



## 98TH GENERAL ASSEMBLY

### State of Illinois

#### 2013 and 2014

#### HB4640

by Rep. Joe Sosnowski

#### SYNOPSIS AS INTRODUCED:

620 ILCS 5/42	from Ch. 15 1/2, par. 22.42
620 ILCS 5/43	from Ch. 15 1/2, par. 22.43
620 ILCS 5/45	from Ch. 15 1/2, par. 22.45

Amends the Illinois Aeronautics Act. Removes provisions requiring airmen to register a federal license, certificate, or permit with the Division of Aeronautics of the Department of Transportation and receive a State certificate of registration to operate an aircraft within the State. Provides that the Department of Transportation may still suspend or revoke the flying privileges of an airman who (i) is not qualified; (ii) has willfully violated the State or federal laws or regulations pertaining to aeronautics; (iii) is addicted to the use of narcotics or other habit forming drug, or to the excessive use of alcohol; (iv) has made any false statement in an application for registration of a federal aircraft license, certificate, or permit; or (v) has been guilty of other conduct, acts, or practices dangerous to the public safety or the safety of those engaged in aeronautics.

LRB098 18156 MLW 53285 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Aeronautics Act is amended by  
5 changing Sections 42, 43, and 45 as follows:

6 (620 ILCS 5/42) (from Ch. 15 1/2, par. 22.42)

7 Sec. 42. Regulation of aircraft, airmen, and airports.

8 (a) The general public interest and safety, the safety of  
9 persons operating, using, or traveling in, aircraft, and of  
10 persons and property on the ground, and the interest of  
11 aeronautical progress require that aircraft operated within  
12 this State should be airworthy, that airmen should be properly  
13 qualified, and that air navigation facilities should be  
14 suitable for the purposes for which they are designed. The  
15 purposes of this Act require that the Department should be  
16 enabled to exercise the powers of regulation and supervision  
17 herein granted. The advantage of uniform regulation makes it  
18 desirable that aircraft operated within this State should  
19 conform with respect to design, construction, and  
20 airworthiness to the standards prescribed by the United States  
21 Government with respect to civil aircraft subject to its  
22 jurisdiction and that persons engaging in aeronautics within  
23 this State should have the qualifications necessary for

1 obtaining and holding appropriate airman certificates of the  
2 United States. It is desirable and right that all applicable  
3 fees and taxes shall be paid with respect to aircraft operated  
4 within this State.

5 (b) In light of the findings in subsection (a), the  
6 Department is authorized:

7 (1) To require the registration, every 2 years, of  
8 federal licenses, certificates or permits of civil  
9 aircraft engaged in air navigation within this State,~~and~~  
10 ~~of airmen engaged in aeronautics within this State,~~ and to  
11 issue certificates of such registration. These  
12 certificates of registration constitute the authorization  
13 of such aircraft ~~and airmen~~ for operations within this  
14 State to the extent permitted by the federal licenses,  
15 certificates or permits so registered. It shall charge a  
16 fee, payable every 2 years, for the registration of each  
17 federal license, certificate or permit of ~~\$10 for each~~  
18 ~~airman's certificate~~ and \$20 for each aircraft  
19 certificate. It may accept as evidence of the holding of a  
20 federal license, certificate or permit the verified  
21 application of the ~~airman or the~~ owner of the aircraft,  
22 which application shall contain such information as the  
23 Department may by rule, ruling, regulation, order or  
24 decision prescribe. The Department's authority to register  
25 aircraft or to issue certificates of registration is  
26 limited as follows:

1           (i) Except as to any aircraft vehicle purchased  
2 before March 8, 1963, the Department, in the case of  
3 the first registration of any aircraft vehicle for any  
4 given owner on or after March 8, 1963, may not issue a  
5 certificate of registration with respect to any  
6 aircraft vehicle until after the Department has been  
7 satisfied that no tax under the Use Tax Act, the  
8 Aircraft Use Tax Law, the Municipal Use Tax Act, or the  
9 Home Rule County Use Tax Law is owing by reason of the  
10 use of the vehicle in Illinois or that any tax so  
11 imposed has been paid. A receipt issued under those  
12 Acts by the Department of Revenue constitutes proof of  
13 payment of the tax. For the purpose of this paragraph,  
14 "aircraft vehicle" means a single aircraft.

15           (ii) If the proof of payment of the tax or of  
16 nonliability therefor is, after the issuance of the  
17 certificate of registration, found to be invalid, the  
18 Department shall revoke the certificate and require  
19 that the certificate be returned to the Department.

20           (2) To classify and approve airports and restricted  
21 landing areas and any alterations or extensions thereof.  
22 Certificates of approval issued pursuant to this  
23 paragraph, or pursuant to any prior law, shall be issued in  
24 the name of the applicant and shall be transferable upon a  
25 change of ownership or control of the airport or restricted  
26 landing area only after approval of the Department. No

1 charge or fee shall be made or imposed for any kind of  
2 certificate of approval or a transfer thereof.

3 (3) To revoke, temporarily or permanently, any  
4 certificate of registration of an aircraft ~~or airman~~ issued  
5 by it, or to refuse to issue any such certificate of  
6 registration, when it shall reasonably determine that any  
7 aircraft is not airworthy. ~~, or that any airman:~~

8 (4) To suspend or revoke, temporarily or permanently,  
9 the flying privileges of any airman who:

10 (i) is not qualified;

11 (ii) has willfully violated the laws of this State  
12 pertaining to aeronautics or any rules, rulings,  
13 regulations, orders, or decisions issued pursuant  
14 thereto, or any Federal law or any rule or regulation  
15 issued pursuant thereto;

16 (iii) is addicted to the use of narcotics or other  
17 habit forming drug, or to the excessive use of  
18 intoxicating liquor;

19 (iv) has made any false statement in any  
20 application for registration of a federal aircraft  
21 license, certificate or permit; or

22 (v) has been guilty of other conduct, acts, or  
23 practices dangerous to the public safety or the safety  
24 of those engaged in aeronautics.

25 (c) The Department may refuse to issue or may suspend the  
26 certificate of any person who fails to file a return, or to pay

1 the tax, penalty or interest shown in a filed return, or to pay  
2 any final assessment of tax, penalty or interest, as required  
3 by any tax Act administered by the Illinois Department of  
4 Revenue, until such time as the requirements of any such tax  
5 Act are satisfied.

6 (Source: P.A. 92-341, eff. 8-10-01; 93-24, eff. 6-20-03.)

7 (620 ILCS 5/43) (from Ch. 15 1/2, par. 22.43)

8 Sec. 43. Operations unlawful without license or  
9 certificate. Except as hereinafter provided, when such  
10 registration is required by the Department, it shall be  
11 unlawful for any person to operate or cause or authorize to be  
12 operated any civil aircraft within this State unless such  
13 aircraft has an appropriate effective license, certificate or  
14 permit issued by the United States Government for which a  
15 certificate of registration has been issued by the Department  
16 which is in full force and effect, and it shall be unlawful for  
17 any person to engage in aeronautics as an airman in this State  
18 unless he has obtained ~~from the Department a certificate of~~  
19 ~~registration of~~ an appropriate effective airman's license,  
20 certificate or permit issued by the United States Government  
21 authorizing him to engage in the particular class of  
22 aeronautics in which he is engaged, which certificate of  
23 registration is in full force and effect.

24 Aircraft and airmen that are not required to be licensed,  
25 certificated, or permitted by the United States government and

1 that have not received a license, certificate, or permit are  
2 not required to register with the Department before engaging in  
3 aeronautics in Illinois.

4 (Source: P.A. 92-341, eff. 8-10-01.)

5 (620 ILCS 5/45) (from Ch. 15 1/2, par. 22.45)

6 Sec. 45. Exhibition of licenses and certificates.

7 The federal license, certificate, or permit, ~~and the~~  
8 ~~evidence of registration in this or another state, if any,~~  
9 required for an airman shall be kept in the personal possession  
10 of the airman when he is operating within this State and must  
11 be presented for inspection upon the demand of any passenger,  
12 or any peace officer of this State, any officer or authorized  
13 employee of the Department, or any official, manager or person  
14 in charge of any airport in this State upon which he shall  
15 land, or upon the reasonable request of any other person. The  
16 federal aircraft license, certificate, or permit, ~~and the~~  
17 ~~evidence of registration in this or another state, if any,~~  
18 required for aircraft must be carried in every aircraft  
19 operating in this State at all times and must be conspicuously  
20 posted therein where it may readily be seen by passengers or  
21 inspectors and must be presented for inspection upon the demand  
22 of any passenger, any peace officer of this State, any officer  
23 or authorized employee of the Department, or any official,  
24 manager, or person in charge of any airport in this State upon  
25 which it shall land, or upon the reasonable request of any

1 person.

2 (Source: Laws 1945, p. 335.)