

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 434**

BY SENATORS NELSON, JEFFRIES, TAKUBO, SWOPE, AND

LINDSAY

[Originating in the Committee on Government

Organization; reported on February 23, 2022]

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; to amend and reenact §8-29A-2; and to  
4 amend and reenact §8-29B-2, §8-29B-3, and §8-29B-5 of said code, all relating to defining  
5 abandoned aircraft and providing for the disposal of such abandoned aircraft; to increasing  
6 the cost of violations for pedestrian traffic near airports and airport rules and regulations;  
7 updating certain terms and definitions; adding the term “international airport” and  
8 “vertiport” to certain areas of the code; adding to the authority of airports; addressing  
9 composition of county airport authority; 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 that is owned and operated or operated by  
17 agreement by an authority as defined in this section, a regional airport, international airport, or  
18 operated by agreement in accordance with §8-29-8(16) of this code.

Definitions:

(a) "Abandoned aircraft" means either:

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

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

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

28 (b) "Derelict aircraft" means any aircraft that is not in a flyable condition, does not have a  
29 current certificate of air worthiness issued by the federal aviation administration, and whose owner  
30 cannot produce satisfactory written documentation from a licensed third-party aircraft mechanic  
31 evidencing that they have been hired to actively and full repair the aircraft to both an airworthy  
32 and properly registered condition within six calendar months from the date notice is given to the  
33 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 code if, within thirty (30) calendar days after the date of receipt of the notice, the owner or  
23 other interested party has not removed the aircraft from the airport and paid in full all accrued fees  
24 and charges for the use of the airport and for the transportation, storage, and removal of the  
25 aircraft; 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 property, whether by purchase, gift, lease, devise  
20 or otherwise, and whether within or without the corporate limits of any authorizing subdivision, to  
21 use and manage said property, and to develop, improve, and maintain any property owned,  
22 leased or controlled by it;

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

25 (8) To borrow money and execute and deliver negotiable notes, mortgage bonds, other  
26 bonds, debentures and other evidences of indebtedness therefor, and give such security therefor

27 as shall be requisite, including giving a mortgage or deed of trust on its airport properties and  
28 facilities or assigning or pledging the gross or net revenues therefrom;

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

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

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

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

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

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

49 (15) To enter into a management agreement or agreements with any county, city or town  
50 in the state for the management by the authority of any airport, heliport, air navigation facility or  
51 other facility useful to the authority, whether in one or more counties and whether within or without  
52 the corporate limits of any authorizing subdivision, upon such terms and conditions as may be

53 mutually agreeable.

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 29A. AIRPORT SECURITY.**

**§8-29A-2. Appointment of members; powers and duties; compensation; terms; removal or replacement.**

1 (a) The management and control of the county airport authority, its property, operations,  
2 business and affairs, shall be lodged in a board of five persons who shall be known as "Members  
3 of the Authority". The board shall constitute and be a public corporation under the name of "County  
4 Airport Authority" and as such shall have perpetual succession, may contract and be contracted  
5 with, sue and be sued, plead and be impleaded, and have and use a common seal.

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(b) All members shall be appointed by the county commission: Provided, That one member of the authority shall be a member of the county commission: Provided, however, That of the remaining four members of the authority no more than two shall be members of the same political party. Not less than three members shall be residents of the county and ~~be one member~~ may be a resident of another county. All four members shall be appointed for a term of five years, except that as to the first four appointed to the first board appointed, the term of one member shall expire on July 1, next ensuing and the term of the next member shall expire on July 1, two years thereafter, the term of another member shall expire on July 1, three years thereafter and the term of the remaining member shall expire on July 1, four years thereafter: *Provided further*, That the county commissioner appointed to serve as a member of the authority shall not serve for a term as member of the authority which is longer than the term of office as a member of the county commission: *And provided further*, That the county commissioner appointed to serve as a member of the authority shall conclude service as a member when his or her elected term of office expires.

(c) The members of said board shall receive no compensation for their services, but they shall be entitled to reimbursement for all reasonable and necessary expenses actually incurred in the performance of their duties as members of said board. They shall not be personally interested, directly or indirectly, in any contract entered into by said board, or hold any remunerative position in connection with the establishment, construction, improvement, extension, development, maintenance or operation of any of the property under their control as members of said board: Provided, That nothing herein shall be construed to prevent or make unlawful under this chapter or any other chapter of the Code of West Virginia the appointment to the board of any person whose only interest in any property under the control of the board is that the person in a noncommercial manner leases hangar space, purchases fuel or contracts for any other goods or service provided by said airport authority subject to the control and management of the board.

(d) The county commission shall have the power to remove any member of the authority

32 for consistent violations of any provisions of this article, for reasonable cause which shall include,  
33 but not be limited to, a continued failure to attend meetings of the authority, failure to diligently  
34 pursue the objectives for which the authority was created or failure to perform any other duty  
35 prescribed by law, or for any misconduct in office: Provided, That if the county commission desires  
36 to remove a member of the authority it shall notify said member in writing, stating the reasons for  
37 the county commission desiring said removal. Within ten days of the receipt of the written notice  
38 of removal by the member of the authority, the member may request a hearing before the county  
39 commission, and any such hearing shall be held within ten days of the member's request for said  
40 hearing.

41 If any member of the authority shall die, resign or be removed, or for any other reason  
42 cease to be a member of the authority, the county commission shall within thirty days appoint  
43 another person to fill the unexpired portion of the term of such member.

## **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.**

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 a regional airport authority authorized under article twenty-nine  
3 of this chapter operates an airport, or on any property leased, operated, managed, utilized, or  
4 controlled by a regional authority arising under article twenty-nine of this chapter or upon any area  
5 which regional airport authority arising under article twenty-nine of this chapter facilitates training



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

20 Consistent with the provisions of ~~section five, article seven, chapter sixty-one of this code~~  
21 §61-7-5 of this code, any municipal police officer or deputy sheriff assigned as an airport police  
22 officer pursuant to the ~~provisions of subsection (b), section four~~ §8-29B-4(b) of this article, and  
23 (notwithstanding any provision of this code to the contrary) any person appointed or designated  
24 as an airport police officer pursuant to the provisions of ~~subsection (c), section four~~ §8-29B-4(c)  
25 of this article, shall not be required to obtain a state license to carry a deadly weapon, as provided  
26 for in ~~section two, article seven of said chapter sixty-one~~ §61-7-2. Any municipal police officer or  
27 deputy sheriff assigned as an airport police officer pursuant to the provisions of ~~subsection (b),~~  
28 ~~section four~~ §8-29B-4(b) of this article shall not be required to furnish any bond under ~~section five,~~  
29 ~~article seven of said chapter sixty-one~~ §61-7-5 other than the bond furnished thereunder as such  
30 municipal police officer or deputy sheriff. When one or more policies of public liability insurance  
31 are obtained providing insurance coverage for legal liability of an airport police officer for bodily

32 injury, personal injury or damage (including, but not limited to, false arrest and false imprisonment)  
33 and property damage, and affording said airport police officer insurance coverage against any  
34 and all legal liability arising from, growing out of, or by reason of or in any way connected with,  
35 any acts or omissions of said airport police officer in the performance of his or her official duties,  
36 and so long as the coverage aforesaid remains in full force and effect as to such airport police  
37 officer, then the bond specified in ~~section five, article seven of said chapter sixty-one~~ §61-7-5 shall  
38 not be required as to such airport police officer; otherwise such bond shall be required and must  
39 be furnished.