

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO AERONAUTICS -- AIRPORTS AND LANDING FIELDS

Introduced By: Senators LaMountain, Burke, and DeLuca

Date Introduced: March 07, 2023

Referred To: Senate Judiciary

(RI Airport Corporation)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 1-2-1, 1-2-2, 1-2-3, 1-2-15 and 1-2-16 of the General Laws in
2 Chapter 1-2 entitled "Airports and Landing Fields" are hereby amended to read as follows:

3 **1-2-1. ~~Powers of the director of the Rhode Island airport corporation~~ Powers of the**
4 **president and CEO of the Rhode Island airport corporation.**

5 (a) The ~~director~~ president and CEO has supervision over the state airport at Warwick and
6 any other airports constructed or operated by the state. The ~~director~~ president and CEO shall enforce
7 the provisions of this chapter. Furthermore, the ~~director~~ president and CEO is authorized to
8 promulgate rules and regulations for the safe and efficient operation of airports, airport facilities,
9 and grounds.

10 (b) As used in this chapter:

11 (1) "Airport corporation" means the Rhode Island airport corporation.

12 (2) ~~"Director"~~ "President and CEO" means the ~~executive-director~~ president and CEO of the
13 Rhode Island airport corporation.

14 **1-2-2. Conferring with persons versed in aviation — Cooperation with federal**
15 **agencies — Employment of assistants.**

16 The ~~director~~ president and CEO is authorized to confer with persons versed in aviation; to
17 cooperate with the various United States government agencies interested in aviation; and to employ
18 and discharge, at his or her pleasure, engineers, architects, and other assistants as he or she may
19 deem advisable and fix their compensation within the amounts appropriated for their compensation,

1 subject, however, to the approval of the director of administration.

2 **1-2-3. Acquisition of land.**

3 (a) The department of transportation may, with the approval of the governor, and subject
4 to the provisions of chapter 6 of title 37, acquire, by purchase or condemnation, any land or any
5 estate or interest in land, including airspace within this state that it may deem necessary for a
6 suitable airport or landing field, or to preserve, maintain, or restore an approach, but in no event
7 shall the department obligate the state in excess of the sums appropriated for that purpose. No land
8 or estate in this state owned and used by any railroad company shall be taken by condemnation
9 under this chapter until after a hearing before the public utilities administrator of this state and until
10 the consent of the public utilities administrator to the taking is given.

11 (b) No airport, landing field, or any runway or approach zone shall be enlarged or extended
12 in any city or town unless the ~~assistant-director~~ president and CEO for airports, or his or her
13 successor or other person or officer exercising his or her functions, filed in the office of the city or
14 town clerk of the city or town in which the expansion is proposed a plan drawn to scale showing
15 the existing airport and runways, which must have been included in the federal aviation
16 administration approved master plan documents; the planned extensions or lengthening of the
17 existing runways; any and all public highways crossed by the extensions; and lots and parcels of
18 land within a one-mile distance of the proposed extensions; together with a delineation of any
19 approach zone required by the extension and an identification of every parcel of land that requires
20 a taking in order to accomplish the extension together with a brief statement describing the work
21 to be undertaken in extending the runway. The plan and statement shall be filed at least twelve (12)
22 months before any physical construction work begins on any extension of runway or airport
23 expansion.

24 (c) The ~~assistant-director~~ president and CEO for airports shall also, at the time plans are
25 filed with the clerk, file a notice in a newspaper having general circulation in the city and town
26 setting forth that the plan has been filed in the office of the city or town clerk and giving notice to
27 the residents of the city or town of the proposed runway extension or airport expansion.

28 (d) The plan and statement shall be open to public inspection in the office of the city or
29 town. A public hearing shall be held in the city or town at least six (6) months prior to any
30 construction on the proposed runway or airport expansion by the ~~assistant-director~~ president and
31 CEO at the time and place in the city or town set forth in the notice referred to in subsection (c).

32 (e) The governor has the authority in any emergency declared by him or her to authorize
33 the enlargement or extension of any runway notwithstanding any other provision of this chapter.

34 **1-2-15. Leasing for purposes of national defense.**

1 The airport corporation may lease to the United States government or agencies of the
2 United States government, when the lease concerns matters of national defense or aviation safety
3 or convenience, any portion of any airport or landing field or any of the buildings or structures on
4 the airport or landing field for a period or periods not to exceed fifty (50) years; the lease to be
5 executed by the ~~director~~ [president and CEO](#) containing any reasonable conditions, rules, restrictions
6 and regulations as the ~~assistant director~~ [president and CEO](#) for airports deems suitable or necessary
7 and be approved as to substance by the director of administration and as to form by the attorney
8 general.

9 **1-2-16. Noise and emissions directives.**

10 The ~~director~~ [president and CEO](#) is directed to issue operating procedures and directives
11 requiring that aircraft utilizing Rhode Island T.F. Green International Airport, to the greatest extent
12 possible, commensurate with passenger safety and federal law and regulation, minimize the use of
13 reverse engine thrust employed to slow an aircraft as it lands.

14 SECTION 2. Sections 1-4-2, 1-4-3.1, 1-4-4, 1-4-6, 1-4-7, 1-4-8, 1-4-9, 1-4-10, 1-4-10.2,
15 1-4-10.3, 1-4-11, 1-4-12, 1-4-13, 1-4-14, 1-4-15 and 1-4-18 of the General Laws in Chapter 1-4
16 entitled "Uniform Aeronautical Regulatory Act" are hereby amended to read as follows:

17 **1-4-2. Definitions.**

18 When used in this chapter:

19 (1) "Aeronautics" means transportation by aircraft, air instruction, the operation, repair, or
20 maintenance of aircraft, and the design, operation, repair, or maintenance of airports, landing fields,
21 or other air navigation facilities.

22 (2) "Aircraft" means any contrivance now known or invented, used, or designed for
23 navigation of, or flight in, the air, except a parachute or other contrivance designed for air
24 navigation but used primarily as safety equipment.

25 (3) "Air instruction" means the imparting of aeronautical information by any aviation
26 instructor or in any air school or flying club.

27 (4) "Airport" means any area of land, water, or both, which is used or is made available for
28 the landing and take off of aircraft, and which provides facilities for the shelter, supply, and repair
29 of aircraft and which, as to size, design, surface, marking, equipment, and management meets the
30 minimum requirements established from time to time by the ~~director~~ [president and CEO](#).

31 (5) "Air school" means any person engaged in giving, offering to give, or advertising,
32 representing, or holding himself or herself out as giving, with or without compensation or other
33 award, instruction in aeronautics — in flying, in ground subjects, or in both.

34 (6) "Aviation instructor" means any individual engaged in giving, or offering to give,

1 instruction in aeronautics — in flying, in ground subjects, or in both — either with or without
2 compensation or other reward, without advertising his or her occupation, without calling his or her
3 facilities “air school” or any equivalent term, and without employing or using other instructors.

4 (7) “Certificated aircraft” means any aircraft for which an aircraft certificate other than a
5 registration certificate has been issued by the government of the United States.

6 (8) ~~“Chief aeronautics inspector” or “aeronautics inspector” means an employee of the
7 Rhode Island airport corporation, as defined in the Rhode Island airport corporation personnel job
8 description manual, who is charged by the director to enforce the provisions of this chapter.~~

9 (9) “Civil aircraft” means any aircraft other than a public aircraft.

10 (10) “Dealer in aircraft” or “aircraft dealer” means any person who engages in a business,
11 a substantial part of which consists of the manufacture, selling, or exchanging of aircraft and who
12 is registered as a dealer with the federal government.

13 (11) ~~“Director” means the executive director of the Rhode Island airport corporation.
14 “Deputy director” means the deputy director of the Rhode Island airport corporation.~~

15 (12) “Flying club” means any person (other than an individual) who, neither for profit nor
16 reward, owns, leases, or uses one or more aircraft for the purpose of instruction, pleasure, or both.

17 (13) “Landing field” means any area of land, water, or both, which is used or is made
18 available for the landing and take off of aircraft, which may or may not provide facilities for the
19 shelter, supply, and repair of aircraft, and which, as to size, design, surface, marking, equipment,
20 and management meets the minimum requirements established from time to time by the ~~director~~
21 president and CEO.

22 (14) “Military aircraft” means public aircraft operated in the service of the United States
23 army, air force, national guard, navy, marine corps or coast guard.

24 (15) “Operate” means, with respect to aircraft, to use, cause to use or authorize to use an
25 aircraft, for the purpose of engine start, movement on the ground (taxi), or air navigation including
26 the piloting of aircraft, with or without the right of legal control (as owner, lessee, or otherwise).

27 (16) “Operator” means a person who operates or is in actual physical control of an aircraft.

28 (17) “Owner” means the legal title holder or any person, firm, copartnership, association,
29 or corporation having the lawful possession or control of an aircraft under a written sale agreement.

30 (18) “Person” means any individual, or any corporation or other association of individuals.

31 (19) “Political subdivision” means any city or town or any other public corporation,
32 authority, or district, or any combination of two (2) or more, which is or may be authorized by law
33 to acquire, establish, construct, maintain, improve, and operate airports.

34 (20) "President and CEO" means the president and chief executive officer of the Rhode

1 [Island airport corporation.](#)

2 ~~(20)~~(21) “Public aircraft” means an aircraft used exclusively in the governmental service.

3 **1-4-3.1. Notification and reporting of aircraft accidents.**

4 The operator of an aircraft involved in an accident or incident as defined in 49 CFR 830
5 shall immediately notify the ~~chief aeronautics inspector~~ [Rhode Island airport corporation operations](#)
6 [department](#). This notification shall be in addition to any duty to notify and provide a report to the
7 National Transportation Safety Board under 49 CFR 830. Furthermore, the operator shall file with
8 the ~~chief aeronautics inspector~~ [Rhode Island airport corporation operations department](#) a copy of
9 any report filed with the National Transportation Safety Board, which shall be a public record.

10 **1-4-4. Federal registration required.**

11 No flight of civil aircraft, other than a foreign aircraft, is made or authorized to be made
12 within this state unless the aircraft is possessed of valid aircraft registration and airworthiness or
13 experimental certificates issued by the government of the United States, nor in violation of any
14 term, specification, or limitation of those certificates. These restrictions do not apply to model
15 aircraft operated in accordance with any regulations that the ~~director~~ [president and CEO](#) may
16 prescribe, or to a nonpassenger-carrying flight solely for inspection or test purposes authorized by
17 the ~~director~~ [president and CEO](#) or by the proper federal authority made without that certificate.

18 **1-4-6. State registration of federal certificates.**

19 (a) All owners and operators, or owners or operators, of all aircraft, and dealers in aircraft,
20 based or primarily used in the state of Rhode Island shall register the federal certificates of their
21 aircraft and dealer registration as the ~~director~~ [president and CEO](#) may by regulation prescribe. An
22 aircraft shall be deemed to be based or primarily used in the state when in the normal course of its
23 use, according to airport records, it leaves from and returns to or remains at one or more points
24 within the state more often or longer than at any other single location outside of the state.
25 Nonresidents may operate noncommercially within this state as an owner and operator, or owner
26 or operator, or as a dealer, without that registration for not more than ninety (90) days in any
27 calendar year. To operate commercially intrastate, nonresidents shall register.

28 (b) Subject to the limitations of subsections (d) and (f), every person who operates an
29 aircraft shall register the federal aircraft certificate of that aircraft with the ~~chief aeronautics~~
30 ~~inspector~~ [Rhode Island airport corporation](#) during each period in which the aircraft is operated
31 within this state in accordance with subsection (a). The annual fee for each registration, and for
32 each registration renewal, is as follows: Aircraft weighing less than two thousand (2,000) pounds,
33 thirty dollars (\$30.00); two thousand and one (2,001) to three thousand (3,000) pounds, sixty dollars
34 (\$60.00); three thousand and one (3,001) to four thousand five hundred (4,500) pounds, one

1 hundred ten dollars (\$110); four thousand five hundred and one (4,501) to twelve thousand five
2 hundred (12,500) pounds, one hundred sixty dollars (\$160); over twelve thousand five hundred
3 pounds (12,500), two hundred fifty dollars (\$250). For the purpose of the annual fee, the weight
4 considered will be the gross weight as published by the manufacturer. Every person who is a dealer
5 in aircraft shall register his or her federal dealer's aircraft registration certificate with the ~~chief~~
6 ~~aeronautics inspector~~ [Rhode Island airport corporation](#). The annual fee for registration of each
7 federal dealer's aircraft registration certificate is fifty dollars (\$50.00) and for each aircraft in the
8 possession operated solely for the purpose of sale or demonstration is twenty-five dollars (\$25.00).
9 Any person who engages in a business, a substantial portion of which consists of the manufacturing,
10 selling, or exchanging of aircraft, and who does not have a federal dealer's certificate shall register
11 all aircraft owned by the person and operated within the state with the ~~chief aeronautics inspector~~
12 [Rhode Island airport corporation](#) and pay the annual fee for that aircraft provided for in this
13 subsection and is not eligible to pay the limited fee of twenty-five dollars (\$25.00) for all aircraft
14 operated solely for the purpose of sale or demonstration.

15 (c) All fees are in lieu of all personal property taxes on aircraft authorized by any law or
16 ordinance. Registration certificates issued after expiration of the first six (6) months of the annual
17 registration period, as prescribed by the ~~director~~ [president and CEO](#), are issued at the rate of fifty
18 percent (50%) of the annual fee.

19 (d) All fees are paid to the tax administrator of this state and delivery of the person's receipt
20 to the ~~chief aeronautics inspector~~ [Rhode Island airport corporation](#) is a prerequisite to registration
21 under this section.

22 (e) Possession of the appropriate effective federal certificate, permit, rating or license
23 relating to ownership and airworthiness of the aircraft, and the payment of the appropriate fee as
24 set forth in this section are the only requisites for registration of an aircraft, or a dealer in aircraft.

25 (f) Aircraft registration fees shall be reimbursed to persons who surrender their certificates
26 before the date of expiration in accordance with the following schedule:

27 (1) Before the first six (6) months of the period, fifty percent (50%) of the fee;

28 (2) Before the first nine (9) months of the period, twenty-five percent (25%).

29 (g) The provisions of this section shall not apply to:

30 (1) An aircraft owned by, and used exclusively in the service of, any government, including
31 the government of the United States or of any state of the United States, or political subdivision
32 thereof, which is not engaged in carrying persons or property for commercial purposes;

33 (2) An aircraft registered under the laws of a foreign country;

34 (3) An aircraft owned by a nonresident and based in another state; or

1 (4) An aircraft engaged principally in federally certified scheduled airline operation.

2 **1-4-7. Carrying and posting of license and certificate — Evidence of nonissuance.**

3 A required pilot's license, permit, or certificate shall be kept in the personal possession of
4 the pilot while the pilot is operating an aircraft within this state. Required aircraft certificates shall
5 be carried in the aircraft at all times and shall be conspicuously posted in clear view of passengers.
6 A pilot's license, permit, or certificate and aircraft certificates shall be presented for inspection
7 upon the demand of any passenger, any peace officer of this state, any authorized official or
8 employee of the ~~director~~ president and CEO, or the board, or any official, manager, or person in
9 charge of any airport or landing field in this state upon which the pilot lands, or upon the reasonable
10 request of any other person. In any criminal prosecution under any of the provisions of this chapter,
11 a defendant who relies upon a license, permit, or certificate of any kind shall have the burden of
12 proving that he or she is the possessor of a proper license, permit, or certificate. The fact of
13 nonissuance of a license, permit, or certificate may be evidenced by a certificate signed by the
14 official having power of issuance, or his or her deputy, under seal of office, stating that he or she
15 has made diligent search in the records of his or her office and that from the records it appears that
16 no license, permit, or certificate was issued.

17 **1-4-8. ~~Duties of director~~ Duties of president and CEO.**

18 It shall be the duty of the ~~director~~ president and CEO to foster aeronautics within this state
19 in accordance with the provisions of this chapter and for that purpose the ~~director~~ president and
20 CEO shall:

21 (1) Encourage the establishment of airports and other air navigation facilities;

22 (2) Make recommendations to the governor and the general assembly as to necessary
23 legislation or action;

24 (3) Study the possibilities for the development of air commerce and the aeronautical
25 industry and trade within the state and collect and disseminate information relative to the
26 development; and

27 (4) Advise with the Federal Aviation Administration and other agencies of the federal
28 government and with state authorities in carrying forward any research and development work the
29 tends to increase and improve aeronautics within this state.

30 **1-4-9. ~~Jurisdiction of director~~ Jurisdiction of president and CEO.**

31 (a) Except as otherwise specifically provided in this chapter, the ~~director~~ president and
32 CEO has supervision over aeronautics within the state, including:

33 (1) The establishment, location, maintenance, operation, and use of airports, landing fields,
34 air markings, air beacons, and other air navigation facilities; and

1 (2) The establishment, operation, management, and equipment, of all air schools, flying
2 clubs, and other persons giving air instruction.

3 (b) All proposed airports, landing fields, and other air navigation facilities, shall be first
4 approved by the ~~director~~ president and CEO before they are used or operated. A political
5 subdivision or person proposing to establish, alter, activate, or deactivate an airport or landing field
6 shall make application to the ~~chief aeronautics inspector~~ Rhode Island airport corporation, with a
7 copy to the ~~director~~ president and CEO, for a certificate of approval of the site selected and the
8 general purpose or purposes for which the airport or landing field is to be established to insure that
9 it shall conform to minimum standards or safety and shall serve public interest. A political
10 subdivision or officer or employee, or any person shall not operate an airport, landing field, or other
11 air navigation facility for which a certificate of approval has not been issued by the ~~director~~
12 president and CEO.

13 (c) The ~~director~~ president and CEO shall establish by rules and regulations, in accordance
14 with chapter 35 of title 42, guidelines for making application for a certificate of approval, criteria
15 for determining whether to issue a certificate of approval, and fees for processing the applications
16 and each renewal of certificates of approval.

17 **1-4-10. Rules and regulations.**

18 The ~~director~~ president and CEO shall adopt and promulgate, and may amend or repeal,
19 rules and regulations establishing minimum standards with which all air navigation facilities, air
20 schools, and flying clubs must comply, and shall adopt and enforce, and may amend or repeal rules,
21 regulations, and orders, to safeguard from accident and to protect the safety of persons operating
22 or using aircraft and persons and property on the ground, and to develop and promote aeronautics
23 within this state. No rule or regulation of the ~~director~~ president and CEO shall apply to airports,
24 landing fields, air beacons or other air navigation facilities owned or operated within this state by
25 the federal government. In order to avoid the danger of accident incident to confusion arising from
26 conflicting rules, regulations, and orders governing aeronautics, the rules, regulations, and orders
27 of the ~~director~~ president and CEO shall be kept in conformity as nearly as may be with the federal
28 legislation, rules, regulations, and orders on aeronautics, and shall not be inconsistent with
29 paramount federal legislation, rules, regulations, and orders on the subject.

30 **1-4-10.2. Prohibitions.**

31 It shall be unlawful:

32 (1) For any person to operate or authorize the operation of any civil aircraft which does not
33 possess a valid identification mark assigned by the federal government.

34 (2) For any resident to own or authorize the operation of any civil aircraft owned by him

1 or her which does not have a currently effective Rhode Island state registration certificate, and for
2 which the aircraft operating fee, if required, has not been paid.

3 (3) For any nonresident to own or authorize the operation of any civil aircraft owned by
4 him or her and located in Rhode Island for more than ninety (90) days cumulatively during a
5 registration year, which does not have a currently effective Rhode Island state registration
6 certificate, and for which the aircraft operating fee, if required, has not been paid.

7 (4) For any person to own or to operate an aircraft which fails to display the currently
8 effective registration decal or other identifier as required by regulations adopted under § 1-4-10 by
9 the ~~director~~ [president and CEO](#).

10 (5) For any person to operate or authorize the operation of any civil aircraft in air commerce
11 within the state which does not have a currently effective airworthiness certificate and a state
12 registration certificate and having paid the aircraft operating fee, if required.

13 (6) For any person to operate or permit operation of aircraft on or from any airport for
14 compensation or hire, unless the area is registered with the department.

15 (7) For any person to operate or authorize the operation of aircraft in violation of any other
16 rule or regulation, or in violation of the terms of any certificate, issued under the authority of this
17 chapter.

18 (8) For any person to operate or attempt to operate an aircraft on the ground, on the public
19 waters, or in the air while under the influence of intoxicating liquor or of any controlled drug which
20 affects a person's ability to operate an aircraft in a safe manner or while having 4/100 percent or
21 more by weight alcohol in his or her blood.

22 (9) For any owner or operator of an aircraft having knowledge of an aircraft accident or
23 aircraft incident to fail to report facts concerning the accident or incident to the department or a law
24 enforcement officer within seven (7) days of the occurrence of the event, unless incapacitated by
25 death or injury.

26 (10) For any person to touch any part of aircraft wreckage at an aircraft accident scene,
27 except for rescue of persons and/or classified materials, without specific approval of the federal or
28 state official responsible for the accident scene.

29 (11) For any person to operate any ground vehicle which is unrelated to aircraft operations
30 or servicing, or airport operations and maintenance, within the boundaries of any public airport
31 without the express consent of the airport manager. This subsection does not prohibit the operation
32 of a ground vehicle upon a road laid out in the airport to provide access to or egress from the airport.

33 (12) For any person to make or cause to be made an intentional false light, signal, or report
34 of an aircraft accident, or missing aircraft, or, in an emergency situation, to use any device or

1 equipment to initiate or to have others initiate an emergency response by any public or private
2 agency.

3 **1-4-10.3. Abandoned aircraft.**

4 (a) Authority to take. The ~~director, chief aeronautics inspector, aeronautical inspectors,~~
5 [president and CEO](#) or any police officer of the Rhode Island airport corporation, upon discovery of
6 any aircraft or aircraft parts apparently abandoned, or of any aircraft without a currently effective
7 state of Rhode Island or federal registration certificate, whether situated within any public or private
8 airfield open for public use for a period in excess of one year, may take such aircraft or aircraft
9 component into his or her custody and may cause the same to be taken away and stored in some
10 suitable place out of public view.

11 (b) Lien. All charges necessarily incurred by such custodian in the performance of carrying
12 out the provisions of this chapter shall be a lien upon such aircraft or aircraft component in
13 accordance with § 34-47-1. The custodian or manager of any hangar, airport facility or other place
14 where such aircraft or aircraft component may be stored shall have a lien upon such aircraft or
15 aircraft component for his or her storage charges.

16 (c) Owner may reclaim. The owner of an aircraft or aircraft component so placed in storage
17 may reclaim the same before any sale by paying the charges incurred.

18 (d) Sale authorized. If such aircraft or aircraft component shall have been so stored for a
19 period of ninety (90) days, the Rhode Island airport corporation may sell the same, at public auction,
20 for cash or may otherwise dispose of such aircraft or aircraft component. No sale under the
21 provisions herein shall be valid unless the notice required by subsection (e) of this section has been
22 given.

23 (e) Notice of sale. Notice of such sale shall be given by publishing a notice in a newspaper
24 of state circulation at least fourteen (14) days before the sale. If the last place of abode of the owner
25 of such aircraft or aircraft component is known to, or may be ascertained by, such custodian or
26 manager by the exercise of reasonable diligence, a notice of the time and place of such sale shall
27 be given to said owner by registered mail, at least fourteen (14) days prior to said sale.

28 (f) Application of proceeds. The balance of the proceeds of sale, if any, after payment of
29 the amount of liens and the reasonable expenses incident to the sale, shall be paid to the owner of
30 such aircraft or aircraft component or his or her legal representative, if claimed at any time within
31 one year from the date of such sale. If such balance shall not be claimed within said period, it shall
32 be paid to the Rhode Island airport corporation.

33 (g) Exemption from liability. No employee of the Rhode Island airport corporation or any
34 officer empowered to enforce the provisions of §§ 1-4-10.2 — 1-4-14, inclusive, and any other

1 applicable section of the uniform air regulatory act, shall be liable for any act performed under the
2 provisions of this section.

3 **1-4-11. Posting, notice, and filing of rules, regulations, and orders.**

4 (a) Every general rule, regulation, and order of the ~~director~~ [president and CEO](#) shall be
5 posted for public inspection in the main ~~aeronautics~~ office of the ~~director~~ [president and CEO](#) at
6 least five (5) days before it becomes effective, and shall be given any further publicity, by
7 advertisement in a newspaper or otherwise, as the ~~director~~ [president and CEO](#) deems advisable.

8 (b) Every order applying only to a particular person or persons named in it shall be mailed
9 to, or served upon, that person or persons.

10 (c) Every rule, regulation, and order, general or otherwise, adopted by the ~~director~~ [president](#)
11 [and CEO](#) shall be kept on file with the secretary of state.

12 **1-4-12. Investigations and hearings — Subpoena powers.**

13 The ~~director~~ [president and CEO](#) has the power to conduct investigations, inquiries, and
14 hearings concerning matters covered by the provisions of this chapter and accidents or injuries
15 incident to the operation of aircraft occurring within this state. The ~~director~~ [president and CEO](#) has
16 the power to administer oaths and affirmations, certify to all official acts, issue subpoenas, or
17 subpoenas duces tecum, compel the attendance and testimony of witnesses, and the production of
18 papers, books, and documents. If any person fails to comply with any subpoena, subpoena duces
19 tecum, or order issued under authority of this chapter, the ~~director~~ [president and CEO](#) may invoke
20 the aid of any superior court in this state. The court may order the person to comply with the
21 requirements of the subpoena, subpoena duces tecum, or order of the ~~director~~ [president and CEO](#),
22 or to give evidence upon the matter in question. Any failure to obey the order of the court is
23 punishable by the court as a contempt of court.

24 **~~1-4-13. Reports of hearings and investigations as evidence — Testimony by director,~~**
25 **~~deputy director, and aeronautics inspectors~~ Reports of hearings and investigations as**
26 **evidence -- Testimony by employees of the Rhode Island airport corporation, president and**
27 **CEO.**

28 The reports of investigations or hearings, or any part of the reports, shall not be admitted
29 in evidence or used for any purpose in any suit, action, or proceeding growing out of any matter
30 referred to in those investigations or hearings, or in any report, except in the case of criminal or
31 other proceedings instituted by, or on behalf of, the ~~director~~ [president and CEO](#) under the provisions
32 of this chapter; nor shall the ~~director, nor the deputy director, nor any aeronautics inspector~~
33 [president and CEO nor any employee of the Rhode Island airport corporation](#), be required to testify
34 to any facts ascertained in, or information gained by reason of, his or her official capacity. Neither

1 the ~~director, nor the deputy director, nor any aeronautics inspector for airports~~ president and CEO
2 nor any employee of the Rhode Island airport corporation, shall be required to testify as an expert
3 witness in any suit, action, or proceeding involving any aircraft or any navigation facility.

4 **1-4-14. Enforcement — Cooperation of public agencies.**

5 (a) It is the duty of the ~~director, deputy director, aeronautics inspectors~~ president and CEO,
6 and every state and municipal officer charged with the enforcement of state laws to enforce and
7 assist in the enforcement of this chapter. The ~~director~~ president and CEO is further authorized in
8 the name of the state to enforce the provisions of this chapter by appropriate proceedings in the
9 superior courts of this state. Other departments and political subdivisions of this state are authorized
10 to cooperate with the ~~director~~ president and CEO in the development of aeronautics within this
11 state.

12 (b) The ~~director, deputy director, aeronautics inspectors~~ president and CEO, and selected
13 employees of the Rhode Island airport corporation to whom such powers may be delegated in the
14 discharge of the duties of their office, have, in any part of the state, the same authority to make
15 arrests for violation of the statutes, laws, rules, and regulations relating to aviation and airport
16 security matters, and to enforce those statutes, laws, rules, and regulations, as regular constituted
17 law enforcement officers in the state.

18 (c) The ~~director~~ president and CEO shall issue to each selected employee credentials
19 showing his or her authority to arrest, which credentials shall be carried upon the person of the
20 designated employee while in the performance of his or her duties.

21 **1-4-15. Reasons for orders — Closing of facilities — Inspection powers.**

22 In any case where the ~~director~~ president and CEO, pursuant to this chapter, issues any order
23 requiring or prohibiting certain things to be done, the ~~director~~ president and CEO shall set forth his
24 or her reasons for the order and state the requirements to be met before approval is given or the
25 rule, regulation, or order shall be modified or changed. In any case where the ~~director~~ president and
26 CEO deems the action necessary or proper, the ~~director~~ president and CEO may order the closing
27 of any airport or landing field, or the cessation of operations of any air school, flying club, air
28 beacon, or other air navigation facility, until the requirements laid down by the ~~director~~ president
29 and CEO have been fulfilled. To carry out the provisions of this chapter, the ~~director, deputy~~
30 ~~director, aeronautics inspectors~~ president and CEO and any officers, state or municipal, charged
31 with the duty of enforcing this chapter, may inspect and examine, at reasonable hours, any premises,
32 the aircraft and the buildings and other structures, where those airports, landing fields, air schools,
33 flying clubs, air beacons, or other air navigation facilities are operated.

34 **1-4-18. Waiver of review by failure to appeal.**

1 If an appeal is not taken from the order of the ~~director~~ president and CEO within the fixed
2 period, the party against whom the order was entered shall be deemed to have waived the right to
3 have the reasonableness or lawfulness of the order reviewed by a court and that issue shall not be
4 tried in any court in which suit may be instituted for the penalty for failure to comply with the order.

5 SECTION 3. Section 1-5-1 of the General Laws in Chapter 1-5 entitled "Permanent Noise
6 Monitoring Act — Aircraft Operations Monitoring System" is hereby amended to read as follows:

7 **1-5-1. Establishment and installation of aircraft operations monitoring system.**

8 (a) The Rhode Island airport corporation is authorized and directed to coordinate with the
9 federal aviation administration to complete a memorandum of agreement between the Rhode Island
10 airport corporation and the federal aviation administration (FAA) to provide for the continuing
11 acquisition of air traffic control radar records related to the operation of civil aircraft at Rhode
12 Island T.F. Green International Airport.

13 (b) The Rhode Island airport corporation is authorized and directed to install an aircraft
14 operations monitoring system (AOMS) that shall be capable of providing detailed and summary
15 information related to the operation of aircraft at and in the vicinity of Rhode Island T.F. Green
16 International Airport. The AOMS shall be capable of plotting and displaying over area mapping
17 the ground-projected flight tracks and related altitudes of aircraft that use the airport. The system
18 shall be capable of displaying flight tracks of individually identified aircraft based on time and
19 location of operation. The system shall have the capability to produce data files in both digital and
20 hard copy format.

21 (c) The AOMS shall further be capable of producing summary reports that shall, at a
22 minimum:

23 (1) Relate aircraft location data derived from air traffic control radar with individual
24 activity events, based on time and location within the airport environs;

25 (2) Produce summary reports that disclose the use of runways by type of operation
26 (landings or takeoffs), time of day, aircraft user group, and any other groupings that may from time
27 to time become desirable at the option of the system user; and

28 (3) Disclose the activity levels by aircraft types, including, but not limited to, operations
29 by Part 36 stage, operations by jet and propeller-powered aircraft, by air carrier or private operators,
30 all presented by periods of time selected by the system operator.

31 (d) The AOMS reports shall be capable of expansion to provide additional data relating to
32 flight track or corridor utilization, air traffic fix usage, and other information that may become
33 desirable as a result of noise abatement and land use compatibility planning.

34 (e) The AOMS shall be procured and in effect by June 30, 1999. Provided, that if the Rhode

1 Island airport corporation is unable to complete a memorandum of agreement with the FAA as
2 provided for in subsection (a) of this section by June 30, 1999, and the inability is not due to inaction
3 by the corporation, then the ~~director~~ president and CEO of the corporation may request the general
4 assembly to extend the June 30, 1999 date as appropriate.

5 SECTION 4. Section 42-28.6-1 of the General Laws in Chapter 42-28.6 entitled "Law
6 Enforcement Officers' Bill of Rights" is hereby amended to read as follows:

7 **42-28.6-1. Definitions — Payment of legal fees.**

8 As used in this chapter, the following words have the meanings indicated:

9 (1) "*Law enforcement officer*" means any permanently employed city or town police
10 officer, state police officer, permanent law enforcement officer of the department of environmental
11 management, or those employees of the airport corporation of Rhode Island who have been granted
12 the authority to arrest by the ~~director~~ president and CEO of said corporation. However this shall
13 not include the chief of police and/or the highest ranking sworn officer of any of the departments
14 including the ~~director and deputy director~~ president and CEO of the airport corporation of Rhode
15 Island.

16 (2)(i) "*Hearing committee*" means a committee which is authorized to hold a hearing on a
17 complaint against a law enforcement officer and which consists of three (3) active or retired law
18 enforcement officers from within the state of Rhode Island, other than chiefs of police, who have
19 had no part in the investigation or interrogation of the law enforcement officer. The committee shall
20 be composed of three (3) members; one member selected by the chief or the highest ranking officer
21 of the law enforcement agency, one member selected by the aggrieved law enforcement officer and
22 the third member shall be selected by the other two (2) members. In the event that the other two (2)
23 members are unable to agree within five (5) days, then either member will make application to the
24 presiding justice of the superior court and the presiding justice shall appoint the third member who
25 shall be an active law enforcement officer. Upon written application by a majority of the hearing
26 committee, the presiding justice, in his or her discretion, may also appoint legal counsel to assist
27 the hearing committee.

28 (ii) The law enforcement agency and the law enforcement officer under investigation shall
29 each be responsible to pay fifty percent (50%) of the legal fee of the appointed legal counsel for
30 the hearing committee; provided, however, that on motion made by either party, the presiding
31 justice shall have the authority to make a different disposition as to what each party is required to
32 pay toward the appointed legal counsel's legal fee.

33 (3) "*Hearing*" means any meeting in the course of an investigatory proceeding, other than
34 an interrogation at which no testimony is taken under oath, conducted by a hearing committee for

1 the purpose of taking or adducing testimony or receiving evidence.

2 SECTION 5. This act shall take effect upon passage.

=====
LC001595
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO AERONAUTICS -- AIRPORTS AND LANDING FIELDS

- 1 This act would designate the appropriate authority on air space issues as the president and
- 2 CEO of the Rhode Island airport corporation and would align certain job titles with their proper
- 3 responsibilities relative to aeronautics.
- 4 This act would take effect upon passage.

=====
LC001595
=====