

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 434

BY SENATORS NELSON, JEFFRIES, TAKUBO, SWOPE,

LINDSAY, AND WOODRUM

[Introduced January 19, 2022; referred to
the Committee on Government Organization; and
then to the Committee on the Judiciary]

1 A BILL to amend and reenact §8-28-5 of the Code of West Virginia, 1931, as amended; to amend
 2 and reenact §8-29-1, §8-29-2, §8-29-3, §8-29-4, §8-29-5, §8-29-6, §8-29-8, §8-29-9, §8-
 3 29-12, §8-29-17, and §8-29-20 of said code; and to amend and reenact §8-29B-2, §8-
 4 29B-3, and §8-29B-5 of said code, all relating to defining abandoned aircraft and providing
 5 for the disposal of such abandoned aircraft; to increasing the cost of violations for
 6 pedestrian traffic near airports and airport rules and regulations; updating certain terms
 7 and definitions; adding the term “international airport” and “vertiport” to certain areas of
 8 the code; adding to the authority of airports; and updating retirement information.

Be it enacted by the Legislature of West Virginia:

ARTICLE 28. INTERGOVERNMENTAL RELATIONS -- AIRPORTS AND AVIGATION.

PART II. CONTROL OF VEHICULAR AND PEDESTRIAN
 TRAFFIC NEAR AIRPORTS.

§8-28-5. Rules and regulations to control vehicular and pedestrian traffic within quarter mile of airport; violation of rule and regulation a misdemeanor; penalty.

1 The governing body or county court is hereby empowered and authorized to adopt and
 2 promulgate rules and regulations to: (1) Control the movement and disposition of vehicular and
 3 pedestrian traffic within one-fourth mile of any building or installation of any airport owned or
 4 operated or owned and operated by any such municipality or county court, (2) regulate and control
 5 vehicular parking within such areas by the installation of parking meters or by other methods, and
 6 (3) impose reasonable charges for the use of the parking space so metered or otherwise
 7 allocated, so as to provide maximum opportunity for the public use thereof.

8 Violation of any such rule and regulation shall constitute a misdemeanor and, the offender,
 9 upon conviction in the manner provided by law, may be fined not less than ~~\$2~~ \$10 nor more than
 10 ~~\$10~~ \$30 for each such violation.

11 Justices of the peace shall have concurrent jurisdiction with the circuit courts and with

12 statutory courts of record having criminal jurisdiction for the trial of offenses under this section.

ARTICLE 29. INTERGOVERNMENTAL RELATIONS -- REGIONAL AIRPORTS.

§8-29-1. Regional airport authorities authorized; definitions.

1 Any two or more municipalities, any two or more contiguous counties, or any county or
 2 two or more contiguous counties and one or more municipalities located therein or partly therein,
 3 of this state, are hereby authorized to create and establish one or more authorities for the purpose
 4 of acquiring, establishing, constructing, equipping, improving, financing, maintaining and
 5 operating a regional airport or international airport and ancillary airports, as the case may be, for
 6 the use of aircraft: *Provided*, That no such municipality or county shall participate in such authority
 7 unless and until the governing body or county court so provides. As used in this article, the ~~terms~~
 8 ~~"airport"~~ term "airport" shall mean any airport, heliport, helistop, vertiport, gliderport, seaplane
 9 base, ultralight flightpark, manned balloon launching facility, or other aircraft landing or takeoff
 10 area and "aircraft" shall have the ~~meanings~~ meaning ascribed to ~~them~~ it in ~~section one, article~~
 11 ~~two-a, chapter twenty-nine of this code~~ §29-2A-1 of this code, the term "contiguous counties"
 12 means two or more counties which constitute a compact territorial unit within an unbroken
 13 boundary wherein one county touches at least one other county, but does not require that each
 14 county touch all of the other counties so combining, and the term "authority" means a regional
 15 airport authority created pursuant to the provisions of this article. Additionally, as used in this
 16 article, the term ancillary airport means any airport, heliport, helistop, vertiport, gliderport,
 17 seaplane base, ultralight flightpark, manned balloon launching facility, or other aircraft landing or
 18 takeoff area that is owned and operated or operated by agreement by another authority as defined
 19 in §8-29-1 of this code.

20 Definitions:

21 (a) "Abandoned aircraft" means either:

22 (1) An aircraft left in a wrecked, inoperative, or partially dismantled condition on an airport
 23 for forty-five (45) consecutive calendar days and without a contractual agreement in force

24 between the owner or operator of the aircraft and the airport authority for use of the airport
25 premises; or

26 (2) An aircraft that has remained in an idle state on an airport for forty-five (45) consecutive
27 calendar days without a contractual agreement between the owner or operator of the aircraft and
28 the airport authority for use of the airport premises:

29 (b) "Derelict aircraft" means any aircraft that is not in a flyable condition, does not have a
30 current certificate of air worthiness issued by the federal aviation administration, and whose owner
31 cannot produce satisfactory written documentation from a licensed third-party aircraft mechanic
32 evidencing that they have been hired to actively and full repair the aircraft to both an airworthy
33 and properly registered condition within six calendar months from the date notice is given to the
34 owner.

§8-29-2. Authorities to be public corporations; discovery of derelict or abandoned aircraft
at airport -- notification of owner or other interested party.

1 Each authority when created and established, and the members thereof, shall constitute
2 a public corporation and as such, shall have perpetual succession, may contract and be
3 contracted with, sue and be sued, and have and use a common seal.

4 (a) If a derelict or abandoned aircraft is discovered on an airport, the airport authority shall:

5 (1) Make a record of the date the aircraft was discovered on the airport; and

6 (2) Inquire as to the name and address of any person having an equitable or legal interest
7 in the aircraft, including the owner and any lien holders, by:

8 (A) Contacting the federal aviation administration, aircraft registration branch, and making
9 a diligent search of the appropriate records; or

10 (B) Contacting an aircraft title search company.

11 (b) Within ten (10) business days of receiving the information requested pursuant to
12 subsection (a), the airport authority shall notify the owner and all other interested parties by
13 certified mail, return receipt requested:

- 14 (1) Of the location of the derelict or abandoned aircraft on the airport;
- 15 (2) That fees and charges for the use of the airport by the aircraft have accrued and the
16 amount of those fees and charges;
- 17 (3) That the aircraft is subject to a lien under §8-29-4 of this code for any unpaid and
18 accrued fees and charges for the use of the airport and for the transportation, storage, and
19 removal of the aircraft;
- 20 (4) That the lien is subject to enforcement pursuant to this part;
- 21 (5) That the airport may use, trade, sell, or remove the aircraft as described in §8-29-3 of
22 this ode if, within thirty (30) calendar days after the date of receipt of the notice, the owner or other
23 interested party has not removed the aircraft from the airport and paid in full all accrued fees and
24 charges for the use of the airport and for the transportation, storage, and removal of the aircraft;
25 and
- 26 (6) That the airport authority may remove the aircraft in less than thirty (30) calendar days
27 if the aircraft poses a danger to the health or safety of users of the airport, as determined by the
28 airport authority.
- 29 (c)(1) If, after the inquiry required by subdivision (a)(2), the owner of the aircraft is unknown
30 or cannot be found, the airport authority shall place a notice upon the aircraft in a conspicuous
31 position containing the information required by subdivisions (b)(2)-(6).
- 32 (2) The notice under subdivision (c)(1) shall be not less than eight inches (8") by ten inches
33 (10") and shall be laminated or otherwise sufficiently weatherproof to withstand normal exposure
34 to rain, snow, and other conditions.

**§8-29-3. Authorities empowered and authorized to acquire, operate, etc., airports and
develop industrial parks; state aeronautics commission; retention, trade, sale, or
disposal of aircraft by airport authority.**

1 Each authority is hereby empowered and authorized to acquire, establish, construct,
2 equip, improve, finance, maintain and operate an international airport or a regional airport, other

3 airports or landing field and appurtenant facilities so located to best serve the region in which they
4 are located, including, but not limited to, industrial, research and business parks. Each authority
5 shall be subject to the jurisdiction of the state aeronautics commission to the same extent as a
6 state or municipal airport.

7 (a) If, after thirty (30) calendar days of the owner or other interested party receiving the
8 notice or after thirty (30) calendar days of posting the notice on the aircraft, the owner or other
9 interested party has not removed the aircraft from the airport and paid in full all accrued fees and
10 charges for the use of the airport and for the transportation, storage, and removal of the aircraft,
11 or shown reasonable cause for the failure to do so, the airport authority may:

12 (1) Retain the aircraft for use by the airport, the state, or the unit of local government
13 owning or operating the airport;

14 (2) Trade the aircraft to another unit of local government or a state agency;

15 (3) Sell the property; or

16 (4) Dispose of the property through an appropriate refuse removal company or a company
17 that provides salvage services for aircraft.

18 (b) If the airport authority elects to sell the aircraft in accordance with subdivision (a)(3),
19 the aircraft shall be sold at public auction after giving notice of the time and place of sale, at least
20 ten (10) calendar days prior to the date of sale, in a newspaper of general circulation within the
21 county where the airport is located and after providing written notice of the intended sale to all
22 parties known to have an interest in the aircraft.

23 (c) If the airport authority elects to dispose of the aircraft in accordance with subdivision
24 (a)(4), the airport authority shall be entitled to negotiate with the company for a price to be received
25 from the company in payment for the aircraft, or, if circumstances so warrant, a price to be paid
26 to the company by the airport authority for the costs of disposing of the aircraft. All information
27 and records pertaining to the establishment of the price and the justification for the amount of the
28 price shall be prepared and maintained by the airport authority.

29 (d) If the sale price or the negotiated price is less than the airport authority's then current
 30 fees and charges against the aircraft, the owner of the aircraft shall remain liable to the airport
 31 authority for the fees and charges that are not offset by the sale price or negotiated price.

32 (e) All costs incurred by the airport authority in the removal, storage, and sale of any
 33 aircraft shall be recoverable against the owner of the aircraft.

**§8-29-4. Management of authority vested in members; appointment and terms of members;
 vote of members; valuation of property contributed to an authority; participation by
 additional municipalities or counties without state; lien on derelict or abandoned
 aircraft.**

1 The management and control of each authority, its property, operations, business and
 2 affairs shall be lodged in a board of not less than five nor more than twenty-one individuals who
 3 shall be known as members of the authority and who shall be appointed for terms of three years
 4 each by the municipalities and county courts contributing moneys or property to the authority.
 5 However, the first board shall be comprised of one member appointed by each participating
 6 municipality and one member appointed by each participating county court, and any such member
 7 shall serve a term of one year, beginning as of the date the authority is created. No more than
 8 three members shall serve from one county on the first board.

9 Each municipality or county shall have one vote for each \$5,000 it has contributed to the
 10 authority in the form of moneys or property. When property is contributed, the contributing
 11 municipality or county court and the authority shall agree in writing at the time the contribution is
 12 made as to the fair market value of such property, which valuation shall determine the number of
 13 votes to be allocated to the municipality or county on the basis thereof. For the fiscal year during
 14 which any authority is formed, the number of votes to which any municipality or county shall be
 15 entitled shall be determined as of the time of formation of the authority and shall govern until the
 16 end of that fiscal year, even though additional moneys or property are contributed during that
 17 fiscal year. Thereafter, the number of votes shall be determined at the end of each fiscal year and

18 such determination shall govern for the ensuing fiscal year, even though additional moneys or
19 property are contributed during that fiscal year. Subsequent to its formation, any authority may
20 permit any municipality or county without this state to participate in the affairs of the authority, to
21 appoint members of the authority in the same manner, and to have such vote or votes beginning
22 as of the next ensuing fiscal year, as prescribed by law with respect to the original participating
23 municipalities or counties or any combination thereof.

24 (a) The airport authority shall have a lien on a derelict or abandoned aircraft for all unpaid
25 fees and charges for the use of the airport by the aircraft and for all unpaid costs incurred by the
26 airport authority for the transportation, storage, and removal of the aircraft. As a prerequisite to
27 perfecting a lien under this section, the airport authority shall serve a notice in accordance with
28 §8-29-2 of this code on the last registered owner and all persons having an equitable or legal
29 interest in the aircraft.

30 (b)(1) For the purpose of perfecting its lien under this section, the airport authority shall
31 record a claim of lien that states:

32 (A) The name and address of the airport;

33 (B) The name of the last registered owner of the aircraft and all persons having a legal or
34 equitable interest in the aircraft;

35 (C) The fees and charges incurred by the aircraft for the use of the airport and the costs
36 for the transportation, storage, and removal of the aircraft; and

37 (D) A description of the aircraft sufficient for identification.

38 (2) The claim of lien shall be signed and sworn to or affirmed by the airport authority's
39 director or the director's designee.

40 (3) The claim of lien shall be served on the last registered owner of the aircraft and all
41 persons having an equitable or legal interest in the aircraft. The claim of lien shall be so served
42 before recordation.

43 (4) The claim of lien shall be recorded with the register of the county where the airport is

44 located. The recording of the claim of lien shall be constructive notice to all persons of the contents
 45 and effect of such claim. The lien shall attach at the time of recordation and shall take priority as
 46 of that time.

§8-29-5. Substitution of members; proceeds of sale of aircraft.

1 If any member of an authority die, or resign, or be removed, or for any other reason cease to
 2 be a member of the authority, the municipality or the county court (or other similar body in the
 3 case of an out-of-state participating county) which such member represented shall appoint
 4 another individual to fill the unexpired portion of the term of such member.

5 (a) If the aircraft is sold, the airport authority shall satisfy the airport authority's lien, plus
 6 the reasonable expenses of notice, advertisement, and sale, from the proceeds of the sale.

7 (b) The balance of the proceeds of the sale, if any, shall be held by the airport authority,
 8 and delivered on demand to the owner of the aircraft.

9 (c) If no person claims the balance within twelve (12) months of the date of sale, the airport
 10 authority shall retain the funds and use the funds for airport operations.

§8-29-6. Qualification of members; person acquiring legal interest in aircraft -- Documents
of disposition.

1 All members of the board of each authority shall be residents of the municipality or county
 2 which said members represent.

3 (a) Any person acquiring a legal interest in an aircraft under this part shall be the lawful
 4 owner of the aircraft and all other legal or equitable interests in that aircraft shall be divested;
 5 provided, that the holder of any legal or equitable interest was notified of the intended disposal of
 6 the aircraft as required in this part.

7 (b) The airport authority may issue documents of disposition to the purchaser or recipient
 8 of an aircraft disposed of under this part.

PART II. GENERAL POWERS OF AUTHORITIES.

§8-29-8. Powers of authorities generally.

1 Each authority is hereby given plenary power and authority as follows:

2 (1) To make and adopt all necessary bylaws and rules for its organization and operations
3 not inconsistent with law;

4 (2) To elect its own officers, to appoint committees and to employ and fix the compensation
5 for personnel necessary for its operation;

6 (3) To enter into contracts with any person, including both public and private corporations,
7 or governmental department or agency, and generally to do any and all things necessary or
8 convenient for the purpose of acquiring, establishing, constructing, equipping, improving,
9 financing, maintaining and operating a public airport to best serve the region in which it is located,
10 including the development of an industrial, research and/or business park in the same general
11 area;

12 (4) To delegate any authority given to it by law to any of its officers, committees, agents
13 or employees;

14 (5) To apply for, receive and use grants-in-aid, donations and contributions from any
15 source or sources, including, but not limited to, the federal government and any department or
16 agency thereof, and this state subject to any Constitutional and statutory limitations with respect
17 thereto, and to accept and use bequests, devises, gifts and donations from any person;

18 ~~(6) To acquire lands and hold title thereto in its own name~~

19 (6) To acquire, receive, take and hold, whether by purchase, gift, lease, devise or
20 otherwise, property of every description, whether real, personal or mixed, whether in one or more
21 counties and whether within or without the corporate limits of any authorizing subdivision, to use
22 and manage said property, and to develop, improve, and maintain any property owned, leased or
23 controlled by it;

24 (7) To purchase, own, hold, sell and dispose of personal property and to sell, lease or
25 otherwise dispose of any real property which it may own;

26 (8) To borrow money and execute and deliver negotiable notes, mortgage bonds, other

27 bonds, debentures and other evidences of indebtedness therefor, and give such security therefor
28 as shall be requisite, including giving a mortgage or deed of trust on its airport properties and
29 facilities or assigning or pledging the gross or net revenues therefrom;

30 (9) To raise funds by the issuance and sale of revenue bonds in the manner provided by
31 the applicable provisions of article sixteen of this chapter, it being hereby expressly provided that
32 for the purpose of the issuance and sale of revenue bonds, each authority is a "governing body"
33 as that term is used in said article only;

34 (10) To establish, charge and collect reasonable fees and charges for services or for the
35 use of any part of its property or facilities, or for both services and such use;

36 (11) To expend its funds in the execution of the powers and authority herein given;

37 (12) To apply for, receive and use loans, grants, donations, technical assistance and
38 contributions from any regional or area commissions that may be established; and

39 (13) To prescribe by bylaw the manner of financial participation by members-;

40 (14) To construct, acquire, establish, improve, extend, enlarge, reconstruct, equip,
41 maintain and repair buildings, structures and facilities, suitable for use as manufacturing plants,
42 industrial plants and facilities, research parks and facilities, business parks and facilities, retail
43 shopping areas or centers, parks, exhibits, exhibitions or for the conduct of any lawful business,
44 heliport or aircraft landing area owned or operated by such authority, whether in one or more
45 counties and whether within or without the corporate limits of any authorizing subdivision, and to
46 lease or let such buildings, structures and facilities or any one or more of them to such tenant or
47 tenants for such term or terms, at such compensation or rental and subject to such provisions,
48 limitations and conditions as the authority may require or approve;

49 (15) To acquire (by eminent domain and otherwise), establish, construct, expand, own,
50 control, equip, improve, maintain, operate and regulate ancillary airports, vertiports, heliports or
51 landing fields for the use of aircraft in the state, whether in one or more counties and whether
52 within or without the corporate limits of any authorizing subdivision; and

53 (16) To enter into a management agreement or agreements with any county, city or town
 54 in the state for the management by the authority of any airport, heliport, air navigation facility or
 55 other facility useful to the authority, whether in one or more counties and whether within or without
 56 the corporate limits of any authorizing subdivision, upon such terms and conditions as may be
 57 mutually agreeable. Nothing herein shall be construed to authorize the acquisition by eminent
 58 domain of any real property or rights owned or held by railroads or utilities, both public or private.

PART III. CONTROL OF VEHICULAR AND
 PEDESTRIAN TRAFFIC NEAR AIRPORTS.

**§8-29-9. Rules and regulations to control vehicular and pedestrian traffic within quarter
 mile of airport; violation of rule and regulation a misdemeanor; penalty.**

1 The airport authority or the county court of the county in which any such airport or the
 2 major portion thereof is located is hereby empowered and authorized, upon request of the
 3 authority, ~~to~~ may adopt and promulgate rules and regulations to: (1) Control the movement and
 4 disposition of vehicular and pedestrian traffic within one-fourth mile of any building or installation
 5 of any such airport, (2) regulate and control vehicular parking within such areas by the installation
 6 of parking meters or by other methods, and (3) impose reasonable charges for the use of the
 7 parking space so metered or otherwise allocated, so as to provide maximum opportunity for the
 8 public use thereof.

9 Violation of any such rule and regulation shall constitute a misdemeanor and, the offender,
 10 upon conviction in the manner provided by law, may be fined not less than ~~\$2~~ \$10 nor more than
 11 ~~\$10~~ \$30 for each such violation.

12 Justices of the peace shall have concurrent jurisdiction with the circuit courts and with
 13 statutory courts of record having criminal jurisdiction for the trial of offenses under this section.

§8-29-12. Authorities to have right of eminent domain.

1 Whenever it shall be deemed necessary by an authority, in connection with the exercise

2 of its powers herein conferred, to take or acquire any lands, structures or buildings or other rights,
 3 either in fee or as easements, for the purposes herein set forth, the authority may purchase the
 4 same directly or through its agents from the owner or owners thereof, or failing to agree with the
 5 owner or owners thereof, the authority may exercise the power of eminent domain in the manner
 6 provided for condemnation proceedings in chapter fifty-four of this code, and such purposes are
 7 hereby declared to be public uses for which private property may be taken or damaged. ~~Provided,~~
 8 ~~That under no circumstances shall an authority have the right of immediate entry~~

§8-29-17. Participation.

1 The municipalities and counties or any one or more of them participating therein, jointly or
 2 severally, are hereby empowered and authorized to appoint members of the said authorities and
 3 to contribute to the cost of acquiring, establishing, constructing, equipping, improving, and
 4 maintaining and operating the said ~~regional~~ airports and appurtenant facilities.

5 Any of the municipalities or counties as provided in section one of this article is hereby
 6 empowered and authorized to convey or transfer to the authorities property of any kind heretofore
 7 acquired by the municipalities or counties for airport purposes.

§8-29-20. Liberal construction of article.

1 The purposes of this article are to provide for the acquisition, establishment, construction,
 2 equipping, improvement, financing, maintenance and operation of ~~regional~~ airports in a prudent
 3 and economical manner, and this article shall be liberally construed as giving to any authority
 4 created and established hereunder full and complete power reasonably required to give effect to
 5 the purposes hereof. The provisions of this article are in addition to and not in derogation of any
 6 power granted to or vested in municipalities and county courts under any Constitutional, statutory
 7 or charter provisions which may now or hereafter be in effect.

ARTICLE 29B. AIRPORT SECURITY.

§8-29B-2. Definitions.

1 As used in this article:

2 (1) "Aircraft" ~~means any contrivance now known, or hereafter invented, and used for flight~~
 3 ~~in the air and which is operated by an air carrier holding a certificate issued by the civil aeronautics~~
 4 ~~board of the Department of Transportation of the United States~~ shall have the meaning ascribed
 5 in §29-2A-1 of this code.

6 (2) "Airport" means any area of land or water which is used, or intended for use, for the
 7 landing and takeoff of aircraft, as defined above, ~~and~~ any appurtenant areas which are used, or
 8 intended for use, for airport buildings or other airport facilities or rights-of-way, together with all
 9 airport buildings and facilities located thereon as well as any heliport, helistop, vertiport, gliderport,
 10 seaplane base, ultralight flightpark, manned balloon launching facility, or other aircraft landing or
 11 takeoff area.

12 (3) "Airport operator" means a governing body, regional airport authority or county airport
 13 authority, under articles twenty-eight, twenty-nine or twenty-nine-a of this chapter, or a board,
 14 commission, authority or committee operating under any local act of the Legislature, charged with
 15 the operation and management of an airport.

16 (4) "Airport police officer" means any individual assigned, appointed or designated by an
 17 airport operator, to serve as a police officer at an airport.

§8-29B-3. Rules and regulations; penalties.

1 Each airport operator shall have plenary power and authority to manage and control the
 2 airport under its jurisdiction, to promulgate rules and regulations concerning the management and
 3 control of such airport and to enforce any such rules and regulations so promulgated. Any rules
 4 and regulations promulgated shall be printed and posted in a conspicuous public place on the
 5 airport premises. The violation of any such rule or regulation shall constitute a misdemeanor and,
 6 any person convicted of any such violation shall be punished by a fine of not less than ~~\$5~~ \$50 nor
 7 more than ~~\$100~~ \$500 or by imprisonment in jail for a period not exceeding 30 days, or by both
 8 such fine and imprisonment. Justices of the peace of the county shall have concurrent jurisdiction
 9 with the circuit court and other courts of record having criminal jurisdiction of any misdemeanor

10 offenses arising under this article. Violation of any such rule or regulation which also constitutes
11 the violation of any federal or state law or municipal ordinance may be prosecuted and punished
12 as a violation of such federal or state law or municipal ordinance rather than under the provisions
13 of this article. It shall be the duty of every airport operator in this state to promulgate all rules and
14 regulations deemed necessary for airport security.

§8-29B-5. Jurisdiction of airport police officers; insurance coverage; bonds; retirement system.

1 In any area under the jurisdiction and control of the airport operator, or in connection with
2 the airport or in any area in which the airport operator operates an airport, or on any property
3 leased, operated, managed, utilized, or controlled by an airport operator or upon which the airport
4 operator facilitates training activities pursuant to a written agreement, or in pursuit of one or more
5 individuals therefrom, any airport police officer shall have (1) all of the power and authority which
6 a regularly appointed deputy sheriff of a county in this state has in enforcing the criminal laws of
7 this state; (2) full power and authority to enforce any and all federal laws and rules and regulations
8 relating to airports, air passengers, baggage inspection, the screening of air passengers and other
9 airport security measures; (3) full power and authority to enforce any and all rules and regulations
10 promulgated by the airport operator; and (4) the power to search persons, packages, containers
11 and baggage and the power to arrest persons: *Provided*, That the foregoing provisions of this
12 section shall under no circumstances whatever be construed as in any way limiting the power and
13 authority of a municipal police officer or deputy sheriff who has been assigned to serve as an
14 airport police officer which he or she has by virtue of his or her being a municipal police officer or
15 deputy sheriff, and under no circumstances whatever shall the assignment or appointment or
16 designation of one or more airport police officers at an airport be deemed in any way to supersede
17 or limit the power and authority of other peace officers to preserve law and order at such airport.

18 Consistent with the provisions of ~~section five, article seven, chapter sixty one of this code~~
19 §61-7-5 of this code, any municipal police officer or deputy sheriff assigned as an airport police

20 officer pursuant to the provisions of ~~subsection (b), section four~~ §8-29B-4(b) of this article, and
21 (notwithstanding any provision of this code to the contrary) any person appointed or designated
22 as an airport police officer pursuant to the provisions of ~~subsection (c), section four~~ §8-29B-4(c)
23 of this article, shall not be required to obtain a state license to carry a deadly weapon, as provided
24 for in ~~section two, article seven of said chapter sixty-one~~ §61-7-2. Any municipal police officer or
25 deputy sheriff assigned as an airport police officer pursuant to the provisions of ~~subsection (b),~~
26 ~~section four~~ §8-29B-4(b) of this article shall not be required to furnish any bond under ~~section five,~~
27 ~~article seven of said chapter sixty-one~~ §61-7-5 other than the bond furnished thereunder as such
28 municipal police officer or deputy sheriff. When one or more policies of public liability insurance
29 are obtained providing insurance coverage for legal liability of an airport police officer for bodily
30 injury, personal injury or damage (including, but not limited to, false arrest and false imprisonment)
31 and property damage, and affording said airport police officer insurance coverage against any
32 and all legal liability arising from, growing out of, or by reason of or in any way connected with,
33 any acts or omissions of said airport police officer in the performance of his or her official duties,
34 and so long as the coverage aforesaid remains in full force and effect as to such airport police
35 officer, then the bond specified in ~~section five, article seven of said chapter sixty-one~~ §61-7-5 shall
36 not be required as to such airport police officer; otherwise such bond shall be required and must
37 be furnished.

NOTE: The purpose of this bill is to modernize the powers of authorities given to airports to better reflect current operations. The bill updates certain terms and definitions. The bill adds the term "international airport" and "vertiport" to certain areas of the code. The bill adds to the authority of airports. The bill increases the cost of violations for pedestrian traffic near airports and an airport's rules and regulations. Finally, the bill clarifies airport police jurisdiction.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.