

6:1-21

LEGISLATIVE FACT SHEET

on Helicopters -- Reg.

N.J.R.S. 6:1-21, 39, 43, 44, 49, 44.1, 59.1  
( 1971 Amendment)

LAWS OF 1971,

SENATE BILL

INTRODUCED Feb. 16, 1970

SPONSOR'S STATEMENT

ASSEMBLY COMMITTEE STATEMENT

SENATE COMMITTEE STATEMENT

FISCAL NOTE

AMENDED DURING PASSAGE

HEARING *None discovered*

VETO *March 8, 1971 (cond. veto) [Corrected copy, not original was vetoed].*

GOVERNOR'S STATEMENT ON SIGNING  YES 4/29/71 See other side.

CHAPTER 118 *April 29, 1971*

ASSEMBLY BILL 680 [OCR]

BY *Vreeland and others*

YES NO

YES  NO

YES  NO

YES NO

YES NO

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## SPONSOR'S STATEMENT to Assembly, No. 680

The purpose of this bill is to update the language of our aerial navigation statutes to reflect changes resulting from the enactment of the "Transportation Act of 1966" (P. L. 1966, c. 301) which transferred the administration of Title 6 of the Revised Statutes, Aviation, from the Department of Conservation and Economic Development to the Department of Transportation. This bill is also designed to allow the limited use of helicopters and authorizes the adoption of rules and regulations by the Commissioner of Transportation to permit such use. Increases in licensing and other fees are also provided for in this bill.

JA/PC  
11/7/75

[OFFICIAL COPY REPRINT]

## ASSEMBLY, No. 680

## STATE OF NEW JERSEY

INTRODUCED FEBRUARY 16, 1970

By Assemblymen VREELAND, DICKEY, HOLLENBECK,  
HORN, HIRKALA and PARKER

Referred to Committee on Transportation and Public Utilities

AN ACT to amend "An act to regulate aeronautics over and within this State," approved March 30, 1938 (P. L. 1938, c. 48) and to amend and supplement "A supplement to 'An act to regulate aeronautics over and within this State,' approved March 30, 1938 (P. L. 1938, c. 48)," approved July 14, 1953 (P. L. 1953, c. 234).

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

1 1. Section 2 of P. L. 1938, chapter 48 (C. 6:1-21) is amended  
2 to read 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 air-  
8 ports, landing fields, landing strips and other avigational facilities.

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

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

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

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

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

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

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 aviation 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 re-  
46 ward, 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, [and] intrastate air carriers, *sport parachute*  
50 *center; air taxi scheduled or charter; pipe or power line patrol;*  
51 *aerial photography; fish spotting; aerial advertising (other than*  
52 *banner towing); and parachute repair and rigging; but, the term*  
53 "fixed base operator" shall not include air carriers operating under  
54 a certificate of public convenience and necessity issued by the Civil  
55 Aeronautics Board or any successor thereto.

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

58 (l) ["Commission"] *Commissioner* means the [State Aviation  
59 Commission] *Commissioner of the State Department of Trans-*  
60 *portation*.

61 (m) "Director" means the State Director of [Aviation] *Aero-*  
62 *nautics in the Department of Transportation*.

63 (n) "Temporary landing area for rotary wing aircraft" means  
64 *any area of land, water or both, which is used or made available for*

65 *the landing and take-off of rotary wing aircraft, and which, as to*  
 66-68 *size, design, surface, ownership and location, meets the minimum*  
 69 *requirements established from time to time by the Commissioner*  
 70 *of Transportation.*

71 (o) The singular shall include the plural and any gender shall  
 72 include every other gender.

1 2. Section 20 of P. L. 1938, chapter 48 (C. 6:1-39) is amended  
 2 to read as follows:

3 20. The [commission] *commissioner* shall provide for the  
 4 licensing of all pilots for a limited or unlimited operation of air-  
 5 craft by rules, regulations and orders adequate to protect the public  
 6 safety and the safety of those participating in aeronautics. Such  
 7 rules, regulations and orders may provide for periodic physical and  
 8 mental examinations and periodic examinations of pilots' flying  
 9 ability.

10 Any class of pilots\*[, *except those pilots who have applied to and*  
 11 *have been issued a certificate by the commissioner with authority*  
 12 *to use "temporary landing areas for rotary wing aircraft," shall]*\*  
 13 *\*shall\** be deemed to be licensed under the provisions of this section  
 14 of this article; provided, that such pilots shall hold valid and effec-  
 15 tive [licenses] *certificates \*or licenses\** issued under the provisions  
 16 of the laws, rules and regulations of the United States Government  
 17 for the particular class of operations.

18 *The commissioner shall publish rules and regulations establish-*  
 19 *ing procedures, policy, \*[minimum qualifications, tests and evalua-*  
 20 *tions required of rotary wing pilots to qualify for and obtain a*  
 21 *New Jersey pilot certificate granting authority for the use of]*\*  
 21A *\*and requirements or minimum requirements for the use of\**  
 22 *"temporary landing areas for rotary wing aircraft."* The com-  
 23 *missioner shall have the power to administratively revoke, amend*  
 24 *or suspend any pilot certificate issued hereunder for the failure to*  
 25 *comply with any of the provisions of this chapter or any rules,*  
 26 *regulations or orders issued pursuant thereto.*

1 3. Section 24 of P. L. 1938, chapter 48 (C. 6:1-43) is amended  
 2 to 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, \*[*except a temporary landing area for rotary wing*  
 6 *aircraft,]*\* fixed base operator or other aviation facility, unless it,  
 7 and, in the case of airports *and landing fields*, [its] *their* manage-  
 8 ment, shall be licensed as provided in this chapter; and except in  
 9 case of emergency no aircraft shall land upon, or take off from, any  
 10 airport, landing field or landing strip, *except a temporary landing*

11 *area for rotary wing aircraft \*approved by the commissioner\**, not  
 12 so licensed; provided, however, that neither the provisions of this  
 13 chapter, nor the rules, regulations or orders issued pursuant  
 14 thereto, shall apply to any airport, landing field, landing strip, fixed  
 15 base operator, or other aviation facility, owned and operated by  
 16 the Government of the United States.

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

3 25. The **[commission]** *commissioner* shall provide for the  
 4 licensing of airports, airport and landing field managements,  
 5 landing fields, landing strips, fixed base operators or other aviga-  
 6 tion facilities and **\*[the licensing of pilots requesting authority to**  
 7 **use]\*** temporary landing areas **\*[iwth]\*** **\*for\*** rotary wing air-  
 8 craft by rules, regulations and orders adequate to protect the public  
 9 health and safety and the safety of those participating in aero-  
 10 nautical activities; provided, however, that the continued use and  
 11 operation of airports, landing fields, landing strips, fixed base  
 12 operators and other aviation facilities, in use and operation on the  
 13 effective date of this chapter, for which an application for a license  
 14 shall have been filed within the time fixed by the **[commission]**  
 15 *commissioner*, shall be permitted, pending the granting or rejection  
 16 of such applications; and provided further, that the application for  
 17 a license for any airport, landing field, landing strip, fixed base  
 18 operator or other aviation facility in use and operation on the  
 19 effective date of this chapter shall be granted, unless the **[commis-**  
 20 **sion]** *commissioner* shall find that such airports, landing fields,  
 21 landing strips, fixed base operators or other aviation facilities are  
 22 not constructed, equipped and operated in accordance with the  
 23 standards and requirements fixed by the rules, regulations and  
 24 orders of the **[commission]** *commissioner*. Whenever the **[com-**  
 25 **mission]** *commissioner* or the *Director of Aeronautics* shall reject  
 26 any application for license under the provisions of this section, **[it]**  
 27 *he* shall state in writng the reasons for such rejection.

1 5. Section 30 of P. L. 1938, chapter 48 (C. 6:1-49) is amended  
 2 to read as follows:

3 30. Malicious interference with aviation facilities. **[No]** *Any*  
 4 *person who* shall willfully and maliciously interfere or tamper with  
 5 any **[aircraft,]** airport, landing field, landing strip, *heliport*,  
 6 *helistop*, or any other aviation facility, or the equipment  
 7 thereof**[.]**, *shall be guilty of a misdemeanor.*

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

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

7 All licenses or certificates heretofore issued for airports, landing  
 8 fields, landing strips, New Jersey rotary wing pilot certificates,  
 9 airport or landing field managers, heliports, helistops, sport para-  
 10 chuting centers, sport parachuting exhibitions, private aviation  
 11 facilities, aerial exhibitions, other avigational facilities, and fixed  
 12 base operators shall continue in effect until the expiration date  
 13 thereof expressed therein and all such licenses or certificates here-  
 14 after issued shall be issued for one year from the date of issuance  
 15 and shall be renewed annually upon application for renewal made  
 16 *not later than 30 days* before the expiration of the license or cer-  
 17 tificate to be renewed. Each applicant for such a license or certificate  
 18 or the renewal of such a license or certificate shall be required to  
 19 pay [an issuance] a fee to the [Bureau] Division of Aeronautics  
 20 in the Department of [Conservation and Economic Development]  
 21 Transportation, as follows:

22	[For airport license .....	\$5 00
23	For landing field license .....	3 00
24	For landing strip license .....	1 00
25	For fixed base operator license .....	2 00]
26	<i>License or certificate fees for initial issuance or renewal</i>	
27	<i>Airport license .....</i>	<i>\$35 00</i>
28	<i>Landing field license .....</i>	<i>25 00</i>
29	<i>Landing strip license .....</i>	<i>15 00</i>
30	<i>Private aviation facility license .....</i>	<i>10 00</i>
31	<i>Heliport license .....</i>	<i>25 00</i>
32	<i>Helistop license .....</i>	<i>15 00</i>
33	<i>Sport parachuting center license .....</i>	<i>25 00</i>
34	<i>Sport parachuting exhibition license .....</i>	<i>20 00</i>
35	<i>Aerial exhibition, meet or air race license .....</i>	<i>25 00</i>
36	<i>Manager of airport or landing field license .....</i>	<i>10 00</i>
37	<i>Flying club license .....</i>	<i>5 00</i>
38	<i>New Jersey rotary wing pilot certificate .....</i>	<i>25 00</i>
39	<i>Other fixed base operators:</i>	
40	<i>Basic license for one operation .....</i>	<i>15 00</i>
41	<i>Each additional operation to be licensed .....</i>	<i>5 00</i>
42	<i>Special (three day) helistop .....</i>	<i>10 00</i>

43 All such fees shall be paid to the State Treasurer by the [bureau]  
 44 division for use of the State.

1 7. Any person violating any provisions of this act, or any rule,  
2 regulation or order authorized hereby and any person who operates,  
3 conducts, uses or permits others to operate, conduct, use or employ  
4 any aeronautical facility, operation or activity which is required  
5 to be licensed without said license being previously issued or re-  
6 newed as required shall be liable to a penalty of \$50.00 which may  
7 be collected and enforced in an action by the Division of Aeronautics  
8 in the name of the State in a court of competent jurisdiction in a  
9 summary manner, without a jury, in accordance with the procedure  
10 prescribed in "The Penalty Enforcement Law" (2A :58-1 et seq.).  
11 All penalties and costs collected in such actions shall be accounted  
12 for by the judge and forwarded to the Division of Aeronautics  
13 which shall transmit the same to the State Treasurer.

1 8. This act shall take effect immediately.

FISCAL NOTE TO  
**ASSEMBLY, No. 680**

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**STATE OF NEW JERSEY**

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DATED: MARCH 19, 1970

Assembly Bill No. 680 is designed to allow the limited use of helicopters and authorizes the adoption of rules and regulations by the Commissioner of Transportation to permit such use. It also increases licensing and other fees.

The Department of Transportation estimates that enactment of this legislation would produce revenues to the State of \$881.00 in fiscal 1969-70, \$2,581.00 in fiscal 1970-71 and \$3,775.00 in fiscal 1971-72. It is further stated by the Department that State revenues would continue to increase at the rate of about 20% per year indefinitely.

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In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.



*April 29, 1971*

STATEMENT BY GOVERNOR WILLIAM T. CAHILL

AT SIGNING OF ASSEMBLY BILL #680

THIS BILL UPDATES AND MODERNIZES THE PRESENT LAW TO TAKE INTO ACCOUNT MODERN AVIATION CONDITIONS, INCLUDING THE INCREASED USE OF HELICOPTERS. THIS BILL CHANGES THE REFERENCES FROM THE FORMER STATE AVIATION COMMISSION TO THE DEPARTMENT OF TRANSPORTATION AND UPGRADES THE FEE SCHEDULE.

THE AMENDMENTS SUGGESTED BY THE GOVERNOR WOULD TREAT HELICOPTER PILOTS THE SAME AS OTHER PILOTS, i.e., THE FEDERAL REQUIREMENTS WILL BE ACCEPTED AS A BASIS FOR LICENSING. OTHER AMENDMENTS TO THE BILL ARE TECHNICAL AND MAKE THE LANGUAGE IN THE BILL CONSISTENT WITH THE CHANGES.

On Page 2, Section 6, Line 3: after "identification" delete "lights" and insert "light".

Respectfully,

/s/ WILLIAM T. CAHILL,  
Governor.

[SEAL]  
Attest:

/s/ JEAN E. MULFORD,  
Acting Secretary to the Governor.

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
March 8, 1971. }

ASSEMBLY BILL No. 680

*To the General Assembly:*

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 680, for reconsideration.

This bill would update and modernize the present law to take into account modern aviation conditions, including the use of helicopters. It also provides for the change in reference from the former State Aviation Commission to the Department of Transportation and the Commissioner thereof.

Although I am in accord with the general intent of this bill, I do not agree that one class of pilots, those for rotary wing aircraft, should be treated differently than other classes of pilots when the federal requirements are accepted as a basis for licensing of all other classes of pilots.

Accordingly, I herewith return Assembly Bill No. 680 for reconsideration and recommend the following changes:

1. Page 3, Section 2, Line 10: Delete " , except those pilots who have applied to and".
2. Page 3, Section 2, Lines 11-12: Delete in their entirety and insert "shall".
3. Page 3, Section 2, Line 15: After the word "certificates" insert "or licenses".
4. Page 3, Section 2, Line 19: Delete "minimum qualifications, tests and evalua-".

5. Page 3, Section 2, Lines 20-21: Delete in their entirety and insert "and requirements or minimum requirements for the use of".

6. Page 3, Section 3, Lines 5-6: Delete "except a temporary landing area for rotary wing aircraft,".

7. Page 4, Section 3, Line 11: After "aircraft" insert "approved by the Commissioner".

8. Page 4, Section 4, Lines 6-7: Delete "the licensing of pilots requesting authority to use."

9. Page 4, Section 4, Line 7: Delete "with" (spelled "iwth") and insert "for".

Respectfully,

[SEAL]  
Attest:

/s/ WILLIAM T. CAHILL,  
Governor.

/s/ JEAN E. MULFORD,  
Acting Secretary to the Governor.

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT,  
March 8, 1971. }

ASSEMBLY BILL No. 702

*To the General Assembly:*

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 702 with my objections, for reconsideration.

Assembly Bill No. 702 would amend the Advance Loan Law of 1968 in several respects, the most important of which specifically would include under the act "non-cash" advance loans which constitute bank credit card operations such as Master Charge and Bank Americard. Such credit cards are used to purchase merchandise and services from merchants who participate in the credit card program. Banks in New Jersey have been offering credit card services to their customers for some time and have done so pursuant to the provisions of the Advance Loan Law of 1968, even though such credit card operations are not specifically referred to in the act. Assembly Bill No. 702 makes it clear that credit card operations are subject to the provisions of the Advance Loan Law and, therefore, appropriate