a rehearing of the evidence upon which the order under review was based,  
7 and upon such additional evidence, if any, as may be produced.

8     As a result of the rehearing the commission may readopt the order or  
9 alter, amend, modify or extend it.

10    The Court of Errors and Appeals on appeal from a judgment of the  
11 Supreme Court upon certiorari to review an order of the commission, may,  
12 whenever it shall deem it equitable and just that a rehearing should be had  
13 before the commission, remit the record and proceedings before it to the  
14 Supreme Court to the end that said court may order and such rehearing  
15 may be had before the commission upon such terms and conditions as are  
16 reasonable, as hereinbefore provided.

1     **39. Commission proceedings to have preference.** Any proceedings in  
2 any court of this State directly affecting an order of the commission or to  
3 which the commission is a party, shall have preference over all other civil  
4 proceedings pending in such court.

1     **40. Penalties.** Any person willfully violating any of the provisions of  
2 this chapter, or the rules, regulations or orders issued pursuant thereto,

3 except provisions, rules or regulations or orders pertaining to the organiza-  
4 tion or operation of the commission, shall be guilty of a misdemeanor and  
5 punishable by a fine of not more than five hundred dollars (\$500.00) or by  
6 imprisonment for not more than ninety days, or both.

1 41. Constitutionality. If any provision of this chapter or the applica-  
2 tion thereof to any person or circumstance shall be held invalid, such in-  
3 validity shall not affect the other provisions or applications of this chap-  
4 ter, which can be given effect without the invalid provisions or applications,  
5 and to this end the provisions of this chapter are declared to be severable.

1 42. Repealer. All acts or parts of acts inconsistent with the provisions  
2 of this chapter are hereby repealed.

1 43. When to take effect. This act shall take effect immediately.

Mr. Van Winkle, Chairman of the Committee on Banking and Insurance, reported

Senate Bill No. 117,

By Committee Substitute,

Signed—Winant Van Winkle, Frank Durand, Thomas D. Taggart.

Mr. Van Winkle moved the adoption of the Committee Substitute for Senate Bill No. 117.

Which motion was adopted.

Mr. Hendrickson, Chairman of the Committee on Judiciary, reported

Senate Bill No. 108,

With committee amendments.

Signed—Robert C. Hendrickson, Frank Durand, Clifford R. Powell, Winant Van Winkle.

Committee amendments proposed to Senate Bill No. 108:

On page 3, section 3, line 8, strike out the words "section 6:1-3" and insert in lieu thereof the following: "Title 6, chapter 1, section 3,"

On page 3, section 3, line 9, after the word "Statutes" insert the following: "of 1937".

On page 4, section 6, lines 12 and 13, strike out the words "after December seventh, one thousand nine hundred and thirty-three," and insert in lieu thereof the following: "hereafter".

On page 5, section 10, line 10, after the word "promulgate" insert the word "reasonable".

On page 5, section 10, lines 13 and 14, after the word "flight" strike out the words "in order to protect" and insert in lieu thereof the words "commensurate with the needs of".

On page 7, section 13, line 3, after the word "adopt" insert the word "reasonable".

On page 9, section 20, line 8, after the first word "of" and before the word "section" insert the word "this"; and after the word "section" strike out the words "twenty-one".

On page 11, section 26, lines 7 and 8, strike out the words "twenty-two and twenty-four" and insert in lieu thereof the words "twenty, twenty-two and twenty-five".

On page 11, section 27, lines 6 and 7, strike out the words "flight or avigation by any such pilot or aircraft" and insert in lieu thereof the words "avigation or operation thereof by any such pilot or other person".

On page 13, section 32, line 15, strike out the word "Supreme"; and after the word "Court" insert the words "of Common Pleas".

Mr. Hendrickson moved the adoption of the committee amendments to Senate Bill No. 108.

Which motion was adopted.

Mr. Hendrickson, Chairman of the Committee on Judiciary, reported

Assembly Bill No. 54,

Favorably, without amendment.

Signed—Robert C. Hendrickson, Frank Durand, Clifford R. Powell, Winant Van Winkle.

Mr. Kelley, Chairman of the Committee on Municipalities, reported

Assembly Bill No. 239,

Favorably, without amendment.

Signed—Frank S. Kelley, Albert E. Burling, Winant Van Winkle.

Mr. Clee, Chairman of the Committee on Public Health, reported

Assembly Committee Substitute for Senate Bill No. 36,

Favorably, without amendment.

Signed—Lester H. Clee, I. Grant Scott, Frank S. Kelley.

Senate Bill No. 163, entitled "An act concerning the protection, welfare of and financial assistance to aged needy residents of this State, and amending section 44:7-11 of the Revised Statutes,"

Was taken up, read a second time, considered by sections, agreed to, ordered to be printed, and to have a third reading.