

6:1-89 to 6:1-92

LEGISLATIVE HISTORY CHECKLIST

NJSA: 6:1-89 to 6:1-92; 54:39-66 et al (Airport Safety Act)

LAWS OF: 1983 CHAPTER: 264

Bill No: A3344

Sponsor(s): Markert, Cowan and Schwartz

Date Introduced: April 11, 1983

Committee: Assembly: Revenue, Finance and Appropriations

Senate: -----

Amended during passage: Yes Amendment during passage denoted by asterisks

Date of Passage: Assembly: June 16, 1983

Senate: June 16, 1983

Date of Approval: July 11, 1983

Following statements are attached if available:

Sponsor statement: Yes Also attached: Assembly amendments, adopted 5/26/83 with statement

Committee statement: Assembly Yes

Senate No

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ASSEMBLY, No. 3344

STATE OF NEW JERSEY

INTRODUCED APRIL 11, 1983

By Assemblymen MARKERT, COWAN and SCHWARTZ

AN ACT providing for the financing of a program to ensure the safety of general aviation airports in New Jersey, enabling publicly owned airports to obtain federal funds for airport development, and revising parts of the statutory law.

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

1 1. (New section) This act shall be known and may be cited as
2 the "New Jersey Airport Safety Act of 1983."

1 2. (New section) a. The Legislature finds and declares that:

2 (1) New Jersey's public use general aviation airports are an
3 integral part of the State's transportation network and promote
4 mobility and economic activities of common public benefit. These
5 public use general aviation transportation facilities are deterio-
6 rating and must be improved as to safety in order to realize their
7 full public benefit.

8 (2) There is a growing need to upgrade the safety of general
9 aviation airports, which require such improvements and equipment
10 as radar, instrument landing aids and weather-reporting equipment
11 to enable them to safely handle modern general aviation aircraft.

12 (3) Many publicly owned general aviation airports are unable
13 to obtain all of the federal funds available to them for airport
14 development because they are unable to raise money for their local
15 matching requirements.

16 (4) Many privately owned public use general aviation airports
17 which are essential to the State's economic development are in
18 danger of conversion to nonaviation uses, and it is in the public

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted May 5, 1983.

**—Assembly amendments adopted May 26, 1983.

***—Assembly amendments adopted June 13, 1983.

19 interest to provide State assistance to county and municipal efforts
20 to preserve these airports, through acquisition or other means.

21 (5) ***[General aviation users]*** **Users of general aviation air-*
22 *ports** have contributed substantial amounts to the State treasury
23 through fees and fuel taxes, and this money should henceforth be
24 used to establish an airport assistance program.

25 b. The Legislature therefore finds and declares that it is in the
26 public interest to establish an Airport Safety Fund, impose a two
27 cent per gallon tax on fuel **[used in]** **distributed to** general
28 aviation **airports**, and authorize the Commissioner of Transpor-
29 tation to establish assistance programs to improve the safety of
29A general aviation airports.

30 c. The Legislature also declares that inasmuch as federal au-
31 thorities already register aircraft, it is deemed appropriate to cease
32 the State registration of New Jersey based aircraft which is cur-
33 rently administered at a net loss.

1 3. (New section) As used in this act:

2 a. "Commissioner" means the Commissioner of Transportation.

3 b. "Department" means the Department of Transportation.

4 c. "Fund" means the Airport Safety Fund as established in
5 section 4 of this act.

6 d. "Treasurer" means the State Treasurer.

7 e. "Unrestricted public use airport" means any facility for the
8 take-off and landing of aircraft either publicly or privately owned
9 that does not have restrictive covenants on operational use by the
10 general public for reasons other than safety.

11 f. "General aviation **[aircraft]**" means those civil aircraft which
12 are not operated under the provisions of 14 CFR Parts 121, 123,
13 125, 127, 129 or operating as a scheduled air carrier **]** **airport**
14 *means any area of land or water or both used or made available*
15 *for the landing and take-off of civil aircraft, and which has further*
16 *been determined by the Commissioner of Transportation not to be*
17 *an International Airport either by classification or service charac-*
18 *teristics*.*

19 **g. "Turbine fuel" means any liquid or gaseous substance used*
20 *by jet and turbo-shaft aircraft for the propulsion of aircraft*
21 *through the air, as determined by the **[Director of the Division***
22 *of Taxation] ***Commissioner of Transportation**.**

23 h. "Director" means the Director of the Division of Taxation.*

1 4. (New section) a. There is established in the general fund a
2 separate special account to be known as the "Airport Safety Fund."
3 Notwithstanding any provisions of law to the contrary and except
4 as otherwise provided in this act, revenues from the taxes imposed

5 on the sale of fuel used in ***[general aviation]*** **aircraft** pursuant
 6 to chapter 39 of Title 54 of the Revised Statutes, revenues from
 7 the taxes imposed on the sale of ***[jet fuel used in]*** **aircraft fuels*
 8 *sold for distribution to* general aviation **airports** pursuant to
 9 this act, and fees imposed under Title 6 of the Revised Statutes
 9A shall be credited to the fund.

10 b. Moneys shall be appropriated from the fund notwithstanding
 11 the provisions of P. L. 1976, c. 67 (C. 52:9H-5 et seq.).

12 c. Moneys in the fund shall be appropriated to the department
 13 only for those aviation purposes which the department is em-
 14 powered to undertake pursuant to this act or under Title 6 and
 15 Title 27.

16 d. All revenues generated by the taxes imposed on the sale of
 17 ***[general aviation]*** **aircraft** fuels pursuant to chapter 39 of
 18 Title 54 of the Revised Statutes**, ** **the taxes imposed on the sale*
 19 *of aircraft fuels sold for distribution to general aviation airports*
 19A *pursuant to this act,** and fees imposed under the provisions of
 19B Title 6 of the Revised Statutes shall be collected and invested by the
 20 Treasurer pursuant to law. Earnings received from the investment
 21 or deposit of revenues in the fund shall be paid into and become
 22 part of the fund.

23 e. Any revenues credited to the fund but not appropriated to the
 24 department shall remain in the fund exclusively for the purposes
 25 set forth in this act.

26 **f. The Director of the Division of Budget and Accounting is*
 27 *empowered to transfer funds from the fund as may be necessary*
 28 *in order to compensate the Division of Taxation for the cost*
 29 *incurred in administering the tax provisions in this act.**

1 5. R. S. 54:39-66 is amended to read as follows:

2 54:39-66. Any person:

3 (1) Who shall use any fuels as herein defined for any of the
 4 following purposes:

5 (a) (Deleted by amendment.)

6 (b) Autobuses while being operated over the highways of this
 7 State in those municipalities to which the operator has paid a
 8 monthly franchise tax for the use of the streets therein under the
 9 provisions of **[sections 48:4-14, 48:4-15 and 48:4-16 or]** R. S.
 10 48:16-25 **[of the Title Public Utilities]** and autobuses while being
 11 operated over the highways of this State to provide regular route
 12 passenger service under operating authority conferred pursuant
 13 to R. S. 48:4-3,

14 (c) Agricultural tractors not operated on a public highway,

15 (d) Farm machinery,

- 16 (e) Aircraft,
17 (f) Ambulances,
18 (g) Rural free delivery carriers in the dispatch of their official
19 business,
20 (h) Such vehicles as run only on rails or tracks, and such
21 vehicles as run in substitution thereof,
22 (i) Such highway motor vehicles as are operated exclusively on
23 private property,
24 (j) Motor boats or motor vessels used exclusively for or in the
25 propagation, planting, preservation and gathering of oysters and
26 clams in the tidal waters of this State,
27 (k) Motor boats or motor vessels used exclusively for commercial
28 fishing,
29 (l) Motor boats or motor vessels while being used for hire for
30 fishing parties or being used for sightseeing or excursion parties,
31 (m) Cleaning,
32 (n) Fire engines and fire-fighting apparatus,
33 (o) Stationary machinery and vehicles or implements not de-
34 signed for the use of transporting persons or property on the public
35 highway,
36 (p) Heating and lighting devices,
37 (q) Fuels previously taxed under this chapter and later exported
38 or sold for exportation from the State of New Jersey to any other
39 state or country provided, proof satisfactory to the **[commissioner]**
40 *director* of such exportations is submitted,
41 (r) Motor boats or motor vessels used exclusively for Sea Scout
42 training by a duly chartered unit of the Boy Scouts of America,
43 (s) Emergency vehicles used exclusively by volunteer first-aid
44 or rescue squads, and
45 (2) Who shall have paid the tax for such fuels hereby required
46 to be paid, shall be reimbursed and repaid the amount of tax so
47 paid upon presenting to the **[commissioner]** *director* an applica-
48 tion **[of]** *for* such reimbursement or repayment, in form prescribed
49 by the **[commissioner]** *director*, which application shall be verified
50 by a declaration of the applicant that the statements contained
51 therein are true. Such application for reimbursement or repay-
52 ment shall be supported by an invoice, or invoices, showing the
53 name and address of the person from whom purchased, the name
54 of the purchaser, the date of purchase, the number of gallons pur-
55 chased, the price paid per gallon, and an acknowledgment by the
56 seller that payment of the cost of the fuel, including the tax thereon,
57 has been made. Such invoice, or invoices, shall be legibly written
58 and shall be void if any corrections or erasures shall appear on the
59 face thereof.

60 The [commissioner] director may, in his discretion, permit a
 61 distributor entitled to a refund under the provisions of this section
 62 to take credit therefor, in lieu of such refund, in such manner as the
 63 [commissioner] director may require, on a report filed pursuant to
 64 R. S. 54:39-27.

65 *Any refund granted to a person under subsection (1) (e), for fuel*
 66 *used in aircraft, shall be paid from the moneys deposited in the*
 67 *Airport Safety Fund established by section 4 of the "New Jersey*
 68 *Airport Safety Act of 1983," P. L. , c. (C.).*
 69 *Such refunds shall be granted on an annual basis.*

1 6. R. S. 54:39-71 is amended to read as follows:

2 54:39-71. Except as provided in [section] R. S. 54:39-30 [of
 3 the Revised Statutes], moneys received in accordance with this
 4 chapter *other than taxes paid on *[aviation]* *aircraft* fuels* shall
 5 be accounted for and forwarded by the [State Tax Commissioner]
 6 *Director of the Division of Taxation* to the State Treasurer, to be
 7 paid out and distributed by him as hereinafter in this article pro-
 8 vided. *Moneys received from taxes on fuel used in *[general avia-*
 9 *tion]* *aircraft, pursuant to R. S. 54:39-27 and section 7 of the*
 10 *"New Jersey Airport Safety Act of 1983," P. L. , c.*
 11 *(C.) shall be accounted for and forwarded by the Di-*
 12 *rector of the Division of Taxation to the State Treasurer, who shall*
 13 *credit these payments to the Airport Safety Fund established by*
 14 *section 4 of the "New Jersey Airport Safety Act of 1983," P. L.*
 15 *, c. (C.).*

1 7. (New section). Every distributor and gasoline jobber who
 2 sells fuel for **[general aviation aircraft]* *distribution to general*
 3 *aviation airports** shall, on or before the twenty-second day of each
 4 month **following the calendar quarter**, render a report to the
 5 Division of Taxation stating the number of gallons of fuel, except
 6 turbine fuels, sold **[or used]** in this State by him **for distribu-*
 7 *tion to general aviation airports** during the preceding calendar
 8 ***[month]** *quarter***. In addition to the provisions of R. S.
 9 54:39-27 and except as otherwise provided in R. S. 54:39-65, a tax
 10 of \$0.02 per gallon on each gallon of fuel, except turbine fuels, so
 10A reported shall be paid by each distributor or gasoline jobber, such
 10B payment to accompany the filing of the report.

11 Every distributor and gasoline jobber who sells turbine fuels
 12 for **[use in general aviation aircraft]* *distribution to general*
 13 *aviation airports** shall, on ***or before*** the twenty-second day of
 14 each month **following the calendar quarter**, render a report to the
 15 Division of Taxation, stating the number of gallons of turbine fuel
 16 sold **[or used]** by him **for distribution to general aviation air-*

17 *ports** during the preceding calendar ****[month]**** ****quarter****.

18 Except as otherwise provided in R. S. 54:39-65, a tax of \$0.02 per
18A gallon on each gallon of turbine fuels so reported shall be paid by
18B each distributor or gasoline jobber, such payment to accompany
18C the filing of the report.

19 If any distributor or gasoline jobber shall fail, neglect or refuse
20 to file the report within the time prescribed by this section, the
21 Director of the Division of Taxation shall note such failure, neglect
22 or refusal upon his records, and shall estimate the sales, distribu-
23 tion and use of said distributor or gasoline jobber, assessing the tax
24 thereon, adding to said tax a penalty of 20 percent thereof for
25 failure, neglect or refusal to report, and such estimate shall be
26 prima facie evidence of the true amount of tax due to the director
27 from such distributor or gasoline jobber; provided that if a good
28 and sufficient cause or reason is shown for such delinquency, the
29 director may remit or waive the payment of the whole or any part
30 of the penalty as provided in the State Tax Uniform Procedure
31 Law, subtitle 9 of Title 54 of the Revised Statutes. Reports required
32 by this section exclusive of schedules, itemized statements and other
33 supporting evidence annexed thereto, shall at all reasonable times
34 be open to the public, anything contained in R. S. 54:50-8 to the
35 contrary notwithstanding.

35A *****The quarterly filing provisions of this section notwithstanding,***
35B ***in the event it is determined by the director that the period for***
35C ***filing reports should be changed from a quarterly to a monthly***
35D ***filing period, he may do so upon the promulgation of regulations***
35E ***pursuant to the "Administrative Procedure Act."*****

36 The refund provisions of R. S. 54:39-66 shall not apply to this
37 section. However, users of general aviation aircraft shall be en-
38 titled to a refund or credit of the tax imposed under R. S. 54:39-27,
39 provided they comply with the provisions of R. S. 54:39-66.

1 8. Section 5 of P. L. 1966, c. 301 (C. 27:1A-5) is amended to read
2 as follows:

3 5. The commissioner, as head of the department, shall have all
4 of the functions, powers and duties heretofore vested in the State
5 Highway Commissioner and shall, in addition to the functions,
6 powers and duties invested in him by this act or by any other law:

7 (a) Develop, and maintain a comprehensive master plan for all
8 modes of transportation development, with special emphasis on
9 public transportation. Such plan shall be revised and updated at
10 least every five years;

11 (b) Develop and promote programs to foster efficient and eco-
12 nomical transportation services in the State;

13 (c) Prepare plans for the preservation, improvement and ex-
 14 pansion of the public transportation system, with special emphasis
 15 on the coordination of transit modes and the use of rail rights of
 16 way, highways and public streets for public transportation pur-
 17 poses;

18 (d) Enter into contracts with the New Jersey Transit Corpora-
 19 tion for the provision and improvement of public transportation
 20 services;

21 (e) Coordinate the transportation activities of the department
 22 with those of other public agencies and authorities;

23 (f) Cooperate with interstate commissions and authorities, State
 24 departments, councils, commissions and other State agencies, with
 25 appropriate federal agencies, and with interested private individ-
 26 uals and organizations in the coordination of plans and policies for
 27 the development of air commerce and air facilities;

28 (g) Make an annual report to the Governor and the Legislature
 29 of the department's operations, and render such other reports as
 30 the Governor shall from time to time request or as may be re-
 31 quired by law; **[and]**

32 (h) Promulgate regulations providing for the charging of and
 33 setting the amount of fees for certain services performed by and
 34 permits issued by the department, including but not limited to the
 35 following:

36 (1) Providing copies of documents prepared by or in the custody
 37 of the department;

38 (2) Aeronautics permits;

39 (3) Right-of-way permits;

40 (4) Traffic signal control systems; **[and]**

41 (i) Plan, design, construct, equip, operate, improve and main-
 42 tain a railroad, subway, street, traction or electric railway for the
 43 purpose of carrying freight in this State or between points in this
 44 State and points in other states; *and*

45 (j) *Develop and promote a program to ensure the safety and*
 46 *continued operation of ***[general]*** aviation facilities in New Jer-*
 47 *sey.*

1 9. (New section) The commissioner is hereby authorized to
 2 provide assistance to general aviation airports from the Airport
 3 Safety Fund established by section 4 of the "New Jersey Airport
 4 Safety Act of 1983," P. L. c. (C.), for the fol-
 5 lowing purposes:

6 a. To provide grants to publicly and privately owned unrestricted
 7 public use airports to obtain federal funds for airport assistance.
 8 The commissioner is authorized to provide up to 50% of the

9 required local match; except that the commissioner is authorized
10 to provide up to 100% of the required local match when he deems
11 that an emergency situation exists.

12 b. To provide grants or loans, or both, to publicly owned and
13 private unrestricted public use airports for safety projects, includ-
14 ing but not limited to engineering, planning, construction and
15 rehabilitation of lighting, runways, aprons, airport approach aids
16 and obstruction removals.

17 c. To provide grants or loans, or both, to publicly owned airports
18 or counties or municipalities to acquire airports or lands, rights in
19 land and easements, including aviation easements necessary for
20 clear zones or clear areas, which are owned, controlled or operated,
21 or to be owned, controlled or operated by municipalities, counties
22 or other political subdivisions of this State.

23 d. To acquire lands or rights in lands adjacent to privately
24 owned public use airports which are found necessary for airport
25 or air safety purposes, and while retaining title to that land or
26 right in land, the commissioner may lease those lands or rights to
27 airports or airport authorities for use in the furtherance of
28 airport, air safety, or air transportation purposes. The commis-
29 sioner shall establish terms in any such lease so as to protect the
30 State's interest in the promotion of aviation and the State's
31 investment in lands and property.

1 10. (New section). Any airport to qualify under the provisions
2 of section 9 of this act shall not be ***[currently controlled or owned**
3 **by the Port Authority of New York and New Jersey]*** **an Inter-*
4 *national Airport either by classification or service characteristics*
5 *as determined by the Commissioner of Transportation**, and shall
5A be included in the New Jersey State Airport System Plan as pre-
5B pared or revised from time to time by the department.

6 In considering an application for financial assistance, the com-
7 missioner shall consider, in addition to the requirements of eligi-
8 bility under the provisions of this act and other eligibility criteria
9 that the commissioner may promulgate by rule to effectuate the
10 purposes of section 9 of this act, the scope and cost of the improve-
11 ment required, **availability of local funds for airport develop-*
12 *ment,** the capture of federal funds, the relative value of that im-
13 provement to the other needs of the particular airport, the present
14 and future public service levels in regard to operations, based air-
15 craft, passenger service, freight service*, *Statewide distribution*
16 *of services,** and local and State economic development, the impact
17 on the area surrounding the airport, the extent to which the im-
18 provement will contribute to the welfare of the citizens of the State

18A and the local area, and the relative value to the State airport sys-
18B tem as a whole.

19 The commissioner shall also establish certification requirements
20 to ensure that:

21 a. The airport will be owned or effectively controlled, operated,
22 repaired and maintained adequately during the improvement's
23 full useful life, for the benefit of the public;

24 b. In connection with the operation of the airport, during the
25 improvement's full useful life, the public will not be deprived of its
26 rightful, fair, equal and uniform use of the airport;

27 c. The airport will adhere to State and federal laws and regula-
28 tions. If an airport received financial assistance under section 9
29 of this act and ceases operations or fails to continue to comply
30 with the provisions of this section before the predetermined life of
31 the financially assisted improvements, as such life is determined
32 by the commissioner at the time the financial assistance is granted,
33 the State shall be reimbursed for the unused portion of such
34 predetermined life and, if not fully reimbursed, the claim shall be
35 a first lien on the airport property to the extent of the unpaid
36 balance; and

37 d. If a county or municipality or other public body received
38 financial assistance under section 9 of this act for acquisition of real
39 property, that property shall not be sold or used for any non-
40 aviation purpose without the approval of the commissioner.

1 11. (New section). The commissioner may acquire airports or
2 lands or rights therein including aviation easements necessary for
3 clear zones or clear areas ***[whether for immediate or future
4 use]*** by gift, devise or purchase ***[or by condemnation]***
5 when ***[he deems it]*** ****it is deemed to be**** necessary for
6 the safe operation of the airport and the general public safety or
7 necessary for the continued operations of an airport which ***[he
8 deems necessary to a balanced]*** ****is deemed to be necessary
9 for a safe and efficient**** air transportation system in the State.
10 The commissioner may contract for the operation of these facilities
11 on a temporary basis or retain ownership of the facilities without
12 operating them. He may also sell any airport or airport land so
13 acquired to a county or municipality or other public bodies on the
14 condition that they operate the facility as an airport and that they
15 may not sell the land without the commissioner's approval.

1 12. Section 2 of P. L. 1938, c. 48 (C. 6:1-21) is amended to read
2 as follows:

3 2. When used in this act:

4 (a) "Aeronautics" means aviation of or transportation by

5 aircraft; air instruction; the operation, repair or maintenance of
6 aircraft, aircraft power plants and accessories; and the design,
7 construction, repair, maintenance, operation or management of
8 airports, landing fields, landing strips and other avigational
9 facilities.

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

13 (c) "Aircraft" means any contrivance now known or hereafter
14 invented, used or designed for avigation or flight in the air.

15 (d) "Public aircraft" means an aircraft used exclusively in the
16 service of any government or of any political subdivision thereof,
17 including the government of the United States, of the District of
18 Columbia, and of any state, territory or insular possession of the
19 United States, but not including any government-owned aircraft
20 engaged in carrying for-hire persons or goods.

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

23 (f) "Airport" means any area of land, water or both, which is
24 used or made available for the landing and take-off of aircraft, and
25 which provides facilities for the shelter, supply and repair of
26 aircraft, and which, as to size, design, surface, marking, main-
27 tenance, repair and management, meets the minimum requirements
28 for the various classes of airports established from time to time
29 by the New Jersey Commissioner of Transportation.

30 (g) ["Landing field" means any area of land, water or both,
31 which is used or is made available for the landing and take-off of
32 aircraft, and which does not provide facilities for the shelter,
33 supply and repair of aircraft, and which, as to size, design, surface,
34 marking, equipment, maintenance, repair and management, meets
35 the minimum requirements for the various classes of landing fields
36 established from time to time by the New Jersey Commissioner of
37 Transportation.] (*Deleted by amendment*).

38 (h) "Landing strip" means any area of land, water or both,
39 other than an airport [or landing field], which is used or is made
40 available for the landing and take-off of aircraft.

41 (i) "Air instruction" means instruction in aeronautics or in
42 the art or science of avigation or flight of aircraft.

43 (j) "Fixed base operator" means any person engaged in giving,
44 offering to give, advertising, representing or holding himself out
45 as giving, to the public with or without compensation or other
46 reward, air instruction and any person engaged in, but not limited
47 to, the following types of operation: flying club; dusting, spraying

48 and seeding by aircraft; aircraft maintenance or repair shop,
 49 banner towing, intrastate air carriers, sport parachute center; air
 50 taxi scheduled or charter; pipe or power line patrol; aerial photog-
 51 raphy; fish spotting; aerial advertising (other than banner tow-
 52 ing); and parachute repair and rigging; but, the term "fixed base
 53 operator" shall not include air carriers operating under a certifi-
 54 cate of public convenience and necessity issued by the Civil Aero-
 55 nautics Board or any successor thereto.

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

58 (l) "Commissioner" means the Commissioner of the State
 59 Department of Transportation.

60 (m) "Director" means the State Director of Aeronautics in the
 61 Department of Transportation.

62 (n) "Temporary landing area **[for rotary wing aircraft]**"
 63 means any area of land, water or both, which is used or made
 64 available for the landing and take-off of **[rotary wing]** aircraft,
 65 and which, as to size, design, surface, ownership and location,
 66 meets the minimum requirements established from time to time by
 67 the Commissioner of Transportation.

68 (o) The singular shall include the plural and any gender shall
 69 include every other gender.

1 13. Section 16 of P. L. 1938, c. 48 (C. 6:1-35) is amended to
 2 read as follows:

3 16. Licenses: aircraft; provisions for. The **[commission shall]**
 4 *commissioner may* provide for the licensing of **[all]** civil aircraft
 5 by reasonable rules, regulations and orders adequate to protect the
 6 public safety and the safety of those participating in aeronautics
 7 and to ensure the satisfactory and safe performance of **[all]** air-
 8 craft in accordance with their design **[and]** *or* contemplated use.

9 Any class of aircraft shall be deemed to be licensed under the
 10 provisions of section 16 of this article; provided, such aircraft shall
 11 be validly and effectively licensed and registered under the pro-
 12 visions of laws, rules and regulations of the United States Govern-
 13 ment.

1 14. Section 24 of P. L. 1938, c. 48 (C. 6:1-43) is amended to
 2 read as follows:

3 24. It shall be unlawful, except as **[hereinafter provided]**, to use,
 4 operate or cause to be used or operated any airport, landing field,
 5 landing strip, fixed base operator or other aviation facility, unless
 6 it, and, in the case of airports and landing fields, their management
 7 shall be licensed as provided in this chapter; and except in case of
 8 emergency no aircraft shall land upon, or take off from, any airport,

9 landing field or landing strip, except a temporary landing area for
 10 rotary wing aircraft approved by the commissioner, not so licensed;
 11 provided, however, that neither the provisions of this chapter, nor
 12 the rules, regulations or orders issued pursuant thereto, shall apply
 13 to any airport, landing field, landing strip, fixed base operator, or
 14 other aviation facility, owned and operated by the Government
 15 of the United States. *provided for by the provisions of this chap-*
 16 *ter and the rules, regulations and orders adopted pursuant to this*
 17 *chapter, to operate, use, or cause to be operated or used any aviga-*
 18 *tional facility intended to accommodate the operation, take-off, or*
 19 *landing of aircraft except in the case of emergency or at avigational*
 20 *facilities owned and operated exclusively by and for the Govern-*
 21 *ment of the United States. No aircraft or airman shall utilize, land,*
 22 *or take off from any area of land or water unless that area is li-*
 23 *censed for such activity, or found and declared by the commissioner*
 24 *to be vital or necessary for avigational purposes. It shall be fur-*
 25 *ther unlawful to operate or allow to be operated without proper*
 26 *license any aeronautical activity-fixed base operation that is re-*
 27 *quired to be licensed by the provisions of this chapter or the rules,*
 28 *regulations and orders issued pursuant to this chapter in the in-*
 29 *terest of the public health, safety and welfare.*

1 15. Section 25 of P. L. 1938, c. 48 (C. 6:1-44) is amended to
 2 read as follows:

3 25. The commissioner shall provide for the licensing of airports,
 4 **airport and landing field managements, landing fields,** landing
 5 strips, **fixed base operators** or other aviation facilities and
 6 temporary landing areas **for rotary wing aircraft** by rules, regu-
 7 lations and orders adequate to protect the public health and safety
 8 and the safety of those participating in aeronautical activities;
 9 provided, however, that the continued use and operation of air-
 10 ports, **landing fields,** landing strips, **fixed base operators** and
 11 other aviation facilities, in use and operation on the effective date
 12 of this chapter, for which an application for a license shall have
 13 been filed within the time fixed by the commissioner, shall be per-
 14 mitted, pending the granting or rejection of such applications;
 15 and provided further, that the application for a license for any
 16 airport, **landing field,** landing strip, **fixed base operator** or
 17 other aviation facility in use and operation on the effective date
 18 of this chapter shall be granted, unless the commissioner shall find
 19 that such airports, **landing fields,** landing strips, **fixed base**
 20 **operators** or other aviation facilities are not constructed,
 21 equipped and operated in accordance with the standards and re-
 22 quirements fixed by the rules, regulations and orders of the com-

23 missioner. Whenever the commissioner or the Director of Aero-
 24 nautics shall reject any application for license under the provisions
 25 of this section, he shall state in writing the reasons for such re-
 26 jection.

27 *The commissioner may further determine it necessary and pro-*
 28 *vide for the licensing of specific aeronautical activities, fixed base*
 29 *operations, or persons engaged in specific types of aeronautical*
 30 *activities, or operations by rules, regulations and orders adequate*
 31 *to protect the public health, safety and welfare and the safety of*
 32 *those participating in **[aeronautics]** **aeronautics**.*

1 16. Section 1 of P. L. 1953, c. 234 (C. 6:1-44.1) is amended to
 2 read as follows:

3 1. The commissioner shall have the power to grant an appro-
 4 priate license or certificate upon applications properly made and
 5 the fee therefor paid for activities and operations that comply with
 6 the requirements of this act.

7 *Licenses or certificates (excepting those issued on a temporary*
 8 *basis) required by regulation for the operation of aeronautical*
 9 *facilities and fixed base operations are issued for a period of one*
 10 *year. Such licenses may be annually renewed for a period of one*
 11 *year, upon satisfaction of requirements set by the applicable rules*
 12 *and regulations appropriate to the license or certificate sought.*
 13 *Licenses or certificates issued on a temporary basis shall be valid*
 14 *for a period of less than one year and continue in effect until a*
 15 *specified expiration date, by request for withdrawal of license or*
 16 *certificate by the initial applicant, or by order of the commissioner.*
 17 *Rules, procedures, and application fees for the issuing of all licenses*
 18 *and certificates shall be established by the commissioner through*
 19 *regulation. Each applicant for license or certificate, be it initial,*
 20 *renewal, or temporary, shall be required to pay a nonrebutable fee*
 21 *to the Division of Aeronautics in the Department of Transporta-*
 22 *tion.*

23 **【**All licenses or certificates heretofore issued for airports, land-
 24 ing fields, landing strips, New Jersey rotary wing pilot certificates,
 25 airport or landing field managers, heliports, helistops, sport para-
 26 chuting centers, sport parachuting exhibitions, private aviation
 27 facilities, aerial exhibitions, other avigational facilities, and fixed
 28 base operators shall continue in effect until the expiration date
 29 thereof expressed therein and all such licenses or certificates here-
 30 after issued shall be issued for one year from the date of issuance
 31 and shall be renewed annually upon application for renewal made
 32 not later than 30 days before the expiration of the license or cer-
 33 tificate to be renewed. Each applicant for such a license or certifi-

34 cate or the renewal of such a license or certificate shall be required
 35 to pay a fee to the Division of Aeronautics in the Department of
 36 Transportation as follows:

37 License or certificate fees for initial issuance or renewal:

38	Airport license	\$35.00
39	Landing field license	25.00
40	Landing strip license	15.00
41	Private aviation facility license	10.00
42	Heliport license	25.00
43	Helistop license	15.00
44	Sport parachuting center license	25.00
45	Sport parachuting exhibition license	20.00
46	Aerial exhibition, meet or air race license	25.00
47	Manager of airport or landing field license	10.00
48	Flying club license	5.00
49	New Jersey rotary wing pilot certificate	25.00

50 Other fixed base operators:

51	Basic license for one operation	15.00
52	Each additional operation to be licensed	5.00
53	Special (three day) helistop	10.00

54 All such fees ***collected prior to July 1, 1983** shall be paid to the
 55 State Treasurer by the division for use of the State**[,] and all such**
 56 **fees collected after June 30, 1983*** shall be paid to the State Trea-
 57 surer by the division for deposit in the Airport Safety Fund
 58 established by section 4 of the "New Jersey Airport Safety Act
 59 of 1983," P. L. , c. (C.).

1 17. Section 7 of P. L. 1971, c. 118 (C. 6:1-59.1) is amended to
 2 read as follows:

3 7. Any person violating any provisions of this act or any rule,
 4 regulation or order authorized hereby and any person who operates,
 5 conducts, uses or permits others to operate, conduct, use or employ
 6 any aeronautical facility, operation or activity which is required
 7 to be licensed without said license being previously issued or re-
 8 newed as required shall be liable to a penalty of **[\$50.00]** up to
 9 **\$1,000.00** which may be collected and enforced in an action by the
 10 Division of Aeronautics in the name of the State in any municipal
 11 court or in any other court of competent jurisdiction in a summary
 12 manner, without a jury, in accordance with the procedure pre-
 13 scribed in "the penalty enforcement law" (N. J. S. 2A:58-1 et seq.).

14 All penalties and costs collected in such actions shall be accounted
 15 for by the judge and forwarded to the Division of Aeronautics
 16 which shall transmit the same to the State Treasurer, *who shall*
 17 *credit such moneys to the Airport Safety Fund established by sec-*

18 *tion 4 of the "New Jersey Airport Safety Act of 1983," P. L. , ,*
 19 *c. (C.).*

1 18. (New section) The commissioner is authorized to make such
 2 rules and regulations, in accordance with the "Administrative Pro-
 3 cedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), as he deems
 4 necessary to effectuate the purposes of this act.

1 19. (New section) All aircraft, whether or not the same are
 2 required to be registered under State or federal law, shall be
 3 exempt from taxation under chapters 4 and 11A of Title 54 of the
 4 Revised Statutes or any other law of this State which may impose
 5 a personal property tax.

1 20. The following are repealed:

2 a. P. L. 1938, c. 48, §§ 17, 20 and 22 (C. 6:1-36, 6:1-39 and
 3 6:1-41);

4 b. P. L. 1964, c. 128 (C. 6:1-63 et seq.).

1 21. This act shall take effect immediately except that sections
 2 4, 5, 6, 7, ***[17]*** *9, 10, 11, 16 and 17 shall take effect on the first
 3 day of the second month after enactment* and subsection b. of
 4 section 20 shall take effect on July 1, 1983.

ASSEMBLY, No. 3344
STATE OF NEW JERSEY

INTRODUCED APRIL 11, 1983

By Assemblymen MARKERT, COWAN and SCHWARTZ

AN ACT providing for the financing of a program to ensure the safety of general aviation airports in New Jersey, enabling publicly owned airports to obtain federal funds for airport development, and revising parts of the statutory law.

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

1 1. (New section) This act shall be known and may be cited as
2 the "New Jersey Airport Safety Act of 1983."

1 2. (New section) a. The Legislature finds and declares that:

2 (1) New Jersey's public use general aviation airports are an
3 integral part of the State's transportation network and promote
4 mobility and economic activities of common public benefit. These
5 public use general aviation transportation facilities are deterio-
6 rating and must be improved as to safety in order to realize their
7 full public benefit.

8 (2) There is a growing need to upgrade the safety of general
9 aviation airports, which require such improvements and equipment
10 as radar, instrument landing aids and weather-reporting equipment
11 to enable them to safely handle modern general aviation aircraft.

12 (3) Many publicly owned general aviation airports are unable
13 to obtain all of the federal funds available to them for airport
14 development because they are unable to raise money for their local
15 matching requirements.

16 (4) Many privately owned public use general aviation airports
17 which are essential to the State's economic development are in
18 danger of conversion to nonaviation uses, and it is in the public

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

19 interest to provide State assistance to county and municipal efforts
20 to preserve these airports, through acquisition or other means.

21 (5) General aviation users have contributed substantial amounts
22 to the State treasury through fees and fuel taxes, and this money
23 should henceforth be used to establish an airport assistance pro-
24 gram.

25 b. The Legislature therefore finds and declares that it is in the
26 public interest to establish an Airport Safety Fund, impose a two
27 cent per gallon tax on fuel used in general aviation, and authorize
28 the Commissioner of Transportation to establish assistance pro-
29 grams to improve the safety of general aviation airports.

30 c. The Legislature also declares that inasmuch as federal au-
31 thorities already register aircraft, it is deemed appropriate to cease
32 the State registration of New Jersey based aircraft which is cur-
33 rently administered at a net loss.

1 3. (New section) As used in this act:

2 a. "Commissioner" means the Commissioner of Transportation.

3 b. "Department" means the Department of Transportation.

4 c. "Fund" means the Airport Safety Fund as established in
5 section 4 of this act.

6 d. "Treasurer" means the State Treasurer.

7 e. "Unrestricted public use airport" means any facility for the
8 take-off and landing of aircraft either publicly or privately owned
9 that does not have restrictive covenants on operational use by the
10 general public for reasons other than safety.

11 f. "General aviation aircraft" means those civil aircraft which
12 are not operated under the provisions of 14 CFR Parts 121, 123,
13 125, 127, 129 or operating as a scheduled air carrier.

1 4. (New section) a. There is established in the general fund a
2 separate special account to be known as the "Airport Safety Fund."
3 Notwithstanding any provisions of law to the contrary and except
4 as otherwise provided in this act, revenues from the taxes imposed
5 on the sale of fuel used in general aviation pursuant to chapter 39
6 of Title 54 of the Revised Statutes, revenues from the taxes imposed
7 on the sale of jet fuel used in general aviation pursuant to this act,
8 and fees imposed under Title 6 of the Revised Statutes shall be
9 credited to the fund.

10 b. Moneys shall be appropriated from the fund notwithstanding
11 the provisions of P. L. 1976, c. 67 (C. 52:9H-5 et seq.).

12 c. Moneys in the fund shall be appropriated to the department
13 only for those aviation purposes which the department is em-
14 powered to undertake pursuant to this act or under Title 6 and
15 Title 27.

16 d. All revenues generated by the taxes imposed on the sale of
17 general aviation fuels pursuant to chapter 39 of Title 54 of the
18 Revised Statutes and fees imposed under the provisions of Title 6
19 of the Revised Statutes shall be collected and invested by the
20 Treasurer pursuant to law. Earnings received from the investment
21 or deposit of revenues in the fund shall be paid into and become
22 part of the fund.

23 e. Any revenues credited to the fund but not appropriated to the
24 department shall remain in the fund exclusively for the purposes
25 set forth in this act.

1 5. R. S. 54:39-66 is amended to read as follows:

2 54:39-66. Any person:

3 (1) Who shall use any fuels as herein defined for any of the
4 following purposes:

5 (a) (Deleted by amendment.)

6 (b) Buses while being operated over the highways of this
7 State in those municipalities to which the operator has paid a
8 monthly franchise tax for the use of the streets therein under the
9 provisions of [sections 48:4-14, 48:4-15 and 48:4-16 or] R. S.
10 48:16-25 [of the Title Public Utilities] and buses while being
11 operated over the highways of this State to provide regular route
12 passenger service under operating authority conferred pursuant
13 to R. S. 48:4-3,

14 (c) Agricultural tractors not operated on a public highway,

15 (d) Farm machinery,

16 (e) Aircraft,

17 (f) Ambulances,

18 (g) Rural free delivery carriers in the dispatch of their official
19 business,

20 (h) Such vehicles as run only on rails or tracks, and such
21 vehicles as run in substitution thereof,

22 (i) Such highway motor vehicles as are operated exclusively on
23 private property,

24 (j) Motor boats or motor vessels used exclusively for or in the
25 propagation, planting, preservation and gathering of oysters and
26 clams in the tidal waters of this State,

27 (k) Motor boats or motor vessels used exclusively for commercial
28 fishing,

29 (l) Motor boats or motor vessels while being used for hire for
30 fishing parties or being used for sightseeing or excursion parties,

31 (m) Cleaning,

32 (n) Fire engines and fire-fighting apparatus,

33 (o) Stationary machinery and vehicles or implements not de-

34 signed for the use of transporting persons or property on the public
35 highway,

36 (p) Heating and lighting devices,

37 (q) Fuels previously taxed under this chapter and later exported
38 or sold for exportation from the State of New Jersey to any other
39 state or country provided, proof satisfactory to the [commissioner]
40 director of such exportations is submitted,

41 (r) Motor boats or motor vessels used exclusively for Sea Scout
42 training by a duly chartered unit of the Boy Scouts of America,

43 (s) Emergency vehicles used exclusively by volunteer first-aid
44 or rescue squads, and

45 (2) Who shall have paid the tax for such fuels hereby required
46 to be paid, shall be reimbursed and repaid the amount of tax so
47 paid upon presenting to the [commissioner] director an applica-
48 tion [of] for such reimbursement or repayment, in form prescribed
49 by the [commissioner] director, which application shall be verified
50 by a declaration of the applicant that the statements contained
51 therein are true. Such application for reimbursement or repay-
52 ment shall be supported by an invoice, or invoices, showing the
53 name and address of the person from whom purchased, the name
54 of the purchaser, the date of purchase, the number of gallons pur-
55 chased, the price paid per gallon, and an acknowledgment by the
56 seller that payment of the cost of the fuel, including the tax thereon,
57 has been made. Such invoice, or invoices, shall be legibly written
58 and shall be void if any corrections or erasures shall appear on the
59 face thereof.

60 The [commissioner] director may, in his discretion, permit a
61 distributor entitled to a refund under the provisions of this section
62 to take credit therefor, in lieu of such refund, in such manner as the
63 [commissioner] director may require, on a report filed pursuant to
64 R. S. 54:39-27.

65 *Any refund granted to a person under subsection (1) (e), for fuel*
66 *used in aircraft, shall be paid from the moneys deposited in the*
67 *Airport Safety Fund established by section 4 of the "New Jersey*
68 *Airport Safety Act of 1983," P. L. , c. (C.).*

69 *Such refunds shall be granted on an annual basis.*

1 6. R. S. 54:39-71 is amended to read as follows:

2 54:39-71. Except as provided in [section] R. S. 54:39-30 [of
3 the Revised Statutes], moneys received in accordance with this
4 chapter *other than taxes paid on aviation fuels* shall be accounted
5 for and forwarded by the [State Tax Commissioner] Director of
6 the Division of Taxation to the State Treasurer, to be paid out and
7 distributed by him as hereinafter in this article provided. *Moneys*

8 received from taxes on fuel used in general aviation aircraft; pur-
9 suant to R. S. 54:39-27 and section 7 of the "New Jersey Airport
10 Safety Act of 1983," P. L. , c. (C.) shall be
11 accounted for and forwarded by the Director of the Division of
12 Taxation to the State Treasurer, who shall credit these payments
13 to the Airport Safety Fund established by section 4 of the "New
14 Jersey Airport Safety Act of 1983," P. L. , c. (C.).

1 7. (New section). Every distributor and gasoline jobber who
2 sells fuel for general aviation aircraft shall, on or before the
3 twenty-second day of each month, render a report to the Division
4 of Taxation stating the number of gallons of fuel, except turbine
5 fuels, sold or used in this State by him during the preceding
6 calendar month. In addition to the provisions of R. S. 54:39-27
7 and except as otherwise provided in R. S. 54:39-65, a tax of \$0.02
8 per gallon on each gallon of fuel, except turbine fuels, so reported
9 shall be paid by each distributor or gasoline jobber, such payment
10 to accompany the filing of the report.

11 Every distributor and gasoline jobber who sells turbine fuels
12 for use in general aviation aircraft shall, on the twenty-second day
13 of each month, render a report to the Division of Taxation, stating
14 the number of gallons of turbine fuels sold or used by him during
15 the preceding calendar month. Except as otherwise provided in
16 R. S. 54:39-65, a tax of \$0.02 per gallon on each gallon of turbine
17 fuels so reported shall be paid by each distributor or gasoline job-
18 ber, such payment to accompany the filing of the report.

19 If any distributor or gasoline jobber shall fail, neglect or refuse
20 to file the report within the time prescribed by this section, the
21 Director of the Division of Taxation shall note such failure, neglect
22 or refusal upon his records, and shall estimate the sales, distribu-
23 tion and use of said distributor or gasoline jobber, assessing the tax
24 thereon, adding to said tax a penalty of 20 percent thereof for
25 failure, neglect or refusal to report, and such estimate shall be
26 prima facie evidence of the true amount of tax due to the director
27 from such distributor or gasoline jobber; provided that if a good
28 and sufficient cause or reason is shown for such delinquency, the
29 director may remit or waive the payment of the whole or any part
30 of the penalty as provided in the State Tax Uniform Procedure
31 Law, subtitle 9 of Title 54 of the Revised Statutes. Reports required
32 by this section exclusive of schedules, itemized statements and other
33 supporting evidence annexed thereto, shall at all reasonable times
34 be open to the public, anything contained in R. S. 54:50-8 to the
35 contrary notwithstanding.

36 The refund provisions of R. S. 54:39-66 shall not apply to this

37 section. However, users of general aviation aircraft shall be en-
38 titled to a refund or credit of the tax imposed under R. S. 54:39-27,
39 provided they comply with the provisions of R. S. 54:39-66.

1 8. Section 5 of P. L. 1966, c. 301 (C. 27:1A-5) is amended to read
2 as follows:

3 5. The commissioner, as head of the department, shall have all
4 of the functions, powers and duties heretofore vested in the State
5 Highway Commissioner and shall, in addition to the functions,
6 powers and duties invested in him by this act or by any other law:

7 (a) Develop, and maintain a comprehensive master plan for all
8 modes of transportation development, with special emphasis on
9 public transportation. Such plan shall be revised and updated at
10 least every five years;

11 (b) Develop and promote programs to foster efficient and eco-
12 nomical transportation services in the State;

13 (c) Prepare plans for the preservation, improvement and ex-
14 pansion of the public transportation system, with special emphasis
15 on the coordination of transit modes and the use of rail rights of
16 way, highways and public streets for public transportation pur-
17 poses;

18 (d) Enter into contracts with the New Jersey Transit Corpora-
19 tion for the provision and improvement of public transportation
20 services;

21 (e) Coordinate the transportation activities of the department
22 with those of other public agencies and authorities;

23 (f) Cooperate with interstate commissions and authorities, State
24 departments, councils, commissions and other State agencies, with
25 appropriate federal agencies, and with interested private individ-
26 uals and organizations in the coordination of plans and policies for
27 the development of air commerce and air facilities;

28 (g) Make an annual report to the Governor and the Legislature
29 of the department's operations, and render such other reports as
30 the Governor shall from time to time request or as may be re-
31 quired by law; [and]

32 (h) Promulgate regulations providing for the charging of and
33 setting the amount of fees for certain services performed by and
34 permits issued by the department, including but not limited to the
35 following:

36 (1) Providing copies of documents prepared by or in the custody
37 of the department;

38 (2) Aeronautics permits;

39 (3) Right-of-way permits;

40 (4) Traffic signal control systems; [and]

41 (i) Plan, design, construct, equip, operate, improve and main-
 42 tain a railroad, subway, street, traction or electric railway for the
 43 purpose of carrying freight in this State or between points in this
 44 State and points in other states; and

45 (j) *Develop and promote a program to ensure the safety and*
 46 *continued operation of general aviation facilities in New Jersey.*

1 9. (New section) The commissioner is hereby authorized to
 2 provide assistance to general aviation airports from the Airport
 3 Safety Fund established by section 4 of the "New Jersey Airport
 4 Safety Act of 1983," P. L. c. (C.), for the fol-
 5 lowing purposes:

6 a. To provide grants to publicly and privately owned unrestricted
 7 public use airports to obtain federal funds for airport assistance.
 8 The commissioner is authorized to provide up to 50% of the
 9 required local match; except that the commissioner is authorized
 10 to provide up to 100% of the required local match when he deems
 11 that an emergency situation exists.

12 b. To provide grants or loans, or both, to publicly owned and
 13 private unrestricted public use airports for safety projects, includ-
 14 ing but not limited to engineering, planning, construction and
 15 rehabilitation of lighting, runways, aprons, airport approach aids
 16 and obstruction removals.

17 c. To provide grants or loans, or both, to publicly owned airports
 18 or counties or municipalities to acquire airports or lands, rights in
 19 land and easements, including aviation easements necessary for
 20 clear zones or clear areas, which are owned, controlled or operated,
 21 or to be owned, controlled or operated by municipalities, counties
 22 or other political subdivisions of this State.

23 d. To acquire lands or rights in lands adjacent to privately
 24 owned public use airports which are found necessary for airport
 25 or air safety purposes, and while retaining title to that land or
 26 right in land, the commissioner may lease those lands or rights to
 27 airports or airport authorities for use in the furtherance of
 28 airport, air safety, or air transportation purposes. The commis-
 29 sioner shall establish terms in any such lease so as to protect the
 30 State's interest in the promotion of aviation and the State's
 31 investment in lands and property.

1 10. (New section). Any airport to qualify under the provisions
 2 of section 9 of this act shall not be currently controlled or owned
 3 by the Port Authority of New York and New Jersey, and shall be
 4 included in the New Jersey State Airport System Plan as prepared
 5 or revised from time to time by the department.

6 In considering an application for financial assistance, the com-

7 commissioner shall consider, in addition to the requirements of eligi-
8 bility under the provisions of this act and other eligibility criteria
9 that the commissioner may promulgate by rule to effectuate the
10 purposes of section 9 of this act, the scope and cost of the improve-
11 ment required, the capture of federal funds, the relative value of
12 that improvement to the other needs of the particular airport, the
13 present and future public service levels in regard to operations,
14 based aircraft, passenger service, freight service and local and
15 State economic development, the impact on the area surrounding
16 the airport, the extent to which the improvement will contribute to
17 the welfare of the citizens of the State and the local area, and the
18 relative value to the State airport system as a whole.

19 The commissioner shall also establish certification requirements
20 to ensure that:

21 a. The airport will be owned or effectively controlled, operated,
22 repaired and maintained adequately during the improvement's
23 full useful life, for the benefit of the public;

24 b. In connection with the operation of the airport, during the
25 improvement's full useful life, the public will not be deprived of its
26 rightful, fair, equal and uniform use of the airport;

27 c. The airport will adhere to State and federal laws and regula-
28 tions. If an airport received financial assistance under section 9
29 of this act and ceases operations or fails to continue to comply
30 with the provisions of this section before the predetermined life of
31 the financially assisted improvements, as such life is determined
32 by the commissioner at the time the financial assistance is granted,
33 the State shall be reimbursed for the unused portion of such
34 predetermined life and, if not fully reimbursed, the claim shall be
35 a first lien on the airport property to the extent of the unpaid
36 balance; and

37 d. If a county or municipality or other public body received
38 financial assistance under section 9 of this act for acquisition of real
39 property, that property shall not be sold or used for any non-
40 aviation purpose without the approval of the commissioner.

1 11. (New section). The commissioner may acquire airports or
2 lands or rights therein including aviation easements necessary for
3 clear zones or clear areas whether for immediate or future use by
4 gift, devise or purchase or by condemnation when he deems it
5 necessary for the safe operation of the airport and the general
6 public safety or necessary for the continued operations of an
7 airport which he deems necessary to a balanced air transportation
8 system in the State. The commissioner may contract for the opera-
9 tion of these facilities on a temporary basis or retain ownership

10 of the facilities without operating them. He may also sell any
11 airport or airport land so acquired to a county or municipality or
12 other public bodies on the condition that they operate the facility
13 as an airport and that they may not sell the land without the
14 commissioner's approval.

1 12. Section 2 of P. L. 1938, c. 48 (C. 6:1-21) is amended to read
2 as follows:

3 2. When used in this act:

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

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

13 (c) "Aircraft" means any contrivance now known or hereafter
14 invented, used or designed for avigation or flight in the air.

15 (d) "Public aircraft" means an aircraft used exclusively in the
16 service of any government or of any political subdivision thereof,
17 including the government of the United States, of the District of
18 Columbia, and of any state, territory or insular possession of the
19 United States, but not including any government-owned aircraft
20 engaged in carrying for-hire persons or goods.

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

23 (f) "Airport" means any area of land, water or both, which is
24 used or made available for the landing and take-off of aircraft, and
25 which provides facilities for the shelter, supply and repair of
26 aircraft, and which, as to size, design, surface, marking, main-
27 tenance, repair and management, meets the minimum requirements
28 for the various classes of airports established from time to time
29 by the New Jersey Commissioner of Transportation.

30 (g) ["Landing field" means any area of land, water or both,
31 which is used or is made available for the landing and take-off of
32 aircraft, and which does not provide facilities for the shelter,
33 supply and repair of aircraft, and which, as to size, design, surface,
34 marking, equipment, maintenance, repair and management, meets
35 the minimum requirements for the various classes of landing fields
36 established from time to time by the New Jersey Commissioner of
37 Transportation.] (*Deleted by amendment*).

38 (h) "Landing strip" means any area of land, water or both,
39 other than an airport [or landing field], which is used or is made
40 available for the landing and take-off of aircraft.

41 (i) "Air instruction" means instruction in aeronautics or in
42 the art or science of avigation or flight of aircraft.

43 (j) "Fixed base operator" means any person engaged in giving,
44 offering to give, advertising, representing or holding himself out
45 as giving, to the public with or without compensation or other
46 reward, air instruction and any person engaged in, but not limited
47 to, the following types of operation: flying club; dusting, spraying
48 and seeding by aircraft; aircraft maintenance or repair shop,
49 banner towing, intrastate air carriers, sport parachute center; air
50 taxi scheduled or charter; pipe or power line patrol; aerial photog-
51 raphy; fish spotting; aerial advertising (other than banner tow-
52 ing); and parachute repair and rigging; but, the term "fixed base
53 operator" shall not include air carriers operating under a certifi-
54 cate of public convenience and necessity issued by the Civil Aero-
55 nautics Board or any successor thereto.

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

58 (l) "Commissioner" means the Commissioner of the State
59 Department of Transportation.

60 (m) "Director" means the State Director of Aeronautics in the
61 Department of Transportation.

62 (n) "Temporary landing area [for rotary wing aircraft]"
63 means any area of land, water or both, which is used or made
64 available for the landing and take-off of [rotary wing] aircraft,
65 and which, as to size, design, surface, ownership and location,
66 meets the minimum requirements established from time to time by
67 the Commissioner of Transportation.

68 (o) The singular shall include the plural and any gender shall
69 include every other gender.

1 13. Section 16 of P. L. 1938, c. 48 (C. 6:1-35) is amended to
2 read as follows:

3 16. Licenses: aircraft; provisions for. The [commission shall]
4 *commissioner may* provide for the licensing of [all] civil aircraft
5 by reasonable rules, regulations and orders adequate to protect the
6 public safety and the safety of those participating in aeronautics
7 and to ensure the satisfactory and safe performance of [all] air-
8 craft in accordance with their design [and] *or* contemplated use.

9 Any class of aircraft shall be deemed to be licensed under the
10 provisions of section 16 of this article; provided, such aircraft shall
11 be validly and effectively licensed and registered under the pro-

12 visions of laws, rules and regulations of the United States Govern-
13 ment.

1 14. Section 24 of P. L. 1938, c. 48 (C. 6:1-43) is amended to
2 read as follows:

3 24. It shall be unlawful, except as [hereinafter provided, to use,
4 operate or cause to be used or operated any airport, landing field,
5 landing strip, fixed base operator or other avigation facility, unless
6 it, and, in the case of airports and landing fields, their management
7 shall be licensed as provided in this chapter; and except in case of
8 emergency no aircraft shall land upon, or take off from, any airport,
9 landing field or landing strip, except a temporary landing area for
10 rotary wing aircraft approved by the commissioner, not so licensed;
11 provided, however, that neither the provisions of this chapter, nor
12 the rules, regulations or orders issued pursuant thereto, shall apply
13 to any airport, landing field, landing strip, fixed base operator, or
14 other avigation facility, owned and operated by the Government
15 of the United States.] *provided for by the provisions of this chap-*
16 *ter and the rules, regulations and orders adopted pursuant to this*
17 *chapter, to operate, use, or cause to be operated or used any aviga-*
18 *tional facility intended to accommodate the operation, take-off, or*
19 *landing of aircraft except in the case of emergency or at avigational*
20 *facilities owned and operated exclusively by and for the Govern-*
21 *ment of the United States. No aircraft or airman shall utilize, land,*
22 *or take off from any area of land or water unless that area is li-*
23 *censed for such activity, or found and declared by the commissioner*
24 *to be vital or necessary for avigational purposes. It shall be fur-*
25 *ther unlawful to operate or allow to be operated without proper*
26 *license any aeronautical activity-fixed base operation that is re-*
27 *quired to be licensed by the provisions of this chapter or the rules,*
28 *regulations and orders issued pursuant to this chapter in the in-*
29 *terest of the public health, safety and welfare.*

1 15. Section 25 of P. L. 1938, c. 48 (C. 6:1-44) is amended to
2 read as follows:

3 25. The commissioner shall provide for the licensing of airports,
4 [airport and landing field managements, landing fields,] landing
5 strips, [fixed base operators] or other avigation facilities and
6 temporary landing areas [for rotary wing aircraft] by rules, regu-
7 lations and orders adequate to protect the public health and safety
8 and the safety of those participating in aeronautical activities;
9 provided, however, that the continued use and operation of air-
10 ports, [landing fields,] landing strips, [fixed base operators] and
11 other avigation facilities, in use and operation on the effective date
12 of this chapter, for which an application for a license shall have

13 been filed within the time fixed by the commissioner, shall be per-
14 mitted, pending the granting or rejection of such applications;
15 and provided further, that the application for a license for any
16 airport, [landing field,] landing strip, [fixed base operator] or
17 other aviation facility in use and operation on the effective date
18 of this chapter shall be granted, unless the commissioner shall find
19 that such airports, [landing fields,] landing strips, [fixed base
20 operators] or other aviation facilities are not constructed,
21 equipped and operated in accordance with the standards and re-
22 quirements fixed by the rules, regulations and orders of the com-
23 missioner. Whenever the commissioner or the Director of Aero-
24 nautics shall reject any application for license under the provisions
25 of this section, he shall state in writing the reasons for such re-
26 jection.

27 *The commissioner may further determine it necessary and pro-*
28 *vide for the licensing of specific aeronautical activities, fixed base*
29 *operations, or persons engaged in specific types of aeronautical*
30 *activities, or operations by rules, regulations and orders adequate*
31 *to protect the public health, safety and welfare and the safety of*
32 *those participating in aeronautics.*

1 16. Section 1 of P. L. 1953, c. 234 (C. 6:1-44.1) is amended to
2 read as follows:

3 1. The commissioner shall have the power to grant an appro-
4 priate license or certificate upon applications properly made and
5 the fee therefor paid for activities and operations that comply with
6 the requirements of this act.

7 *Licenses or certificates (excepting those issued on a temporary*
8 *basis) required by regulation for the operation of aeronautical*
9 *facilities and fixed base operations are issued for a period of one*
10 *year. Such licenses may be annually renewed for a period of one*
11 *year, upon satisfaction of requirements set by the applicable rules*
12 *and regulations appropriate to the license or certificate sought.*
13 *Licenses or certificates issued on a temporary basis shall be valid*
14 *for a period of less than one year and continue in effect until a*
15 *specified expiration date, by request for withdrawal of license or*
16 *certificate by the initial applicant, or by order of the commissioner.*
17 *Rules, procedures, and application fees for the issuing of all licenses*
18 *and certificates shall be established by the commissioner through*
19 *regulation. Each applicant for license or certificate, be it initial,*
20 *renewal, or temporary, shall be required to pay a nonrebtable fee*
21 *to the Division of Aeronautics in the Department of Transporta-*
22 *tion.*

23 **【**All licenses or certificates heretofore issued for airports, land-
 24 ing fields, landing strips, New Jersey rotary wing pilot certificates,
 25 airport or landing field managers, heliports, helistops, sport para-
 26 chuting centers, sport parachuting exhibitions, private aviation
 27 facilities, aerial exhibitions, other avigational facilities, and fixed
 28 base operators shall continue in effect until the expiration date
 29 thereof expressed therein and all such licenses or certificates here-
 30 after issued shall be issued for one year from the date of issuance
 31 and shall be renewed annually upon application for renewal made
 32 not later than 30 days before the expiration of the license or cer-
 33 tificate to be renewed. Each applicant for such a license or certifi-
 34 cate or the renewal of such a license or certificate shall be required
 35 to pay a fee to the Division of Aeronautics in the Department of
 36 Transportation as follows:

37 License or certificate fees for initial issuance or renewal:

38	Airport license	\$35.00
39	Landing field license	25.00
40	Landing strip license	15.00
41	Private aviation facility license	10.00
42	Heliport license	25.00
43	Helistop license	15.00
44	Sport parachuting center license	25.00
45	Sport parachuting exhibition license	20.00
46	Aerial exhibition, meet or air race license	25.00
47	Manager of airport or landing field license	10.00
48	Flying club license	5.00
49	New Jersey rotary wing pilot certificate	25.00

50 Other fixed base operators:

51	Basic license for one operation	15.00
52	Each additional operation to be licensed	5.00
53	Special (three day) helistop	10.00 】

54 All such fees *collected prior to July 1, 1983* shall be paid to the
 55 State Treasurer by the division for use of the State**【.** and all such
 56 fees *collected after June 30, 1983* shall be paid to the State Trea-
 57 surer by the division for deposit in the Airport Safety Fund
 58 established by section 4 of the "New Jersey Airport Safety Act
 59 of 1983," P. L. , c. (C.).

1 17. Section 7 of P. L. 1971, c. 118 (C. 6:1-59.1) is amended to
 2 read as follows:

3 7. Any person violating any provisions of this act or any rule,
 4 regulation or order authorized hereby and any person who operates,
 5 conducts, uses or permits others to operate, conduct, use or employ
 6 any aeronautical facility, operation or activity which is required

7 to be licensed without said license being previously issued or re-
 8 newed as required shall be liable to a penalty of **[\$50.00]** up to
 9 \$1,000.00 which may be collected and enforced in an action by the
 10 Division of Aeronautics in the name of the State in any municipal
 11 court or in any other court of competent jurisdiction in a summary
 12 manner, without a jury, in accordance with the procedure pre-
 13 scribed in "the penalty enforcement law" (*N. J. S. 2A:58-1 et seq.*).
 14 All penalties and costs collected in such actions shall be accounted
 15 for by the judge and forwarded to the Division of Aeronautics
 16 which shall transmit the same to the State Treasurer, *who shall*
 17 *credit such moneys to the Airport Safety Fund established by sec-*
 18 *tion 4 of the "New Jersey Airport Safety Act of 1983," P. L. ,*
 19 *c. (C.)*.

1 18. (New section) The commissioner is authorized to make such
 2 rules and regulations, in accordance with the "Administrative Pro-
 3 cedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), as he deems
 4 necessary to effectuate the purposes of this act.

1 19. (New section) All aircraft, whether or not the same are
 2 required to be registered under State or federal law, shall be
 3 exempt from taxation under chapters 4 and 11A of Title 54 of the
 4 Revised Statutes or any other law of this State which may impose
 5 a personal property tax.

1 20. The following are repealed:

2 a. P. L. 1938, c. 48, §§ 17, 20 and 22 (C. 6:1-36, 6:1-39 and
 3 6:1-41);

4 b. P. L. 1964, c. 128 (C. 6:1-63 et seq.).

1 21. This act shall take effect immediately except that sections
 2 4, 5, 6, 7, 17 and subsection b. of section 20 shall take effect on
 3 July 1, 1983.

STATEMENT

Air transportation is an integral part of the State's transporta-
 tion network. A safe and modern air transportation system is
 necessary to promote the economic progress of the State and to
 meet the transportation needs of the public.

This bill provides for the creation of the "Airport Safety Fund"
 using moneys from user taxes collected on aviation gasoline, cer-
 tain aviation jet-type fuels, and from license fees and fines derived
 from aviation activity.

The fund will be used by the Commissioner of Transportation
 to attract federal airport funding by providing all or part of the
 local match, make loans or grants for the improvement of the

A3344(1983)

safety of airports open to the public, and to permit the commissioner to act in the preservation of airports and improve their safety and utility to the public. For any airport open to the public to be eligible to receive assistance under this bill, there would be made binding assurances that the public would not be deprived of its rightful, fair, equal, and uniform use of the airport. Furthermore, the public access and benefit would extend throughout the useful life of the financially assisted improvement, otherwise the State must be reimbursed for its portion of the unused life and value of the improvement.

This bill additionally provides for the repeal of the State registration of aircraft which is a function done nationally by federal authorities. The State currently administers registration at a net loss.

Aircraft were made exempt from all personal property taxes under the Aircraft Registration Act of 1964 which is being repealed by this bill. This bill provides new language to make it clear that this exemption is to be continued.

This bill further revises the fine for violation of provisions of State aviation laws from \$50.00, up to \$1,000.00. It also deletes archaic language and powers preempted by federal authorities from the statute, and further allows the Commissioner of Transportation to determine and license only those aeronautical activities where it is found that the State has its greatest regulatory interest. The current statute mandates State licensing of all aeronautical activities. The revisions in this act would allow greater focus of the State's regulatory role and allow withdrawal from areas of regulation where the State's current interest does not warrant regulatory control because federal regulations adequately protect the State's interest.

ASSEMBLY REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3344

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 5, 1983

Assembly Bill No. 3344 establishes the "New Jersey Airport Safety Act of 1983" which will establish a program to improve the safety of general aviation airports. The "Airport Safety Fund" is established for aviation purposes only.

The fund will be funded from several sources. Revenues derived from the present \$.08 per gallon tax on aviation gasoline are to be deposited in the fund. This tax will remain refundable upon application. There is also a non-refundable \$.02 per gallon tax established on aviation gasoline and turbine fuel sold for distribution to general aviation airports, excluding fuel sold for distribution to international airports. License and penalty fees are to be paid to the fund. The current aircraft registration law is repealed with new fees to be established by the Commissioner of Transportation.

Use of the fund will be as follows: (1) to provide grants to publicly and privately-owned unrestricted-use public airports to obtain federal funds for airport assistance, (2) the grants may be for 50% of the required local-match or 100% of the local-match should an emergency situation be deemed to exist, (3) to lands and easements particularly for lands adjacent to privately-owned airports, and (5) to lease those lands to the airport for the purpose of airport safety.

FISCAL IMPACT:

A fiscal note is not yet available on this bill. It is estimated that approximately \$800,000.00 per year would accrue to the fund. It allows for, in the amendment, the Director of Budget and Accounting to transfer funds as may be necessary to compensate the Division of Taxation for costs incurred in administering the tax provisions.

COMMITTEE AMENDMENTS:

The committee amendments are essentially technical in nature with changes as to language, definitions, and so forth.

ADOPTED

to

MAY 26 1983

Assembly Bill No. 3344 OCR

Amend:

Page	Sec.	Line	
2	3	21 2 22	Omit "Director of the Division of Taxation" insert "Commissioner of Transportation"
3	4	18	After "Statutes" insert " "
5	7	8	Omit "month" insert "quarter"
5	7	13	After "on" insert "or before"
6	7	17	Omit "month" insert "quarter"
6	7	after line 35	Insert new paragraph <p>"The quarterly filing provisions of this section notwithstanding, in the event it is determined by the director that the period for filing reports should be changed from a quarterly to a monthly filing period, he may do so upon the promulgation of regulations pursuant to the "Administrative Procedure Act."</p>
13	15	32	Omit "aeornautics" insert "aeronautics"

Statement

These amendments are submitted to conform A-3344 to Senate 3213. They are technical in nature.

LAYS OF N. I. 197

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: CARL GOLDEN

MONDAY, JULY 11, 1983

Governor Thomas H. Kean today signed legislation to create a financial assistance fund to support the State's public use general aviation airports, to improve safety at those facilities, and to promote general aviation in New Jersey.

The legislation establishes an airport safety fund to be supported by a two-cent per gallon tax on aviation fuel, estimated to produce \$480,000 annually. This sum will be added to \$288,000 which accrues to the State from the current eight-cents per gallon tax collected at the wholesale level and an estimated \$38,400 per year income from interest, for a total of \$806,000 per year to be available in the form of State aid.

The legislation, A-3344, was sponsored by Assemblyman John Markert, R-Bergen, and was substituted for an identical Senate bill, S-3213, sponsored by Senator John Russo, D-Ocean.

"This legislation will assure that New Jersey has a network of general aviation airports to serve, both safely and effectively, the rapidly growing number of individuals involved in private aviation," Kean said. "Moreover, with the help of State funds, many general aviation airports which are now economically marginal will be able to continue operations, rather than being sold to private interest."

The legislation authorizes the Commissioner of the Department of Transportation to seek Federal aid for general aviation facilities by using the newly-created State fund to provide matching money.

- more -

A-3344

PAGE TWO

MONDAY, JULY 11, 1983

The Department, through its Division of Aeronautics, is also authorized to make loans or grants for safety improvements as well as to acquire airports or lands adjacent to airports.

The legislation repeals the authority of the State to register aircraft since such registration is currently handled by the Federal government.

"The entire thrust of this legislation is to make the Division of Aeronautics much more responsive to the needs of general aviation and to provide for economic stimulation through a strong and viable network of general aviation facilities," Kean said.

"Safety considerations and improvements are of primary concern," Kean said, "along with helping to provide economic stability to general aviation facilities."

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