

1931

## Documents and Reports

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## DOCUMENTS AND REPORTS

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\*Compiled by Lorraine Arnold, Secretary-Librarian of the Air Law Institute, and William K. Tell.

\*\*House Bill, House Docket, etc., are abbreviated as "H".

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- S. 88 (*Department of Aeronautics. Motor Fuel Tax*)—enacted, approved and effective, February 11, 1931.

AN ACT to be entitled, "*An Act to establish and define the Department of Aeronautics; to impose additional duties upon and vest additional authority*

*in the State Highway Commission relative to the development of airports and airways, to impose an additional privilege tax upon motor propelled aircraft operating in the state of Arkansas; to be a tax upon fuel used by such aircraft; to amend Sections seven and ten of Act number seventeen of the forty-sixth General Assembly, approved February 16, 1927; and for other purposes.*

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That there is hereby established the Department of Aeronautics of the State of Arkansas; which department shall be composed of the State Honorary Aircraft Board as now constituted, and of the State Highway Commission as now constituted; provided that the duties of the State Highway Commission in the Department of Aeronautics shall be collateral to and in addition to, and shall in no way be allowed to interfere or conflict with the duties and responsibility of said Commission in the administration of the affairs of the State Highway Department. The members of said State Highway Commission and other officers of the State Highway Department shall receive no additional compensation for the performance of their duties in connection with the Department of Aeronautics imposed by the provisions of this Act.

SECTION 2. It shall be the duty of the State Highway Commission, by use of the personnel and equipment of the Highway Department, to such extent as it may find practicable without material interference with the accomplishment of the program of the State Highway Department, and by use of such appropriations as may be made for said purposes, to co-operate with all existing public agencies in the construction and improvement of an adequate system of airports and airways in the State of Arkansas. For the accomplishment of said purposes the State Highway Commission may construct or improve, or assist in the construction or improvement of, any public airport in the State of Arkansas, owned or controlled by and operated under the supervision of any municipality, Chamber of Commerce or community organization, so located as, in the opinion of said commission, to be useful in connection with the general system of airports and airways in and across the State; and may establish or assist in the establishment of, and improve and maintain or assist in the improvement and maintenance of, intermediate emergency landing fields and other airway facilities and aids to aerial navigation in and across this State. Any part of the State Highway Fund which may at any time be appropriated for the purposes described in this section, shall be expended by the State Highway Commission in the same manner and under the same rules now provided by law for the expenditure of said State Highway Funds, except as to the purposes for which said funds are expendible.

SECTION 3. The Honorary Aircraft Board shall, in addition to its other duties, serve in an advisory capacity to the State Highway Commission in all matters pertaining to airports and airways; and shall suggest to the State Highway Commission the location, plan and desirable facilities for airports and airways, and shall otherwise assist and cooperate with the State Highway Commission in the discharge of its duties in the Department of Aeronautics to the end that a comprehensive and adequate system of such airports and airways may be established in Arkansas, suitably co-ordinated with such

inter-state airways as are now or may hereafter be established; but such suggestions and recommendations made to it by the State Honorary Aircraft Board, may be adopted, modified or rejected at the discretion of the State Highway Commission.

SECTION 4. That Section Seven of Act Number Seventeen, of the General Assembly of Arkansas for the year 1927, approved February 16, 1927, be and the same is hereby amended to read as follows:

"SECTION 7. That all fees collected under this Act shall be deposited daily, when and as received, by the Secretary of State, in the State Treasury, and shall be placed in the State Highway Fund."

SECTION 5. That Section 10 of Act Number Seventeen of the General Assembly of the State of Arkansas for the year 1927, approved February 16, 1927, be and the same is hereby amended to read as follows:

"SECTION 10. That the Chairman of the State Highway Commission who shall be the Chairman of the Department of Aeronautics, shall, when and as conditions require, employ the services of qualified pilot-inspectors to supervise the enforcement of aviation regulations of Arkansas and that such inspectors shall be licensed as transport pilots by the Aeronautics Division of the National Department of Commerce and in addition thereto shall hold Military Airplane Pilots' ratings; and shall have had at least five hundred hours experience piloting both Military and Commercial Aircraft; and be otherwise qualified to pass upon the qualifications of both pilots and planes, that may be seeking licenses to operate within the borders of this State. The registration fee, hereinbefore provided for owners of aircraft, shall entitle the owner to one annual inspection of his aircraft, and all additional inspections shall be assessed against the owner, and the owner shall pay at the rate of (\$5.00) five dollars for each additional inspection. It shall be unlawful to fly any aircraft which upon inspection has been found unfit for flight until said aircraft has been reinspected and approved for flight by an inspector appointed by the Chairman of the Department of Aeronautics.

"It shall be the duty of all inspectors employed by the Department of Aeronautics to cooperate with federal inspectors employed by the National Department of Commerce, Aeronautics Division, and to enforce State regulations in such a manner as to make state regulations conform to, and uphold federal regulations governing the operations of Aircraft".

SECTION 6. All persons, firms, corporations and associations of persons engaged in the manufacture of, and wholesale dealers in, motor vehicle fuel used for the purpose of propelling or operating motor driven aircraft in the State of Arkansas, shall collect upon all sales of such aircraft motor fuel, for the use of the State of Arkansas, in addition to the usual charge therefor, the sum of five cents (5c) for each gallon of such aircraft motor fuel so sold; and shall account for all moneys so collected, and pay same to the State of Arkansas, and same shall be placed to the credit of the State Highway Fund, through the Commission of Revenues, in the same manner and subject to all the regulations now provided by law governing the collection of the tax now imposed on the sale of motor vehicle fuel, used for the purpose of propelling or operating motor vehicles using combustible type engines over the roads and highways of the State of Arkansas, as



prescribed by Act No. 65 of the General Assembly of the State of Arkansas, for the year 1929, approved February 28, 1929, and any and all amendments thereto; which additional charge shall be paid by the purchaser of said fuel as a tax or license fee paid for the privilege of operating such aircraft in the State of Arkansas, and shall be in addition, and not in lieu of, other license fees now provided by law to be paid in connection with the operation of aircraft in this State, Provided, however, that aircraft motor fuel purchased for use exclusively in aircraft owned by the United States Government, or by the State of Arkansas, or any State, District or Territory of the United States, or by any established inter-state airline operating on a regular time schedule, shall not be subject to the payment of the tax imposed by this act, and the tax shall not be collected from the Government, State, District or Territorial officer or agent purchasing aircraft motor fuel for use in such United States, State, District or Territorial aircraft; and where the tax imposed by this Act has been collected on aircraft motor fuel exempted from said tax by the foregoing provision, the wholesaler or dealer who has paid such tax shall be entitled to and may claim refund thereof under such regulations as the Commissioner of Revenues may prescribe.

SECTION 7. All laws and parts of laws in conflict herewith with any of the provisions of this Act, are, to the extent of such conflict, hereby repealed.

SECTION 8. Whereas, a properly planned and adequately equipped system of airports and airways is an extremely essential factor in modern travel, communication and commerce, and it is of vital importance to Arkansas that such facilities be provided immediately in order that this State be not avoided by the permanent interstate and international development of air routes which are rapidly being established, and in order that aeronautical development in this State be not further retarded. Now, therefore, as emergency is declared to exist and this Act is declared to be necessary for the immediate preservation of the public peace, health and safety, and this Act shall be in force immediately from and after its passage, and approval.

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**California:**

**A. 888** (*Air Navigation Act*)

AN ACT making an appropriation for the enforcement of the provisions of the "California air navigation act."

*The people of the State of California do enact as follows:*

SECTION 1. Out of any money in the state treasury not otherwise appropriated the sum of one hundred fifty thousand dollars is hereby appropriated to be expended in accordance with law by the California aeronautical commission for the enforcement of the "California air navigation act," including the acquisition, maintenance and use of three aeroplanes and the employment of three pilots and three co-pilots.

**A. 889** (*Aeronautics Commission*)

AN ACT to revise the California air navigation act, creating the aeronautical commission of California and defining its powers and duties.

*The people of the State of California do enact as follows:*

SECTION 1. The California air navigation act is revised to read as follows:

SECTION 1. It shall be lawful for any person to navigate any aircraft within the State of California, if it is licensed and registered or identified under the laws of the United States and any regulations made pursuant thereto, but it shall be unlawful for any person to navigate any aircraft within the State of California unless it is so licensed and registered or identified.

SECTION 2. It shall be lawful for any person to operate or participate in the operation of any aircraft within the State of California or to act as an airman in connection therewith if such person is licensed and registered under the laws of the United States or any regulation made pursuant thereto, but it shall be unlawful for any person to act as an airman in any capacity, except that for which he is licensed under the laws of the United States or any regulations adopted pursuant thereto.

SECTION 3. The certificate of the licensee, required by section 2 of this act, shall be kept in the personal possession of the licensee when he is operating aircraft within this state and must be presented for inspection upon demand of any passenger, any peace officer of this state or any official, manager or person in charge of any airport in this state upon which he shall land.

SECTION 4. Any person, firm or association or corporation, or any county, city and county, city, or other political subdivision of the state having management or control of any airport or air navigation facilities may establish rules or regulations governing the use of same but shall not establish any rule or regulation, whether by law, ordinance or otherwise, inconsistent with or contrary to the provisions of this act or of any act of the United States or any regulation established pursuant thereto.

SECTION 5. Except in taking off from or landing on an established landing field, airport, or on property designated for that purpose by the owner, it shall be unlawful to navigate any aircraft over the congested parts of a city, town, settlement or open-air assembly of persons, except at a height sufficient to permit of a reasonably safe emergency landing, which in no case shall be less than one thousand feet, or elsewhere at a height less than five hundred feet, except where indispensable to an industrial flying operation; provided, that the provisions of this section shall not apply when special circumstances render a departure therefrom necessary to avoid immediate danger or when such departure is required because of stress of weather conditions or other unavoidable cause.

SECTION 6. It shall be unlawful to acrobatically fly an aircraft carrying passengers for hire or any aircraft over a congested area of any city, town, settlement or open-air assembly of persons, or below two thousand feet in height over any established civil airway or at any height over any established airport or landing field. Any acrobatic maneuvers performed over any other place shall be concluded at a height greater than one thousand five hundred feet. The term "acrobatically fly" as used in this section means any intentional maneuver not necessary to air navigation.

SECTION 7. It shall be unlawful for any person who is an habitual user of narcotic drugs or who is under the influence of intoxicating liquor or

narcotic drugs to navigate any aircraft in this state. Any person violating the provisions of this section shall be guilty of a felony, and upon conviction thereof shall be imprisoned in the state prison for not less than one nor more than five years.

SECTION 8. (a) The term "aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

(b) The term "air navigation facility" includes any airport, emergency landing field, light, or other signal structure, radio directional finding facility, radio or other communication facility, and any other structure or facility used as an aid to air navigation.

(c) The term "airport" means any locality either of water or land which is adapted for the landing and taking off of aircraft and which provides facilities for shelter, supply, and repair of aircraft, or a place used regularly for receiving or discharging passengers or cargo by air.

(d) The term "airman" means any individual (including the person in command and any pilot, mechanic, or members of the crew) who engages in the navigation of aircraft while under way, and any individual who is in charge of the inspection, overhauling, or repairing of aircraft.

(e) The term "federal license" shall mean, as the case may be, a valid, unrevoked and unsuspended aircraft certificate or airman certificate issued by the secretary of commerce under the authority of the federal act and the lawful rules and regulations issued or which may be issued thereunder.

(f) The term "person" means every natural person, firm, copartnership, association or corporation.

SECTION 9. There is hereby created the aeronautical commission of California, consisting of three members, each of whom shall be a person trained and experienced in aviation. Each member shall be appointed by the governor and shall hold office at the pleasure of the governor and shall receive no compensation but shall receive his actual and necessary traveling expenses incurred in the performance of his duties.

SECTION 10. The aeronautical commission may appoint, prescribe the duties and fix the compensation of a secretary and such other officers and employees as may be necessary. It may also depute any peace officer with or without compensation from the commission, to aid the commission in enforcing the provisions of this act.

SECTION 11. Except as otherwise provided in this act, no city, county, city and county, town or other political subdivision of this state, shall by law, ordinance, rule, regulation, or otherwise, license aircraft or airmen, or provide for the registration thereof, or prescribe any air traffic rules to govern the operation of aircraft in flying or the use of airports, emergency or other landing fields, or in any way regulating or controlling emergency or other landing fields or air navigation facilities, and the Legislature hereby declares that the government of the State of California has, to the exclusion of all political subdivisions thereof, complete sovereignty of the air space over the lands and waters of the State of California, and hereby reserves complete and exclusive legislative jurisdiction concerning the same.

SECTION 12. Any person, firm, association or corporation violating any of the provisions of this act, which violation is not herein declared to be a felony, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or be subject to both such fine and imprisonment.

SECTION 13. If and when it is finally determined by the courts that any portion of either section 1 or section 2 hereof is unconstitutional, then, and only in that event:

(a) The aeronautical commission of California is hereby authorized and empowered:

(1) To formulate rules and regulations for the examination of aircraft as to their air worthiness, and the licensing of the same; and for the examination of airmen as to their qualifications, and the licensing of the same;

(2) To examine and license aircraft and airmen;

(3) To revoke for cause, after written notice to the holder and a hearing being had thereon, any license issued by the commission hereunder.

Such rules and regulations must be consistent with the provisions of this act and shall provide standards for determining the air worthiness of aircraft and the requisite skill, experience, and qualification of airmen, may cover such other matters as are authorized by the provisions hereof, and shall conform to, and coincide with, so far as possible, the provisions of the air commerce act of 1926 and amendments thereto, passed by the congress of the United States and the air commerce regulations issued from time to time pursuant thereto.

(b) In accordance with the provisions of this act and the rules and regulations formulated hereunder:

(1) Airmen licenses will be issued upon application, for a period of one year from date of issue, and upon the expiration of the respective terms of such licenses the licensees will be relicensed upon application for like periods, if the applicant is eligible therefor and has the necessary skill, experience and other qualifications;

(2) Aircraft licenses will be issued upon the application of the owner for a period of one year from date of issue and upon the expiration of the respective terms of such license the aircraft will be relicensed upon like applications for like periods if the aircraft be airworthy and conforms as to the requirements of this act and said rules and regulations.

No state license shall be necessary under this section in the case of any aircraft or airman holding a valid and existing federal license, corresponding to the state license which would otherwise be required hereunder.

(c) There shall be no fees charged for licenses issued under the provisions of this section. There is hereby appropriated, out of any money in the state treasury, the sum of ten thousand dollars to be expended by said commission for payment of expenses incurred by it in carrying out the provisions hereof. Disbursement of such funds shall be made from time to time by a controller's warrant upon the written orders of the chairman of said commission.

(d) Any person who (1) navigates any aircraft within the State of California unless said aircraft is licensed under the provisions of this section or is licensed and registered under the laws of the United States

and any regulations made pursuant thereto, or (2) operates or participates in the operation of any aircraft within the State of California or acts as an airman in connection therewith unless he is licensed therefor under the laws of the United States and any regulations made pursuant thereto, is guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars or imprisonment in the county jail for not more than six months, or both such fine and imprisonment.

SECTION 14. The act entitled "An act concerning the registration, numbering, and use of aircraft, and the licensing of operators thereof," approved June 3, 1921, and all other acts and parts of acts in conflict with this act are hereby repealed.

SECTION 15. This act may be designated and referred to for all purposes as the "California air navigation act."

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A. 1198 (*Air Navigation Act*)

AN ACT to amend section 2 of "The California air navigation act," approved June 18, 1929, relating to unlawful flying.

*The people of the State of California do enact as follows:*

SECTION 1. Section 2 of "The California air navigation act" is hereby amended to read as follows:

SECTION 2. Except in taking off from or landing on an established landing field, airport, or on property designated for that purpose by the owner, it shall be unlawful to navigate any aircraft over the congested parts of a city, town, settlement or open-air assembly of persons, except at a height sufficient to permit of a reasonably safe emergency landing, which in no case shall be less than one thousand feet, or elsewhere at a height less than five hundred feet, except where indispensable to an industrial flying operation; provided, that the provisions of this section shall not apply when special circumstances render a departure therefrom necessary to avoid immediate danger or when such departure is required because of stress of weather conditions or other unavoidable cause. By "taking off from or landing on" is meant only that part of the flight taking place over an area defined by the boundaries of the established landing field, airport or designated property, and no aircraft shall take off from or land upon any landing field, airport or designated property, where inhabited houses or buildings are situated, adjacent to such landing field or designated property and under the path of such exit or entrance, unless such aircraft can reach or maintain an altitude of . . . . . feet immediately prior to leaving or entering the area defined by the boundaries of such landing field, airport or designated property.

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A. 1508 (*Division of Airways*)

AN ACT to add sections 363q, 363r, 363s and 363t to the Political Code, relating to the creation of a division of airways in the department of public works.

*The people of the State of California do enact as follows:*

SECTION 1. Section 363q is hereby added to the Political Code and to read as follows:

363q. There is hereby created in the department of public works an additional division to be known as the division of airways. This division shall be in charge of a chief who, shall be appointed by and hold office at the pleasure of the director of the department of public works, shall receive a salary of five thousand dollars per annum, and before entering upon the duties of his office shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars. The chief of the division of airways is hereby designated as the state airway engineer and he shall maintain his office at Sacramento.

SECTION 2. Section 363r is hereby added to the Political Code and to read as follows:

363r. The director of the department of public works has the power, except as otherwise provided herein, to appoint such assistants, agents, experts and other employees as are necessary for the affairs of the division of airways, to prescribe their duties and, subject to the approval of the governor, to fix their salaries. Neither the director nor any officer of the division has authority on the part of the state to incur obligations exceeding the amount of moneys made available by law for the support of the division. The assistants, agents, experts and other employees appointed by the director to such division shall execute to the state such official bonds as the director may determine and require. The state airway engineer and one position under him of a confidential nature are exempt from the provisions of the civil service law.

SECTION 3. Section 363s is hereby added to the Political Code and to read as follows:

363s. The chief of the division and the assistants, agents, experts and other employees of the division shall be entitled to receive in addition to their salaries, their actual necessary traveling expenses when away from their headquarters on state business. The salaries and expenses of the chief, the assistants, agents, experts and other employees shall be paid at the same time and in the same manner as the salaries and expenses of other state officers are paid.

SECTION 4. Section 363t is hereby added to the Political Code and to read as follows:

363t. The director of the department of public works, the state airway engineer and all assistants, agents, experts and other employees of the division of airways must perform all duties imposed upon them by such laws as are now or may hereafter be in effect.

#### A. 1509 (*Division of Airways*)

AN ACT to define the powers and duties of the division of airways and the officers and employees thereof, to provide for the acquisition, construction, maintenance, operation and repair of air navigation facilities by the division of airways and defining the policy of the state toward aviation.

*The people of the State of California do enact as follows:*

SECTION 1. This act shall be known and cited as the "California air commerce act of 1931."

SECTION 2. The following words and phrases used in this act shall have the meanings herein ascribed to them:

(a) "Air commerce." Any transportation, in whole or in part, by aircraft, of persons or property, for hire, navigation of aircraft in furtherance of business, navigation of aircraft from one place to another or operation of aircraft in the conduct of a business.

(b) "Aircraft." Any contrivance now known or hereafter invented, used or designed for navigation or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

(c) "Airman." Any individual (including the person in command and any pilot, mechanic or member of the crew) who engages in the navigation of aircraft while under way, and any individual who is in charge of the inspection, overhauling or repairing of aircraft.

(d) "Air navigation facility," Any airport, intermediate landing field, light or other signal structure, radial direction finding facility, radio or other electric communication facility, and any other structure or facility used as an aid to air navigation.

(e) "Airport." Any locality either of water or land, which is adapted for the landing or taking off of aircraft, and which provides facilities for shelter, supply or care of aircraft; or a place used regularly for receiving or discharging passengers or cargo by air.

(f) "Intermediate landing field." Any locality, either of water or land, which is adapted for the landing or taking off of aircraft, is located along an airway, and is intermediate to airports connected by the airway, but which is not equipped with facilities for shelter, supply or repair of aircraft, and is not used regularly for the receipt or discharge of passengers or cargo by air.

(g) "Registered and licensed as an aircraft of the United States." An aircraft which is registered and entered as a licensed aircraft in an official license registry of the secretary of commerce as an aircraft of the United States.

(h) "Airway." A route in the navigable air space designated by the secretary of commerce of the United States or the state airway engineer, as a route suitable for interstate, intrastate or foreign air service.

SECTION 3. Inasmuch as certain air navigation facilities are necessary for the promotion of air commerce within this state, and inasmuch as it is desired to closely coordinate automotive and aircraft transportation facilities, it is the duty of the state airway engineer to make a survey of the development of airways, air navigation facilities and the establishment of intermediate landing fields, and establish and maintain such air navigation facilities as he deems necessary, subject to the approval of the director of the department of public works, within the limits of funds made available therefor by the Legislature.

(a) In the establishment of air navigation facilities the state airway engineer is authorized to utilize the facilities and assistance of existing agencies of the state so far as practicable.

(b) It is the duty of the state airway engineer to encourage cities, towns, counties and airport districts in the establishment of airports and other air navigation facilities.

(c) The state airway engineer may at his discretion designate as state airways, routes which after proper survey are found necessary in the promotion of air commerce.

(d) The State of California hereby accepts the benefits and provisions of any act of congress hereafter enacted granting aid to the states for any purpose contained in this act and the director of the public works is authorized to accept, on behalf of the state, such federal aid, and the state treasurer is hereby designated and appointed custodian of all money received by the state in such manner and he is authorized to receive and provide for the proper custody of the same and make the disbursements therefrom in the manner provided in said act and for the purposes herein specified.

(e) The state airway engineer is authorized and directed to negotiate and enter into agreements with other states in matters pertaining to the designation, establishment and maintenance of interstate airways.

(f) In the marking and identification of air navigation facilities and airways, the methods and specifications approved by the United States department of commerce shall be followed in order that a uniform system of marking may be established.

(g) The state airway engineer shall classify airports according to such a scheme as is practicable.

(h) The state airway engineer shall cause to be compiled and issued, maps and other information pertaining to air navigation facilities, and other matters pertaining to aeronautics within the jurisdiction of his department, as he deems necessary.

(i) The state airway engineer shall grant no exclusive right for the use of any of the air navigation facilities under his jurisdiction and he shall by regulation provide for the use by any person, firm, or corporation of air navigation facilities owned and operated by the state but no fee shall be charged for the privilege of the use of such facilities, except that a reasonable fee may be charged for the use of hangar space.

SECTION 4. There is hereby created a fund to be known as the "aeronautic fund." The state treasurer has the custody and control of such fund and shall make disbursements therefrom only for the purposes specified by this act and in the manner provided for by law. Any moneys appropriated for the division of airways, all revenues from the operation of air navigation facilities owned by the state and all donations and the proceeds of any tax levied for the benefit of the division of airways must be paid into this fund and disbursed therefrom in accordance with the provisions of this act.

SECTION 5. Subject to the approval of the director of the department of public works, the state, through the division of airways and the state airway engineer may, acquire properties necessary for the establishment of air navigation facilities by purchase, right of eminent domain, lease or donation; construct, operate, maintain or repair any air navigation facility which the division controls; and enter into and perform agreements with cities, towns, counties or airport districts for the operation and control by the division of air navigation facilities owned by such cities, towns, counties or airport districts.



When an obligation has been incurred by the division in accordance with the provisions of this act, such obligation shall be satisfied out of the "aeronautic fund."

SECTION 6. The state airway engineer is authorized, subject to approval of the director of the department of public works, to lease portions of airports controlled by the division of airways to any person, firm or corporation for the purpose of furnishing additional facilities for the service of aircraft.

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**Connecticut:**

*S. 324 (Gasoline Tax)*

*AN ACT concerning the sale, use or distribution of gasoline and tax thereon.*

*Be it enacted by the Senate and House of Representatives in General Assembly convened:*

SECTION 1. The term "Motor Vehicle" as used in Chapter 84 of the General Statutes and particularly in Section 1659 of said Chapter is amended to mean any rubber-tired vehicle propelled or drawn by any power other than muscular, except road rollers, street sprinklers, fire engines, fire department apparatus, police department apparatus, ambulances owned by municipalities or hospitals, agricultural tractors, such vehicles as run on rails or tracks, *airplanes or air craft and motor, boats.*

SECTION 2. Section 1674 of the general statutes is amended to read as follows: Each distributor who shall import or cause to be imported into this state for sale or use fuels as defined in Section 1659, or who shall produce, refine, manufacture, or compound such fuels within the state, shall, annually, before continuing in or commencing to transact the business of a distributor, procure a license from the commissioner of motor vehicles to continue or to commence to engage in said business within this state. Before the commissioner shall issue such license, such distributor shall file with the commissioner a bond, with adequate corporate surety, in the amount of ten thousand dollars, conditioned upon the payment of the tax required by Section 1676. *If such distributor shall be a foreign corporation or a person non-resident of this state with no designated agent or representative in this state upon whom service of may be made, then in any litigation for the collection of any tax due from such distributor service of such process may be made upon the secretary of state with as full force and effect as if made upon such distributor. Any such distributor being such a foreign corporation or non-resident person shall in the application for a distributor's license consent to such service of process upon the secretary of state and also consent that any such litigation may be brought in the court for Hartford County having jurisdiction of the amount claimed to be due in such litigation. Any license to any such distributor shall be issued subject to such service of process upon the secretary of state and subject to such litigation being brought to said court for Hartford County.*

SECTION 3. Section 1675 of the general statutes is amended to read as follows: Each such distributor shall keep an accurate record of all sales of such fuels, which shall include a statement of the number of gallons purchased, *manufactured, compounded or received*, the date thereof, and the

number of gallons sold or used by him. He shall deliver with each consignment or delivery of such fuel to any purchaser within this state a written statement of the names and addresses of the vendor and vendee, the number of gallons sold and the date of sale and delivery. Each such record and such statement shall be preserved by such distributor and such purchaser, for a period of *at least three years* and shall be offered for inspection upon demand of the commissioner of motor vehicles or any officer or agent designated by such commissioner. *The commissioner shall cause such records and statements to be regularly audited as he shall prescribe and each distributor shall satisfactorily account for all such fuel as has been sold or used by him.*

SECTION 4. Section 1676 of the general statutes is amended to read as follows: Each distributor shall, on or before the fifteenth day of each month, render a report to the commissioner of motor vehicles, which shall state the number of gallons of fuels sold or used in this state by him during the preceding calendar month, on forms to be furnished by said commissioner, and such report shall contain such further information as the commissioner shall prescribe. On or before the first day of the calendar month succeeding the filing of such report, each distributor shall pay to the treasurer of the state for the account of the purchaser or consumer a tax of two cents upon each gallon of such fuels sold or used in this state during the preceding calendar month for which such report is rendered. On or before the first day of each calendar month, the commissioner shall transmit to the treasurer of the state such information as shall show all taxes due from each distributor under the provisions of this chapter.

#### Illinois:

S. 9. (H. 42) (*General Regulations; Commission of Aeronautics.*)

AN ACT to regulate aeronautics, and making an appropriation therefor.

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

SECTION 1. DEFINITIONS: When used in this act.

- (a) "Aeronautics" means the act or practice of the art and science of transportation by aircraft, and operation, construction, repair or maintenance of aircraft, airports, landing fields, or air navigation facilities.
- (b) "Aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of, or flight in the air, except a parachute or other contrivance designed for such navigation, but used primarily as safety equipment.
- (c) "Public aircraft" means an aircraft used exclusively in the governmental service, including military and naval aircraft, or of any State or territory thereof.
- (d) "Civil aircraft" means any aircraft other than a public aircraft.
- (e) "Airport" means any locality, either of land or water, which is used, or which is made available for the landing and taking off of aircraft, and, as used in this Act, shall include landing fields.
- (f) "Person" means any individual, association, copartnership, firm, company, corporation, or other association of individuals.
- (g) "Air School" means either a ground school, a flying school, or both.

SECTION 2. AIRCRAFT: CONSTRUCTION, DESIGN, AND AIRWORTHINESS; FEDERAL LICENSE.

The public safety requiring and the advantages of uniform regulation making it desirable in the interest of aeronautical progress that aircraft operating within this State should conform with respect to design, construction, and airworthiness to the standards prescribed by the United States Government with respect to navigation of civil aircraft subject to its jurisdiction, it shall be unlawful for any person to operate any aircraft within the State unless it is licensed and registered by the Department of Commerce of the United States in the manner prescribed by the lawful rules and regulations of the United States Government then in force: *Provided*, however, that this restriction shall not apply to military aircraft of the United States, or public aircraft of any State, Territory, or possessions thereof, or to aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operations of such licensed aircraft.

SECTION 3. QUALIFICATIONS OF PILOTS: FEDERAL LICENSE. The public safety requiring and the advantages of uniform regulation making it desirable in the interest of aeronautical progress that a person engaging within this State in navigating aircraft in any form of navigation, shall have the qualifications necessary for obtaining and holding a pilot's license issued by the Department of Commerce of the United States, it shall be unlawful for any person to operate any aircraft in this State unless such person is the holder of a correct, effective pilot's license issued by the Department of Commerce of the United States: *Provided*, however, that this restriction shall not apply to those persons operating military aircraft of the United States, or public aircraft of any State, Territory, or possession thereof, or operating any aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft.

SECTION 4. POSSESSION AND DISPLAY OF LICENSES. The certificate of the license required for pilots shall be kept in the personal possession of the licensee when he is operating aircraft within this State and must be presented for inspection upon the demand of any passenger, and peace officer of this State, any authorized official or employee of the Illinois Aeronautics Commission or any official, manager, or person in charge of any airport in this State upon which he shall land, or upon the reasonable request of any other person. The aircraft license must be carried in the aircraft at all times and must be conspicuously posted therein where it may be readily seen by passengers or inspectors; and such license must be presented for inspection upon the demand of any passenger, any peace officer of this State, any authorized official or employee of the Illinois Aeronautics Commission or any official, manager, or person in charge of any airport in this State upon which it shall land, or upon the reasonable request of any other person.

SECTION 5. ILLINOIS AERONAUTICS COMMISSION APPOINTMENT. There is hereby created an aeronautics commission to be known as the Illinois Aeronautics Commission, consisting of five persons to be appointed by the Governor; *Provided*, however, that at least two members of the Commission must be, or have been, experienced pilots with at least two hundred (200) hours of solo flying together with at least three years of practical experience in aeronautics. The Governor shall from time to time designate the member of the Commission who shall be its chairman and who shall so serve during the

term of his appointment. Three of said persons, including the chairman, shall be appointed for a period of four years from and after the second Monday in the January following their appointment and two for a period of two years from and after the second Monday in the January following their appointment, and upon the expiration of the terms of such respective commissioners the Governor shall appoint their successors, each to serve for a term of four years, and all to serve until their successors are appointed and qualified. The members of the Commission shall receive as compensation for their services the sum of fifteen dollars (\$15.00) for each day actually engaged in this service, but no Commissioner shall so receive more than the sum of five hundred dollars (\$500.00) per annum.

SECTION 6. POWERS AND DUTIES OF COMMISSION: ORGANIZATION: SEAL. The Commission shall, within thirty days after its appointment, organize, adopt a seal for the Commission and make such rules and regulations for the administration of the Commission not inconsistent herewith as it may deem expedient, and may from time to time amend such rules and regulations.

SECTION 7. POWERS AND DUTIES OF COMMISSION: SECRETARY. The Commission may appoint, and at pleasure remove, a secretary to the Commission, whose duty it shall be to keep a full and true record of all its proceedings, and keep the books and records in the general office of the Commission, and to perform such other duties as the Commission may prescribe. The salary of the secretary shall be five thousand dollars (\$5,000.00) per annum.

SECTION 8. POWERS AND DUTIES OF COMMISSION: EMPLOYEES. The Commission may employ such clerical and other employees and assistants as it may deem necessary for the proper transaction of its business, and shall fix their salaries. Each Commissioner, the secretary, and the employees of the Commission shall be reimbursed for all actual and necessary traveling expenses and disbursements incurred by them in the discharge of their official duties.

SECTION 9. POWERS AND DUTIES OF COMMISSION: OFFICE AND EXPENSES. The Secretary of State shall provide suitable offices for the Commission in the City of Springfield, Illinois, and the Commission may maintain offices in any other city in the State of Illinois, that the Commission may designate, and may incur the necessary expense for office furniture, stationery, printing, incidental expenses and other expenses necessary for the enforcement of this Act, which shall include authority to purchase and operate and maintain aircraft to be used for such purpose, together with the general promotion of aeronautics within the State.

SECTION 10. POWERS AND DUTIES OF COMMISSION: PROMULGATION OF RULES AND REGULATIONS. The Commission shall have general supervision over the aeronautical activities and facilities within the State, which authority shall include supervision and control over all airports, air schools, air marking, air beacon lights, and all other air navigation facilities. Accordingly, the Commission is empowered to prescribe such reasonable rules and regulations as it may deem necessary and advisable for the public safety governing the designing, laying out, location, building, equipping, and operation of all airports. The Commission is further empowered to prescribe such reasonable rules and regulations as it may deem necessary governing the curriculum,

equipment, personnel, and operation and management of all air schools, for the purpose of protecting the health and safety of students therein, and insuring, so far as may be, the public safety through the proper training and instruction of student aviators. The Commission is further empowered to prescribe such reasonable rules and regulations as it may deem necessary and advisable for the public safety and safety of those engaged in aeronautics governing the establishment, location, maintenance, and operation of all air markings, air beacon lights, and other air navigation facilities. The Commission is further empowered to prescribe such reasonable air traffic rules and regulations as it shall deem necessary for public safety and the safety of those engaged in aeronautics; *Provided*, however, that all rules and regulations prescribed by the Commission under the authority of this section shall be consistent with and conform to the then current Federal legislation governing aeronautics and the regulations duly promulgated thereunder.

SECTION 11. POWERS AND DUTIES OF COMMISSION; LICENSES: FEES. Within sixty days after the Commission is created, all airports, air schools, and the owners and/or operators of all air beacon lights and air navigation facilities, shall make application to the Commission for its approval of such airport, air school, air beacon light, or other air navigation facility, and the Commission shall immediately consider and pass upon such applications. All proposed airports, air schools, air beacon lights, or other air navigation facilities shall first be approved by the Commission before they or any of them shall be so used or operated. It shall be unlawful for any airport, air school, air beacon lights, or other navigation facility to be used or operated without the approval of the Commission; *Provided*, however, that no license, rule, order, or regulation promulgated under the authority of this section or of this entire act shall apply to airports, air beacon lights, air markings, or other air navigation facilities owned or operated by the Government of the United States or by this State. The Commission is hereby authorized to issue a certificate of its approval in each case and to make the following charges therefor:

For the issuance of each certificate of registration of each Federal license for airmen and aircraft, \$1.00.

For issuance of each air beacon license, \$25.00.

For issuance of each air school license, \$25.00.

For issuance of each airport license, \$25.00.

For issuance of each other air navigation facility license, \$10.00.

SECTION 12. POWERS AND DUTIES OF COMMISSION: INVESTIGATIONS AND HEARINGS. The Commission, or any Commissioner, or officer of the Commission designated by the Commission, shall have the power to hold investigations, inquiries and hearings concerning matters covered by the provisions of this Act, and all accidents in aeronautics within this State. All hearings conducted by the Commission shall be open to the public. Each Commissioner, and every officer of the Commission designated by it to hold any inquiry, investigation or hearing, shall have the power to administer oaths and affirmations, certify to all official acts, issue subpoenas, compel the attendance and testimony of witnesses, and the production of papers, books, accounts, and documents. The report of said investigation or hearing, or any part thereof, shall not be admitted as evidence or used for any purpose in any suit or action growing out of any matter referred to in said investigation,

hearing, or report thereof. In case of failure to comply with any subpoena or order issued under authority of this Act the Illinois Aeronautics Commission, or its authorized representative, may invoke the aid of any county or circuit or superior court in this State. The court may thereupon order the witness to comply with the requirements of the subpoena or order or to give evidence touching the matter in question. Any failure to obey the order may be punished by the court as a contempt thereof. The claim that any testimony or evidence may tend to incriminate the person giving such testimony or producing such evidence shall not excuse such witness from testifying; but such evidence or testimony shall not be used against such person on the trial of any criminal proceedings or any proceedings under this Act to impose a penalty or forfeiture provided therein; except that no person shall be exempt from prosecution and punishment for perjury.

SECTION 13. POWERS AND DUTIES OF COMMISSION: REGULATIONS FILED FOR INSPECTION: REPORT. The Commission shall keep on file with the Secretary of State, and at the principal office of the Commission, a copy of all their rules and regulations, for public inspection. On or before the thirty-first day of December, in each year, the Commission shall make to the Governor a full report of its proceedings for the year ending the first day of December in each year, and may submit with such report such recommendations pertaining to its affairs as seem to it to be desirable.

SECTION 14. POWERS AND DUTIES OF COMMISSION: ENFORCEMENT. It shall be the duty of the Commission, its members and employees, every State highway maintenance policeman, and every county and municipal officer charged with the enforcement of State and municipal laws, to enforce, and assist in the enforcement of this Act. The Commission is further authorized in the name of the "People of the State of Illinois" to enforce the provisions of this Act by injunction in the circuit and superior courts of this State.

SECTION 15. POWERS AND DUTIES OF COMMISSION: LICENSES: REFUSAL OF. In any case where the Commission rejects an application for permission to operate or establish an airport, air school, air beacon light, or other air navigation facility, or in any case where the Commission shall issue any order requiring certain things to be done, it shall set forth its reasons therefor and shall state the requirements to be met before such approval will be given or such order modified or changed. In any case where the Commission may deem it necessary it may order the closing of any airport or order any air school or air beacon light, or other air navigation facility to cease operations until it shall have complied with the requirements laid down by the Commission. To carry out the provisions of this Act the Illinois Aeronautics Commission and any officers, State or municipal, charged with the duty of enforcing this Act, may inspect and examine at reasonable hours any premises, and the buildings and other structures thereon, where such airports, air schools, air beacon lights, or other air navigation facilities are operated. Any order made by this Commission pursuant to this Act shall be served upon the interested person by registered mail or in person before such order shall become effective.

SECTION 16. APPEAL FROM COMMISSION ORDER OR REGULATION: CIRCUIT COURT. Any person against whom an order has been entered may within ten days after the service thereof appeal to the Circuit or Superior Court

of the county in which the property affected by the order is located, for the purpose of having the reasonableness or lawfulness of the order inquired into and determined.

SECTION 17. PROCEDURE FOR APPEAL. The party taking the appeal shall file a praecipe in the office of the clerk of the Circuit or Superior Court, and summons shall thereupon be issued by the clerk and shall be served upon the Secretary of the Illinois Aeronautics Commission. Upon the filing of the praecipe, the appeal shall be docketed for trial not less than ten days nor more than thirty days after the service of the summons and shall be tried by the Circuit or Superior Court without formal pleadings in term time or in vacation. Upon trial of the appeal the court shall hear evidence as to matters concerning the order in question, as to the condition of the property in question and the manner of its operation, and shall enter judgment either affirming or setting aside the order of the Commission, or the court may remand the matter to the Commission for further hearing. The filing of the praecipe shall operate as a supersedeas.

SECTION 18. FAILURE TO FILE APPEAL: WAIVER. If no appeal is taken from the order of the Commission within the period fixed, the party against whom the order was entered, shall be deemed to have waived the right to have the reasonableness or lawfulness of the order reviewed by a court and there shall be no trial of that issue in any court in which suit may be instituted for the penalty for failure to comply with the order.

SECTION 19. PENALTY: AVIATION FUND. Any person failing to comply with the requirements of, or violating any of the provisions of this Act, or the rules and regulations for the enforcement of this Act made by the Illinois Aeronautics Commission, shall be guilty of a misdemeanor and punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than ninety days or both.

SECTION 20. REPEAL. "An Act to regulate aviation" approved June 8, 1928, as amended, and all acts or parts of acts which are inconsistent with the provisions of this Act are hereby repealed.

SECTION 21. SEPARABILITY. If any provision of this Act is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

SECTION 22. APPROPRIATION. The sum of.....dollars (\$ ) or so much thereof as may be necessary is hereby appropriated to defray the expenses of the Illinois Aeronautics Commission in carrying out the provisions of this Act, for the biennium ending July 1, 1933.

SECTION 23. APPROPRIATION SUBJECT TO STATE FINANCE ACT. The appropriation herein made shall be subject to all the provisions of an "Act in relation to State Finance," approved June 19, 1919, as amended.

SECTION 24. EMERGENCY. Whereas, there is a necessity for the immediate regulation of aeronautics for the protection of the public safety, the orderly promotion of aeronautics and the uniform regulation thereof, therefore an emergency exists, and this Act shall take effect and be in force from and after its passage.

S. 114. (*Taxation*) for airports.

AN ACT *providing for landing fields and airports, for aircraft and permitting a tax therefor.*

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

SECTION 1. The city council in any city and the president and board of trustees in any village or incorporated town is authorized to acquire by purchase, lease, condemnation under power of eminent domain, real estate, in whole or in part either within or without the corporate limits of said city, village or incorporated town for the purpose of establishing, for the city, village or town, a landing field and airport for aircraft and to provide for airdromes, shops, and other necessary equipment, including the maintenance and operation thereof.

SECTION 2. Such city, village or town may levy a tax of not more than one (1) mill on the dollar on the assessed value of all taxable property in such city, village or town, to provide revenue for the purchase or lease of property, upon which to establish a landing field and airport for aircraft, and for the expenses incidental to the erection of airport structures and equipment and the operation and maintenance thereof.

The county clerk in reducing tax levies under the provisions of section 2 of an Act entitled "An Act concerning the levy and extension of taxes", approved May 9, 1901, as amended, shall not consider the tax, herein authorized, as a part of the general taxes for city, village or incorporated town purposes and shall not include the same in the limitation of two per cent of the assessed valuation, upon which taxes are required to be extended.

Such tax shall be in addition to the maximum of taxes permitted under section 1 of Article VIII of "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, as amended.

SECTION 3. Because the annual appropriation bill of a city, village or incorporated town is required by law to be passed within the first quarter of the fiscal year, and because many cities and villages wish to appropriate money, at the earliest possible time, for the establishment, maintenance and operation of municipal landing fields, therefore an emergency exists, and this Act shall take effect upon its passage.

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#### Indiana:

H. 350 (*Gasoline Tax*.)

A BILL *for an Act to amend section 5 of an act entitled "An Act imposing a license fee on the use of gasoline in the State of Indiana, providing for the payment, collection and distribution thereof, prescribing certain exemptions therefrom and prescribing penalties for the violation thereof," approved March 9, 1923.*

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That section 5 of the above entitled act be amended to read as follows: Sec. 5.

(a) Any person who shall buy or use any gasoline for the purpose of operating or propelling stationary gas engines, tractors used for agricultural purposes, motor boats, airplanes or aircraft, or who shall purchase or use any gasoline for cleaning or dyeing or for any other commercial use except



for propelling motor vehicles operated in whole or in part upon any of the public highways of the state, shall be reimbursed and repaid the amount of such license fee paid by him upon presenting to the auditor of state a statement, accompanied by the original invoices showing such purchases, which statement shall set forth the total amount of such gasoline so purchased and used by such consumer, other than for propelling motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of this state, and the auditor of state shall, upon the presentation of such statement and such invoices, cause to be repaid, to such consumer, from the fund created by the license fees collected on the use of gasoline, as herein provided, the amount of the license fees paid by such consumer on gasoline used for purposes other than propelling motor vehicles as hereinbefore provided.

(b) Any person operating, managing or controlling any airport may, with the approval of the auditor of state, issue invoices to persons to whom he sells gasoline indicating on the face thereof that the person purchasing such gasoline is not entitled to a refund thereon; and any such person who shall comply with the provisions of this subsection shall be entitled to a refund on all gasoline sold by such person for any commercial use except for propelling motor vehicles operated in whole or in part upon any public highway, by presenting to the auditor of state the statement and the original invoices showing such purchases, as hereinbefore provided.

(c) All applications for refunds or reimbursement as provided for in this section shall be filed with the auditor of state within ninety days after the date on which such gasoline shall have been purchased, as shown by the invoice.

(d) Any person, firm or corporation who shall make any false statement in connection with an application for the refund of any money or license fees, as herein provided, or who shall collect or cause to be repaid to him or to any person any such fees without being entitled to the same under the provisions of this section, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not to exceed one thousand dollars.

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H. 37 (*Airports*) Act No. 33, enacted and approved February 26, 1931.

AN ACT *concerning aviation fields or airports.*

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That the common council of every city of the first class shall have power, by ordinance, to authorize, by and through its board of public works, by purchase, condemnation, lease, or in any other manner, the acquisition and establishment of aviation fields or airports any place within the county in which such city is located, and the construction, improvement, operation and maintenance thereof; and after the establishment of any such aviation field or airport under this or any prior act, shall have power to authorize the sale or lease thereof pursuant to the provisions of the law governing the sale or lease of any other city property.

SECTION 2. Where the common council of any such city shall authorize, pursuant to this act, or shall have heretofore authorized pursuant to any other law or laws, the establishment and operation of any aviation field or

airport, the board of public works of such city shall have and exercise full and complete power and authority in the matter of such acquisition or establishment by purchase, condemnation, lease or otherwise, including the construction, expansion, improvement and equipment, together with all appurtenances, necessary and useful, and the control, maintenance and operation thereof, and shall have the power to provide for such maintenance and operation, in whole or in part, through contract or lease; *Provided*, That no such contract or lease shall be for a greater period than ten years, but extensions may be executed for similar terms of years.

Such power and authority of the board of public works shall be subject to the appropriation of funds for such purposes by the common council in any manner provided by law.

The said board of public works shall be subject to, governed and controlled by all the provisions and requirements, duties and rights of an act entitled "An act concerning municipal corporations", approved March 6, 1905, and any and all acts now or hereafter amendatory or supplemental thereto, applicable to the executive departments of cities of the first class, so far as such act or acts apply under said act as to all their rights, duties and powers not otherwise specifically provided for herein and not in conflict therewith, and this act, in regard to the duties, powers and rights of such board of public works thereof, shall be considered as supplemental to the provisions of said "Act concerning municipal corporations," approved March 6, 1905, and acts now or hereafter amendatory thereof and supplementary thereto.

SECTION 3. The common council of every such city is hereby authorized by ordinance to appropriate the necessary funds to the department of public works and to authorize the issuance and sale of bonds of the city for such purposes. Such appropriations shall be made and such bonds issued and sold in the same manner as other appropriations are made and bonds issued and sold for general municipal purposes, and shall be subject only to such limitations and control as may be provided by law governing the appropriation of funds and issuance and sale of bonds for general purposes.

SECTION 4. For the purpose of carrying out the provisions of this act, and of any previous acts, there is hereby created a special fund to be known and designated as "municipal airport fund," which shall be a continuing fund and shall not revert to the general fund at the end of any fiscal year, and shall consist of all funds heretofore acquired or provided for, through appropriation or the sale of bonds for the acquisition, construction and operation of any aviation field or airport, together with any receipts from the operation thereof, and of any and all funds hereafter produced by appropriation from the general fund, and/or any tax, and/or the proceeds of the sale of any bonds of the city for such purpose, and/or all money received in the operation thereof through contracts, leases, or otherwise.

Such fund shall be available only for use by the board of public works for the payment of any obligations and expenses incurred under the provisions of this act.

SECTION 5. Such board of public works shall have the exclusive government, management and control, subject, however, to the laws of the state governing airports, aviation and air commerce, of all aviation fields and all other air navigation facilities owned, leased, maintained or operated

by any such city, and shall have full power to enforce all laws, regulations and ordinances for the proper operation, use and government thereof; and for all the purposes of such government and direction of public use, such part of all highways, roads, streets, avenues, boulevards and territory as adjoin, or lie within 1,000 feet of the limits of any airport or aviation field acquired or maintained under the provisions of this act shall be under like control and management of the board of public works.

SECTION 6. Such board shall have power to appoint a secretary, who may also be the clerk of the board of public works, and such superintendents, managers, publicity directors, engineers, surveyors, clerks, guards, mechanics, laborers, and all other employees the board may deem expedient, and to prescribe and assign their respective duties and authorities, and to fix and regulate the compensation to be paid out of any funds available therefor as herein provided, to the several persons employed by it, and to require and fix the amount of surety bonds for any or all of such appointees, with the premiums paid by such board, and may make all reasonable rules and regulations, not in conflict with the laws of the state or the ordinances of such city, or the laws or regulations of the United States regulating air commerce, or otherwise, for the management and control of its aviation fields or airports and other air navigation facilities and other property and territory under its control; and the said board is authorized to require from the department of public safety of such city, with the approval of the mayor, a special detail of police to execute the orders and enforce the rules and regulations made by said board.

SECTION 7. In order to provide free air space for the safe descent, landing and ascent of aircraft and for the proper and safe use of any airport or landing field acquired or maintained under this act, and in the exercise of all police powers, such board is hereby given the right, power and authority to establish and fix a restricted zone or zones for a distance of not more than fifteen hundred feet in any and all directions from the boundaries of such airport or aviation field, within which or zones so established, as in the opinion of said board is necessary and practicable, no building or other structure shall be erected high enough to interfere with the descent of an aircraft at a gliding angle of one foot in height to every seven feet of horizontal distance from the nearest point of said airport or field; and said board may in the name of such city, acquire by condemnation, upon the payment of due compensation, the right to prevent the erection of, and to require the removal of, in whole or in part, all buildings, towers, poles, wires, cables and other structures, and all trees, within such zone or zones which interfere with such gliding angle; and when so condemned, no permit issued by any department or officer of any such city or by any state or other authority for the erection of any structure inside any such zone or zones shall be effective and valid, unless approved by said board. The establishment of any such restricted zone or zones outside of any such port or field as is herein provided, in connection with the condemnation of such rights in the land for the same, shall be understood to be condemnation and the perpetual extinguishment of all rights of the owners of such property within such zone or zones to erect or maintain any building or structure whatever or any part thereof within such zone which will interfere with such gliding angle; or such result may be accomplished by absolute condemnation of the land, with perpetual

and irrevocable free license to use and occupy such land within such zone for all purposes except the erection of buildings or other structures above the height so prescribed.

No subdivision into lots or any lands lying within fifteen hundred feet of any aviation field, airport or landing field which is acquired and maintained by virtue of this act, or any use of such lots or lands, shall be valid without the approval of such board of public works and city plan commission, which shall be exercised pursuant to any law now or hereafter in effect relating thereto.

SECTION 8. Real and personal property may be granted, leased, devised, bequeathed, donated or conveyed to any such city for aviation purposes or for the improvement and equipment of any airport or aviation field acquired or maintained by virtue of this act, and such city is hereby empowered to take and hold the same upon such trust or conditions as may be approved by the board of public works of such city; and all such property and the rents, issues and profits thereof shall be subject to the exclusive management and control of said board for all the uses and purposes designed by this act.

SECTION 9. The board of public works of any such city is authorized to exercise the power of eminent domain within the limits of any such county for the purpose of carrying out any of the provisions of this act. In any such proceeding prosecuted by said board to condemn or appropriate any land or the use thereof or any rights therein for purposes permitted by this act, said board and all owners and holders of property or rights therein sought to be taken shall be governed by and have the same rights as to procedure, notices, hearings, assessments of benefits and awards and payments thereof as is now or may hereafter be prescribed by law in and for proceedings instituted by boards of public works of first class cities for the appropriation and condemnation of real estate, and such property owners shall have like powers and rights as to remonstrance and of appeals to the circuit or superior court in the county in which such city is located. Such appeals shall only affect the amount of the assessments of awards of the person appealing; such appeals shall be taken in conformity with and in all things governed by the laws now or hereinafter in effect relating to appeals from boards of public works in cities of the first class.

SECTION 10. The common council of any such city may by ordinance annex to such city any such airport or aviation field and any property contiguous to such airport and within fifteen hundred feet thereof even though such property be not contiguous to or connected with such city.

SECTION 11. All acts of any city in establishing an aviation field or airport, and all other acts in connection therewith, taken and exercised by such city pursuant to the authority of any previous statute, including all issues of bonds either heretofore issued or authorized or sold under the provisions of any such statute, or any other statute of this state, the proceeds of which have been either used or designed for any purposes aforesaid, and all acts of any such city officials connected with or relating to any of the matters aforesaid, are each and all hereby expressly ratified, legalized and validated the same as if previously authorized by law. Henceforth any such city shall proceed in all respects in relation to any such aviation field or airport in the manner provided by this statute.

SECTION 12. All laws and parts of laws in so far as they conflict with the provisions of this act are hereby repealed.

SECTION 13. Whereas an emergency exists for the immediate taking effect of this act, the same shall be in full force and effect from and after its passage.

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**Missouri:**

*S. 188. (General Regulations.)*

AN ACT concerning aeronautics; regulating the use of aircraft; providing for the qualifications of airmen; providing for information concerning airports; requiring air marking by municipalities; creating the bureau of aeronautics and providing for the maintenance thereof; and providing for the issuance of regulations concerning aeronautics by said bureau.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. Definitions.—The following words and phrases, when used in this act, shall, for the purposes of this act, have the meanings hereinafter respectively attached to them in this section:

(a) The term "aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of, or flight in the air, including a hydroplane, but excepting a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

(b) The term "public aircraft" means any aircraft used exclusively in the governmental service of the United States or of any state, territory or subdivision thereof.

(c) The term "civil aircraft" means any aircraft other than public aircraft.

(d) The term "airport" means any land or water area, regularly maintained for the landing and taking off of aircraft and/or for the housing, storing, maintenance, repair or operation of aircraft and/or which is regularly used for the receiving and discharging of passengers or cargo by air.

(e) The term "intermediate landing field" means any land or water area which is adapted for the landing or taking off of aircraft, is located along an airway, is used for the landing or taking off of aircraft regularly or in emergencies, and is intermediate to airports connected by the airway, but which is not equipped with facilities for shelter, supply, repair and maintenance of aircraft.

(f) The term "air navigation facility" includes any airport, intermediate landing field, light or other signal structure, radio directional-finding facility, radio or other electrical-communication facility and any other structure or facility, used as an aid to air navigation.

(g) The term "airman" means any individual who engages in the navigation of aircraft while under way or assists in the navigation of aircraft while under way, (including co-pilot and mechanic) and any individual who is in charge of the inspection, overhauling or repairing of aircraft.

SECTION 2. Lawfulness of flight.—Flight in aircraft over the lands and waters of this state is lawful, unless at such a low altitude as to unreasonably interfere with the then existing use to which the land or water is put by the owner, or unless so conducted as to be imminently dangerous to persons

or property lawfully on the land or water beneath, or unless contrary to the provisions of this act or contrary to regulations which may hereafter be issued by the director of aeronautics. The landing of aircraft on the lands or waters of another without his consent is unlawful, except in the case of a forced landing.

SECTION 3. Liability for damage or injury done to persons or property on the ground.—The owner, operator or lessee of every aircraft, which is operated over the lands or waters of this state, is absolutely liable for injuries to persons or property on the land or water beneath, caused by the ascent, descent, or flight of the aircraft, or the dropping or falling of any object therefrom, whether such owner, operator or lessee was negligent or not, unless the injury is caused in whole or in part by the negligence of the person injured or of the owner or bailee of the property injured.

SECTION 4. Collision of aircraft.—The liability of the owner, operator or lessee of one aircraft to the owner, operator or lessee of another aircraft, or to airmen or passengers on each aircraft for damage caused by collision on land or in the air shall be determined by the rules of law applicable to torts on land.

SECTION 5. Jurisdiction over crimes and torts.—All crimes, torts, and other wrongs committed by or against an airman or passenger while in flight over this state shall be governed by the laws of this state, and the question whether the damage occasioned by (except as to persons and property on the ground) or to any aircraft while in flight over this state constitutes a tort, crime or other wrong by or against the owner of such aircraft shall be determined by the laws of this state.

SECTION 6. Contractual relations.—All contractual and other legal relations entered into by airmen and passengers while in flight over this state shall have the same effect as if entered into on the land or water beneath.

SECTION 7. Who deemed owner.—Where an aircraft is sold under a contract of conditional sale, whereby the title of such aircraft remains in the vendor, or where an aircraft is sold subject to chattel mortgage and possession is relinquished by the mortgagee, such vendor or mortgagee or their assignees shall not be deemed an owner within the provisions of sections 3 and 4 of this act, but the vendee or mortgagor or their assignees shall be deemed such owners, for the purposes of this act, notwithstanding the terms of such contract or mortgage, until the vendor or mortgagee or their assignees shall retake possession of such aircraft.

SECTION 8. Licenses for aircraft.—No person shall navigate or operate any civil aircraft along the ground or surface of water, or in the air space over the state of Missouri, unless such aircraft is licensed, or a valid flight certificate for the same is issued and has not expired or been revoked, under the laws and regulations of the United States of America and the Department of Commerce thereof. This section shall apply regardless of whether such aircraft is or is not carrying persons or property for hire, or is or is not used solely for pleasure or non-commercial purposes. This section, however, shall not apply to bona fide experimental aircraft being operated upon or over an airport or flying field, under the sanction or consent of the person or corporation operating and controlling such airport or flying field. Provided further, this section shall not prohibit non-commercial flying within the state of Missouri by a non-resident of this state, operating an

aircraft not owned by a resident of this state, if such aircraft is licensed under the laws of the state of its owner.

SECTION 9. Licenses for airmen.—No person shall act as an airman in any civil craft, whether on or along the ground or surface of water or within the air space over the state of Missouri, unless holding a duly issued, non-revoked and unexpired license therefor, lawfully under and pursuant to the laws of the United States and the air commerce regulations of the United States department of commerce. No pilot or student pilot shall operate or fly in any manner any aircraft for any purpose or in any classification not included within the classification of such pilot's license or student-pilot registration or permit. Provided, however, that a non-resident foreign operator, residing in a foreign country, who is duly licensed or entitled to operate an aircraft under the provisions of law of the foreign country of his residence, may operate or pilot an airship not carrying passengers for hire and/or not being used or flown for commercial purposes, within this state.

SECTION 10. The certificate of the licensee hereinabove required and the certificate of the registration of the aircraft hereinabove required shall be kept on such aircraft or in the personal possession of the licensee when he is operating said aircraft in this state, and must be available and presented for inspection upon the demand of any passenger, any peace officer of this state, or the director of aeronautics, or any of his deputies, or any official, manager or person in charge of any airport or landing field in this state, upon which he shall land.

SECTION 11. Use of liquors or drugs.—It shall be unlawful for any person to give or offer to any other person any intoxicating liquor, or cocaine or any other habit-forming drug, or to drink the same while in an aircraft of any kind or description. This provision shall not be applied to a duly licensed physician, who gives or offers such drink or drug to a person actually being treated by him.

SECTION 12. Miscellaneous acts unlawful.—It shall be unlawful for any person to acrobatically fly an aircraft over a congested area of any city, town or settlement, or over any established civil airway, or airport or landing field, or within 1000 feet horizontally thereof. It shall be unlawful for any person to acrobatically fly an aircraft while carrying passengers for hire. Acrobatically flying means engaging in intentional maneuvers, not necessary to air navigation. It shall be unlawful for any person to fly an aircraft over a thickly inhabited area within this state, except when landing or taking off, at such a low level as to endanger persons or property on the surface beneath. It shall be unlawful for any person to drop or permit to be dropped from an aircraft any object except water and loose sand ballast. It shall be unlawful for any person to interfere or tamper with any aircraft, or any air navigation facility, or to put into motion the engine of any aircraft without the permission of the owner, or to leave the engine of any aircraft running while said aircraft is unoccupied by a person able to control the same, without locking the same in such manner as to prevent such aircraft from moving. It shall be unlawful to transport any explosives in any aircraft other than that necessary for fuel for such aircraft or for signaling, except that this prohibition shall not include materials for industrial or agricultural spraying or dusting.

SECTION 13. Regulations and zoning surrounding airports.—In order to provide for the safe operation of any airport or intermediate landing field, now owned or operated by any city, village, town or county, and in order to provide for the safety of the inhabitants of said city, village, town or county, and for the safety of others, the local legislative body of any city, village, town or county is hereby given the right, power and authority to establish and fix a restricted zone or zones adjacent to any such airport or intermediate landing field, within which zone or zones so established, as in the opinion of said local legislative body is necessary and practicable, no building or other structure shall be erected that will interfere with the use of such airport or intermediate landing field; and said local legislative body may acquire by condemnation, as provided in this act, upon payment of due compensation, the right to require the removal of anything within such zone or zones which interferes with the use of such airport or intermediate landing field.

SECTION 14. Airport statements.—Any person or corporation owning, operating, leasing or maintaining an airport, including any airport owned or operated by municipal or county authorities, shall make and file with the director of aeronautics a statement, which shall include the name or the title of the person, corporation or municipality owning, operating, leasing or maintaining such airport; the name and location of the same; a map and description of the same by metes and bounds and showing dimensions; the names of any and all sub-tenants or licensees using such airport or any part thereof; and such other information as the director of aeronautics may from time to time require, and in such form as the director of aeronautics may by regulations provide.

SECTION 15. Air markings.—The legislative authority of each and every municipality in the state of Missouri shall cause said municipality to be marked for aeronautical purposes, and maintain such marking, subject to and in accordance with law, and such rules and regulations as may from time to time be made by the director of aeronautics in that regard. Providing that such regulations concerning such markings shall, as nearly as possible, conform to the standard now or hereafter set for such markings by regulations issued by the United States Department of Commerce under the provisions of the air commerce act of 1926 and amendments thereto. In the event of a failure on the part of such legislative authority of any municipality so to act, and sixty days after notice requiring such marking or the maintenance thereof, duly served by the director of aeronautics upon the clerk of such municipality, said director of aeronautics may cause such marking to be effected and maintained, and charge the cost thereof to such municipality, which shall in no case exceed the amount of \$50.00.

SECTION 16. There is hereby created a bureau of aeronautics, which shall be administered by a director of aeronautics, referred to as the director. It shall be the duty of the director of aeronautics to foster air commerce in this state and for such purpose to encourage the establishment of airports, civil airways, and other air navigation facilities; to make recommendations to the governor and to the general assembly of the state of Missouri from time to time; to investigate accidents occurring in connection with aircraft, and to keep a public record of the facts ascertained with respect thereto, and for this purpose shall have authority to call upon coroners, deputy coroners and local police officials for their assistance, and to subpoena



witnesses at convenient places for such investigation; to study the possibilities for the development of air commerce and the aeronautical industry and trade in this state; and to collect and disseminate to the persons of this state information relative thereto, and to exchange with the department of commerce of the United States and with other states and foreign governments information pertaining to civil air navigation. The director shall be appointed by the governor and shall serve at his pleasure. He shall administer the provisions of this act and for such purposes he is authorized to make such regulations as are necessary to execute the functions vested in him by this act, including air traffic rules, which regulations and air traffic rules shall conform to and coincide with, as far as possible, the provisions of the air commerce act of 1926 and the amendments thereto, passed by the congress of the United States, and the air commerce regulations and air traffic rules, issued from time to time pursuant thereto. The director shall be paid a salary of \$3600.00 per annum. The director may appoint such number of deputies, inspectors, clerks, stenographers and other employees as may be necessary for such purposes and fix their compensation, subject to the approval of the governor. The salaries and the actual and necessary expenses, including travelling, incurred by the director and his subordinates, when approved by the governor of this state, shall be paid from the state treasury on the warrant of the state auditor, but shall not exceed the total sum of \$15,000.00, for the biennial period, which sum or as much thereof as may be necessary, is hereby appropriated out of the general revenues of this state. The director shall give a bond for the faithful performance of his duties, in such an amount and with such security as the governor of this state may approve, and the director may, when deemed by him advisable, require any deputy or other employee to give bond in such amount and with such security as he may approve. The records of the bureau of aeronautics shall be public at all times and the director shall make a report to the governor of this state at any time upon his request and at least once each year. The director, or any of his deputies, when engaged in the discharge of the duties of his office, shall have in any part of this state, with respect to violations of this act, the same authority as sheriffs, police or constables have in their respective jurisdictions.

SECTION 17. The director may call upon the sheriffs, and their deputies, police or constables for aid in enforcing the provisions of this act. Such officers shall, upon such request, make arrest in all cases of violations of the provisions of this act, or as to which they have information thereof.

SECTION 18. Federal law followed.—It is hereby declared that the policy, principles and practices, established by the United States air commerce act of 1926 and all amendments thereto, are hereby adopted, extended and made applicable mutatis mutandis to cover all air traffic in this state.

SECTION 19. Penalties for violation of this act.—Any person who acts as an airman for any civil aircraft when flown or operated in this state, excepting as in section 9 provided, or who flies or causes to be flown in this state any civil aircraft, except as in section 9 provided, without the existing license for such aircraft in accordance with the provisions of this act, or who violates any provision of this act, or any rule or regulation promulgated hereunder, shall be punishable by a fine of not more than \$500.00, or by imprisonment for not more than ninety days, or both.

SECTION 20. If any section, clause or provision of this act is declared unconstitutional on the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act shall not be affected thereby.

SECTION 21. Laws of Missouri, 1929, page 122, entitled "Aircraft," and laws of Missouri, 1929, page 124, entitled "Aircraft" are hereby repealed.

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**New Hampshire:**

**H. 80 (General Regulations.)**

*AN ACT relating to regulation of aviation.*

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. *Aircraft Registration.* Resident owners of civil aircraft and non-resident owners intending to use in the state civil aircraft for gain or hire shall prior to flying such aircraft in the state, register the same with the Public Service Commission and pay therefor a fee of ten dollars.

2. *Airmen Registration.* All resident airmen and any non-resident airman acting as such in the state for gain or hire shall, prior to operating civil aircraft, register with the Public Service Commission and pay therefor a fee of five dollars.

3. *Airport Registration.* Any person, partnership, corporation or association owning, managing or leasing a landing field or airport operated for gain or hire, shall register the landing field or airport with the Public Service Commission and pay therefor the sum of twenty-five dollars.

4. *Term of Registration.* The registrations herein provided for shall be for the duration of the calendar year in which made.

5. *Power to Regulate.* The Public Service Commission in the administration of this act is authorized to make such regulations as are necessary to execute the functions vested in it hereunder.

6. *Penalty for Violation of Terms of This Act.* If any person, partnership, corporation or association violates any of the provisions hereof or the regulations established by the Public Service Commission he shall be fined not more than \$500 or imprisoned not more than six months or both.

7. *Payment of Fees.* All fees collected hereunder shall be paid to the Public Service Commission and receipted for by the inspector or an assistant inspector and so much thereof paid into the state treasury by the commission as shall equal the amount appropriated by the legislature for aviation. All sums received by the commission in excess of said appropriation may be expended by the commission in the regulation of aviation, including the enforcing of the rules and regulations covering aviation.

8. *Takes Effect.* This act shall take effect upon its passage.

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**H. 116 (Airports.)**

*AN ACT in aid of aviation.*

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1. Any corporation authorized to operate an airport or landing field for aircraft in this state may take land and easements in land by eminent domain

for the purpose of establishing and equipping an airport or landing field, provided the establishment of said airport or landing field shall be for the public benefit; and any corporation holding under lease or owning in fee an airport or landing field approved by the Public Service Commission of New Hampshire may take land and easements in land for any and all purposes incident to the convenience, accommodation and safety of the general public and of the public resorting to said airport and landing field by air or land for pleasure, business or air transportation.

2. The provisions for taking land by eminent domain as set forth in this act shall extend to and include the acquisition of trees, water supply and partial rights in land adjoining the landing areas in order to remove obstructions or prevent their erection, or to prevent any use of such adjoining lands as would hinder the proper development of the airport or landing field and constitute a hazard to the public resorting to said airport or landing field for any purpose and by any means whatsoever.

3. Said corporations are hereby authorized and empowered to take land by eminent domain for the purposes of this act, upon petition to the Superior Court and proceedings thereon as in case of a petition for laying out a highway.

4. This act shall take effect upon its passage.

#### New York:

##### A. 216 (*Flying Schools*)

*AN ACT to amend the education law, in relation to certain schools which furnish practical instruction in the piloting of aircraft, known as flying schools.*

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Chapter twenty-one of the laws of nineteen hundred nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," as amended by chapter one hundred and forty of the laws of nineteen hundred ten, is hereby amended by inserting therein a new article, to be article forty-three-a, to read as follows:

#### ARTICLE 43-A

##### FLYING SCHOOL

Section 1095. Definitions.

1096. Article not to apply to federal authorities.

1097. Approved and license required for conducting flying schools; advertisements.

1098. Application for approval or authorization, and license.

1099. Granting or withholding approval and license.

1099-a. Certificate; transfer of the school.

1099-b. Revocation.

1099-c. Hearing and notice.

1099-d. Certiorari to review action of the department.

1099-e. Rules.

1099-f. Special provisions governing conduct of flying schools.

1099-g. Penalties and enforcement.

1099-h. Powers and duties of the department, how exercised.

§ 1095. Definitions. When used in this article, unless otherwise expressly stated, or unless the context or subject matter otherwise requires.

1. "Flying school," means a school in which any practical instruction in the piloting of aircraft in or through the air or off the ground, is furnished for pay; but the term does not include the operations of a club whereby the members combine to secure such instruction for themselves, to be paid for with membership dues, unless such operations are for gain and amount to a business enterprise.

2. "School," as used in the term "flying school," includes in addition to its usual meaning, the business of furnishing the instruction specified in the preceding definition, whether it be denominated a school or an institute, or otherwise, and whether it be conducted independently or as a branch of or in connection with any other school, institution, business or activity; but it does not include the case of one individual who personally gives instruction in piloting aircraft, for hire, without advertising such occupation, without calling his facilities and instruction a "school" or anything equivalent thereto, and without employing or using other instructors, and who has no regular field or place on or from which he or the instructed persons operate.

3. "Aircraft," means an airplane, or any other contrivance for flight in the air which requires steering.

4. "Person," includes a natural person or persons, a firm, partnership, company and corporation.

5. "Proprietor," means the person who, as owner, lessee or otherwise, has the control in his own right of the property and affairs of the school.

§ 1096. Article not to apply to schools approved by federal authority. Except as provided in this section, the provisions of this article shall not apply to a flying school approved and certified as such by the United States secretary of commerce, nor to its proprietor, while such approval and the certificate thereof is in force. The education department, however, through its authorized representatives, may visit and inspect such a school at any time, and such representatives shall have access to its property without hindrance.

§ 1097. Approval and license required for conducting flying schools; advertisements.

1. After October first, nineteen hundred thirty-one, no person, except as otherwise provided in this article, shall conduct within the state a flying school unless the education department shall have approved the school and shall have licensed the proprietor, nor unless such approval and license are in force. Nor shall any person without having obtained from the department an authorization and license therefor, conduct within the state on or before October first, nineteen hundred thirty-one, a flying school which was not established and in operation before this article takes effect. Nothing in the charter of a corporation, or its certificate of incorporation, or in the laws under which it is or was incorporated, shall relieve the corporation from the requirements of this article.

2. After January first, nineteen hundred thirty-one, no person shall advertise a flying school, either by the use of that term or of any designation or description which conveys the idea that the business or thing advertised is a flying school, unless it be a flying school approved and the proprietor of

it licensed, as above provided, and the approval and license be in force, whether such advertising be by publication in a newspaper or periodical or by circular, poster, sign, radio broadcasting or otherwise. In the case of a flying school not established and in operation before this article takes effect, the above prohibition shall apply, also to such advertising on or before October first, nineteen hundred thirty-one.

§ 1098. Application for approval or authorization, and license.

1. The proprietor of an existing flying school, within the state, established and incorporated before this article takes effect, may apply to the department for its approval of such school and that the applicant be licensed to conduct it. If such an application be made on or before September first, nineteen hundred thirty-one, the school may continue to operate until the application is disposed of, though that occur after October first, nineteen hundred thirty-one, notwithstanding section ten hundred and ninety-seven. A person desiring, as proprietor, to establish and conduct within the state a flying school not existing when this article takes effect, may apply to the department for its authorization that the flying school described in the application and conforming to requirements prescribed by the department be established and conducted and that he be given a license to conduct it.

2. An application under this section shall be in a form, contain such information and be executed in such manner as the department, by rule, shall prescribe; and rules for that purpose shall be adopted as speedily as possible after this article takes effect and copies mailed to the known owners or managers of existing flying schools in the state. The application shall be accompanied by the payment to the department of a fee of ten dollars. The department also may require the application to be accompanied by affidavits of persons, other than the applicant and other than officers or members of the corporation, if the applicant be a corporation, relating to the applicant's character, fitness and financial responsibility. For the purpose of this article, the character or fitness of an incorporated proprietor shall be that of its officers and directors.

§ 1099. Granting or withholding approval and license. The department shall take action on every such application, without unnecessary delay; but in addition to considering the facts presented by the applicant, it may make its own investigation, and for that purpose may take proofs and testimony, subpoena witnesses and compel the production of books and papers. If satisfied as to the character, fitness and responsibility of the applicant, it shall grant the application if satisfied also as to matters pertaining to the school or proposed school, its location facilities and teaching staff. In the case of an existing school, the department shall take into account the manner in which it has been and is being conducted.

§ 1099-a. Certificate; transfer of the school. If the department grant the application of the proprietor of an existing school, it shall issue its certificate approving the school and authorizing the proprietor to conduct it. Such a certificate may be unqualified, or it may impose requirements to be complied with, in a specified time, which time may thereafter be extended. If the department, on or before the expiration of such prescribed or extended time, on the proprietor's application, is satisfied that such requirements have been met and that the school has been properly conducted since the issuance of such certificate, it shall issue a final certificate approving

the school, without qualification. In the case of a school not in existence when this article takes effect, if the application be granted, the first certificate shall authorize the school to be established and to be conducted by the applicant, subject to specified requirements, to be complied with before the school shall open for business, and before the expiration of a prescribed time, which the department may thereafter extend. If the department, on or before the expiration of such prescribed or extended time, on the proprietor's application, is satisfied that such requirements have been met, it shall issue a final certificate approving the school, without qualifications. A certificate issued hereunder constitutes the license of the proprietor therein named, and is personal to the licensee. In case of a transfer of the school, the licensee shall notify the department thereof forthwith. Within ten days thereafter, the purchaser may apply, as proprietor, to the department for authority to conduct the school and the issuance of a license to him therefor. With such application, he shall pay a fee of five dollars. The application shall be granted only if the department be satisfied as to the character, fitness and responsibility of the applicant. The previous certificate shall be surrendered, and if the application be granted a new one issued. If not granted, the department shall give written notice thereof to the applicant immediately, by personal service or registered mail. It shall be lawful for the purchaser to conduct the school pending the disposal of the application.

§ 1099-b. Revocation. 1. For cause, the department may revoke a certificate of approval and license granted under the foregoing provisions. The causes which shall justify the revocation of the certificate include the following but do not exclude others; frauds on the public or the pupils; practices which imperil life, limb or health, other than those constituting necessary hazards of aviation; insufficient or improper equipment; negligence in the care of the grounds; persistent failure to obey the laws of this state, or laws of congress enacted within its jurisdiction, or local laws and ordinances lawfully adopted, or rules of the department adopted pursuant to this article; incompetence of instructors.

2. Instead of revoking the certificate in its entirety, the department may revoke it in so far as it licenses the proprietor, thereby continuing the school as an approved school when and if the school be transferred to another proprietor, within a specified time, but suspending the conduct thereof until such new proprietor shall have been licensed by the department. If the department shall revoke any such certificate, in whole or in part, its determination shall be in writing and filed in the office of the department, and a copy thereof shall be mailed to the proprietor, by registered mail, within two days after the filing thereof.

§ 1099-c. Hearing and notice. The department, before denying an application for a certificate of approval and license or before revoking such a certificate, in whole or in part, under the foregoing provisions of this article, shall hold a hearing thereon, and notify the applicant or licensee thereof, specifying the charges in the case of proceedings to revoke. The applicant or licensee shall be given an opportunity to be heard in person or by counsel. Such notice, and charges, if any, shall be served at least ten days before the hearing, by delivery of the same personally to the applicant or licensee or by mailing the same by registered mail to his business address. The hearing shall be at such time and place as the department

shall prescribe. For the purpose of any such hearing, the department shall have power to take proofs and testimony, subpoena and compel the attendance of witnesses and compel the production of books, records and papers; and it shall exercise those powers also for the purpose of procuring witnesses and proofs in behalf of the applicant or licensee, at his request. Witness fees and mileage, allowed in a civil action, shall be allowed and paid, by the department or party at whose instance the witnesses were subpoenaed.

§ 1099-d. Certiorari to review action of the department. The action of the department in refusing to grant a certificate of approval and license, or in revoking such a certificate, in whole or in part, pursuant to the foregoing provisions of this article, shall be subject to review by certiorari, at the instance of the applicant or licensee aggrieved.

§ 1099-e. Rules. The department shall adopt, and may amend from time to time reasonable rules prescribing standards of grounds, structures and equipment of approved flying schools, courses of instruction therein and the manner of conducting such schools. So far as it may be practicable, the department shall conform such rules to those governing flying schools certified and approved by the United States secretary of commerce. Rules shall be made hereunder applying generally to all such schools, but special rules may be made applying to particular schools, as the circumstances may require. The department also may adopt rules requiring that instructors in such schools be registered with the department, when employed, and prescribing the data and information to be furnished for such purpose. A rule prescribing an additional requirement as to grounds, structures and equipment shall fix a reasonable time for complying therewith.

§ 1099-f. Special provisions governing conduct of flying schools. 1. Every pupil of a flying school shall be required to carry, and shall carry upon his person a parachute, in a manner that it will make it instantly available for use when needed.

2. No instructor shall be permitted to give practical instruction in the piloting of aircraft through the air and above the ground at an approved flying school unless he has had practical experience in giving such instruction and is competent. No instructor, previously competent, shall be permitted to continue giving such instruction at any approved flying school after an accident shall have occurred by his fault, without written permission by the department. After July first, nineteen hundred thirty-two, no instructor shall be employed or allowed to give instruction in any approved flying school unless and until he shall have obtained from the proper federal authorities a rating which would then entitle him to give such instruction in a flying school approved by the United States secretary of commerce, without written permission by the department.

§ 1099-g. Penalties and enforcement. A person who as proprietor or otherwise, conducts a flying school not approved and of which the proprietor is not licensed under the provisions of this article, or while a certificate thereof is not in force, shall be guilty of a misdemeanor. Also, the conducting of a flying school without such approval and license, or while the certificate thereof is not in force, may be restrained by injunction, at the suit of the commissioner of education. For a violation of a rule of the department adopted under the provisions of this article, by the proprietor, an instructor or a pupil or by any agent, servant or representative of the

proprietor or of a person in charge of the school as manager, principal or otherwise, the proprietor shall be responsible, and he shall thereby incur a civil penalty of twenty-five dollars, which is hereby imposed for each such violation.

§ 1099-h. Powers and duties of the department, how exercised. The powers and duties of the education department, under this article, except as hereinafter provided with respect to rules of the department, shall be exercised by such authority, appointed or designated or whose members are appointed or designated by the board of regents or with its approval, as such board shall determine. His or their compensation and that of their assistants shall be fixed by the board of regents within amounts that may be available therefor by appropriation, and any necessary expenses incurred in carrying out the provisions of this article shall be allowed and paid, within the amounts so available. Pending such action by the board of regents, the commissioner of education shall make the necessary appointments or designations for the above purpose, subject to moneys so available by appropriation. The rules of the department, for carrying out the provisions of this article, shall be made or approved by the board of regents, except that the rules for such purpose may be made or amended by the commissioner of education, to become effectual, at any time after the taking effect of this article and before October first, nineteen hundred thirty-one, to facilitate the carrying out of the provisions of this article. After the making or amendment of any such rule or rules by the commissioner, as last above provided, he shall submit them to such board at its next regular meeting, for its action thereon, and such rules shall be and continue in force unless and until otherwise ordered by such board.

§ 2. This act shall take effect immediately.

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A. 288 (*Air Traffic Rules.*)

AN ACT to amend the penal law, in relation to the application and enforcement within the state of the existing federal air traffic rules.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The penal law is hereby amended by adding thereto, at the end of article one hundred and seventy-two, a new section, to be section nineteen hundred and sixteen, to read as follows:

§ 1916. Air traffic rules; federal rules made applicable. The air traffic rules, as existing when this section takes effect, of the United States, established by the secretary of commerce thereof pursuant to the provisions of section three of an act of congress approved May twentieth, nineteen hundred twenty-six, and known as the "air commerce act of nineteen hundred and twenty-six" shall apply to and govern aircraft navigation, whether commercial or non-commercial, within the boundaries of this state. Such rules shall have the force and effect of a law of this state and a violation thereof shall be a misdemeanor. That a person does an act which would be, in the absence of a consent or special authority from the secretary of commerce, a violation of any such rule is presumptive evidence of such violation. Nothing herein contained shall relieve a person from compliance



with any additional requirement or restriction, relating to navigation of aircraft, imposed or to be imposed either by or pursuant to other laws of this state. Within the meaning of this section, the term "aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation, but used primarily as safety equipment. Such term, however, for the purposes of this section, shall not be deemed to include aircraft used exclusively in the governmental service of the United States, or exclusively in the service of the national guard of the state of New York.

§ 2. This act shall take effect July first, nineteen hundred thirty-one.

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S. 351 (*Common Carriers.*)

AN ACT to amend the railroad law, in relation to aircraft.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Chapter four hundred and eighty-one of the laws of nineteen hundred ten, entitled "An act in relation to railroads, constituting chapter forty-nine of the consolidated laws," is hereby amended by inserting therein a new article, to be article five-a, to read as follows:

ARTICLE V-A

AIRCRAFT

Section 215. Aircraft declared common carriers; supervision by public service commission.

Section 215. Aircraft declared common carriers; supervision by public service commission. Every aircraft operating between fixed termini in this state engaged in the carrying of passengers and/or goods, wares or merchandise for hire are hereby declared to be common carriers. The public service commission shall approve the rates, fares and charges, adequacy of service and safety of facilities of every such common carrier. No such common carrier shall be operated in this state without such approval.

§ 2. This act shall take effect July first, nineteen hundred thirty-one.

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Ohio:

H. 118 (*General Regulations*) Amendments.

AN ACT to amend sections 6310-38 to 6310-44, inclusive, of the General Code, and to enact sections 6310-45 to 6310-49, inclusive, and to amend section 3939 of the General Code, relative to aeronautics.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 6310-38 to 6310-44 of the General Code, inclusive, be amended to read as follows:

Section 6310-38. There is hereby created a bureau of aeronautics which shall be administered by a director of aeronautics referred to hereafter in this act as the director. The director of aeronautics shall be appointed by the governor of the state, and shall serve at his pleasure. He shall be paid a salary of \$6,000.00 per annum. It shall be the duty of the director

to, and he shall, administer and enforce the provisions of this act, and for such purpose he is authorized to make and enforce such regulations as are necessary to execute the functions vested in him. *The public safety requiring, and the advantages of uniform regulation making it desirable, in the interest of aeronautical progress, the director is authorized to make and enforce safety regulations governing the location, size, use and equipment of airports and landing fields, and regulations governing air-marking and the use of signs or lights designed to be seen from the air, and air traffic regulations, all of which regulations shall conform to and coincide with, so far as possible, the provisions of the air commerce act of 1926 and amendments thereto passed by the congress of the United States, and air commerce regulations, issued pursuant thereto.*

The director may appoint such number of deputies, inspectors, clerks, stenographers, and other employees as may be necessary for such purpose and fix their compensation. The salaries and the actual and necessary expenses incurred by the director or any of his subordinates, not over *the amount appropriated for said purpose*, when approved by the governor of the state, shall be paid from the state treasury on the warrant of the auditor of state. The director shall give a bond for the faithful performance of his duties in such an amount and with such security as the governor of the state may approve. When in the opinion of the director it is deemed advisable, any deputy or other employee may be required to give bond in such amount and with such security as he may approve.

The governor of the state may investigate the activities of this bureau and have access to its records at any time, and the director shall make a report to the governor of the state at any time upon request.

Section 6310-39. "Aircraft" means any contrivance, now *known* or hereafter invented, *used, or designed for navigation* of or flight in the air, except a parachute or other contrivance designed for *such navigation but used primarily as safety equipment*.

"Operating aircraft" means performing the services of aircraft pilot.

Section 6310-40. The public safety requiring, and the advantages of uniform regulation making it desirable, in the interest of aeronautical progress, that a person engaging within this state in *navigating* aircraft, in any form of *navigation*, shall have the qualifications necessary for obtaining and holding a *pilot's license issued by the department of commerce of the United States*, it shall be unlawful for any person to *operate any aircraft in this state, unless such person is the holder of a current, effective pilot's license issued by the department of commerce of the United States.*

Section 6310-41. The *pilot's license*, herein required, shall be kept in the personal possession of the licensee when he is operating aircraft within this state, and must be presented for inspection upon the demand of any passenger, any peace officer of this state, or any official, manager or person in charge of any airport or landing field in this state upon which he shall land.

Section 6310-42. The public safety requiring, and the advantages of uniform regulation making it desirable, in the interest of aeronautical progress, that aircraft *operating* within this state should conform, with respect to design, construction and airworthiness, to *the standards prescribed by the United States government with respect to navigation of civil aircraft subject*

to its jurisdiction, it shall be unlawful for any person to *navigate* an aircraft within this state unless it is *licensed and registered by the department of commerce of the United States; provided, however, that this restriction shall not apply to military aircraft of the United States, or of a state, territory, or possession thereof, or to aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft.*

Section 6310-43. A person who violates any provision of this act, or regulations duly issued by the director in accordance with the authority granted herein, shall be guilty of a misdemeanor and punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than ninety days or both; provided, however, that acts or omissions made unlawful by this act shall not be deemed to include any act or omission which violates the laws or lawful regulations of the United States; but it shall not be necessary to allege or prove, as part of the case for the state, that the defendant is not amenable, on account of the alleged violation, to prosecution under the laws of the United States. That he is amenable to such prosecution shall be matter of defense, unless it affirmatively appear from the evidence adduced by the state.

Section 6310-44. The legislative authority of each and every municipality in the state of Ohio shall cause said municipality to be marked for aeronautical purposes, and maintain such marking, subject to and in accordance with law and such rules and regulations as may from time to time be made by the director of aeronautics in that regard, the costs thereof to be paid from the general fund. In the event of a failure on the part of such legislative authority of any municipality so to act, and sixty days after notice requiring such marking or the maintenance thereof, duly served by the director of aeronautics upon the clerk of such municipality, said director of aeronautics may cause such marking to be effected or maintained, and charge the cost thereof to such municipality, which shall in no case exceed the amount of \$50.00 *per marker*. It shall then be the duty of the taxing authority of such municipality to include the cost thereof, in accordance with the duty certified statement of costs filed by the director of aeronautics with said body, and the auditor of the respective county, in the next succeeding budget of said municipality; and the budget commission of the county shall allow the same without deduction, and insert it in such budget in case it be omitted, and it shall then be the duty of such county auditor to withhold such amount from the first semi-annual tax collection and remit same to the said director of aeronautics.

SECTION 2. That sections 6310-45 to 6310-49, inclusive, of the General Code be enacted to read as follows:

Section 6310-45. The director and his duly appointed deputies are hereby given the authority of peace officers in the enforcement of the provisions of this act.

Section 6310-46. The director shall instruct the sheriffs and prosecuting attorneys of the counties of this state, and the police officers of the municipalities thereof, in the methods of enforcement of this act and the regulations issued thereunder, and for such purpose he is authorized to hold meetings of such officials at suitable times and places, and the necessary expenses of attendance upon such meetings by such county and municipal

officials shall be paid from the appropriate county and municipal funds. Such officers shall report promptly to the director all violations of this act which come to their attention, together with a full report of action taken. If any officer charged by law with the enforcement of this act shall fail, refuse or neglect properly to enforce the provisions of this act, the director is hereby authorized to report such official to the governor of the state, who is hereby authorized to remove such official after proceedings had according to law. The director shall make said complaint by a sworn statement setting forth the grounds for complaint.

Section 6310-47. Upon request of any municipality duly authorized by resolution of its legislative authority so to do, the director shall inspect sites for airports or landing fields suitable for acquisition by such municipality, and shall give his opinion in writing as to the relative suitability of such sites for such purpose, stating his reasons therefor, under such rules and regulations as the director may adopt for such purpose.

Section 6310-48. There is hereby created an aeronautical advisory commission of not to exceed five members, to be appointed by the governor of the state and to serve without salary, but to receive their necessary expenses incurred while on official business, from the appropriations made for such purpose to the bureau of aeronautics, upon vouchers executed according to law. The duties of such commission shall be to advise with the governor of the state and the director of aeronautics on matters pertaining to aviation, and to promote and encourage aviation.

Section 6310-49. If any provision of this act is declared unconstitutional or the applications thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the application of such provision to other persons and circumstances shall not be affected thereby.

SECTION 3. That section 3939 of the General Code be amended to read as follows:

Section 3939. Each municipal corporation in addition to other powers conferred by law shall have power:\*

(22) To purchase, *lease* or condemn land and/or air rights necessary for landing fields, either within or without the limits of a municipality, for aircraft and transportation terminals and uses associated therewith or incident thereto, and the right of way for connections with highways, *waterways*, electric, steam and interurban railroads, and to improve and equip the same with structures necessary or appropriate for such purposes.

SECTION 4. That existing sections 6310-38 to 6310-44, inclusive, and section 3939 of the General Code be, and the same are hereby repealed.

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## Oklahoma:

### H. 202 (General Regulations.)

AN ACT concerning aeronautics; regulating the use of balloons, airplanes, hydroplanes, and all other vehicles used for navigating the air; defining the rights and duties and fixing liabilities and penalties of persons owning or operating the same; declaring sovereignty in space and ownership of space above the lands and waters of this state; declaring jurisdiction over

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\*The first twenty-one sections have been omitted.

*crimes and torts, and over contracts; making it unlawful to hunt from aircraft and providing for uniform construction of this act.*

*Be it enacted by the people of the State of Oklahoma:*

SECTION 1. (Definition of Terms) In this Act, "Aircraft" includes balloon, airplane, hydroplane, and every other vehicle used for navigation through the air. A hydroplane, while at rest on water and while being operated on or immediately above water, shall be governed by the rules regarding water navigation; while being operated through the air otherwise than immediately above water, it shall be treated as an aircraft.

"Aeronaut" includes aviator, pilot, balloonist, and every other person having any part in the operation of aircraft while in flight.

"Passenger" includes any person riding in an aircraft, but having no part in its operation.

SECTION 2. (Sovereignty in Space) Sovereignty in the space above the lands and waters of this state is declared to rest in the state, except where granted to and assumed by the United States pursuant to a constitutional grant from the people of this state.

SECTION 3. (Ownership of Space) the ownership of the space above the lands and waters of this state is declared to be vested in the several owners of the surface beneath, subject to the right of flight described in Section 4.

SECTION 4. (Lawfulness of Flight) Flight in aircraft over the lands and waters of this state is lawful, unless at such a low altitude as to interfere with the then existing use to which the land or water, or the space over the land or water, is put by the owner, or unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the lands or waters of another, without his consent, is unlawful, except in the case of a forced landing. For damages caused by a forced landing, however, the owner or lessee of the aircraft or the aeronaut shall be liable, as provided in Section 5.

SECTION 5. (Damage on Land) The owner of every aircraft which is operated over the lands or waters of this state is absolutely liable for injuries to persons or property on the land or water beneath, caused by the ascent, descent or flight of the aircraft, or the dropping or falling of any object therefrom, whether such owner was negligent or not, unless the injury is caused in whole or in part by the negligence of the person injured, or of the owner or bailee of the property injured. If the aircraft is leased at the time of the injury to person or property, both owner and lessee shall be liable, and they may be sued jointly, or either or both of them may be sued separately. An aeronaut who is not the owner or lessee shall be liable only for the consequences of his own negligence. The injured persons, or owner or bailee of the injured property, shall have a lien on the aircraft causing the injury to the extent of the damage caused by the aircraft or objects falling from it.

SECTION 6. (Collision of Aircraft) The liability of the owner of one aircraft to the owner of another aircraft, or to aeronauts or passengers on either aircraft, for damage caused by collision on land or in the air, shall be determined by the rules of law applicable to torts on land.

SECTION 7. (Jurisdiction Over Crimes and Torts) All crimes, torts and other wrongs committed by or against an aeronaut or passenger while in flight over this state shall be governed by the laws of this state; and the

question whether damage occasioned by or to an aircraft while in flight over this state constitutes a tort, crime or other wrong by or against the owner of such aircraft, shall be determined by the laws of this state.

SECTION 8. (Jurisdiction Over Contracts) All contractual and other legal relations entered into by aeronauts or passengers while in flight over this state shall have the same effect as if entered into on the land or *water* beneath.

SECTION 9. (Dangerous Flying a Misdemeanor) Any aeronaut or passenger who, while in flight over a thickly inhabited area or over a public gathering within this state, shall engage in trick or acrobatic flying, or in any acrobatic feat, or shall, except while in landing or taking off, fly at such a low level as to endanger the persons on the surface beneath, or drop any object except loose water or loose sand ballast, shall be guilty of a misdemeanor and punishable by a fine of not more than (\$100.00), or imprisonment for not more than (60 days) or both.

SECTION 10. (Hunting from Aircraft a Misdemeanor) Any aeronaut or passenger who, while in flight within this state, shall intentionally kill or attempt to kill any birds or animals shall be guilty of a misdemeanor and punishable by a fine of not more than (\$100.00), or by imprisonment for not more than (60 days), or both.

SECTION 11. (Uniformity of Interpretation) This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it, and to harmonize, as far as possible, with Federal laws and regulations on the subject of aeronautics.

SECTION 12. (Short Title) This Act may be cited as the Uniform State Law for Aeronautics.

SECTION 13. (Repeal) All acts or parts of acts which are inconsistent with the provisions of this Act are hereby repealed.

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#### Oregon:

##### H. 144 (*Board of Aeronautics.*)

*AN ACT granting authority to the state board of aeronautics to regulate and control airports, landing fields, schools of aviation, and aircraft and providing a penalty for the breach hereof.*

*Be it enacted by the People of the State of Oregon:*

SECTION 1. The state board of aeronautics shall have general supervision and control over airports and landing fields used for commercial purposes and all state, county and municipal airports and landing fields, and all schools of aviation, and all aircraft not engaged in interstate commerce. Such board is authorized to make reasonable rules and regulations governing the designing, laying out, locating, building, equipping and operating of all airports and landing fields used for commercial purposes or operated by the state or any county or municipality, and it shall make reasonable rules and regulations governing the curriculum, equipment, personnel, operation and management of all schools of aviation, for the purpose of protecting the health and safety of students therein, and insuring the public safety through the proper training and instruction of student aviators, and it shall make rules and regulations governing the airworthiness of aircraft within its jurisdiction. Such board shall adopt and enforce the provisions of the federal air com-

merce act so far as applicable to this state and necessary for the regulation of aircraft and airmen.

SECTION 2. All existing airports and landing fields used for commercial purposes, and schools of aviation shall make application to the board for its approval within 60 days after this act becomes effective.

SECTION 3. No airport or landing field used for commercial purposes or any school of aviation shall be operated without the approval of this board. The board shall issue a certificate of approval to all airports, landing fields, and schools of aviation approved by it.

SECTION 4. In any case where the board rejects an application for permission to operate an airport or landing field or school of aviation, or in any case where the board shall issue any order requiring certain things to be done, it shall set forth its reasons therefor and shall state the requirements to be met before such approval will be given or such order modified or changed. In any case where the board may deem it necessary it may order the closing of any airport or landing field used for commercial purposes or any school of aviation to cease operations until it shall have complied with the requirements laid down by the board.

SECTION 5. The board shall have authority to inspect any aircraft under its jurisdiction and if it finds that such aircraft is not airworthy, it shall immediately notify the owner or owners of such aircraft and the secretary of state, and the secretary of state shall suspend the certificate of registration of such aircraft until such time as he receives written notice from the board that the aircraft is airworthy.

SECTION 6. Any interested party may appeal from the action of the board by filing a complaint in the circuit court of the county where the landing field or school is located, if the action relates to a landing field or school; otherwise, in the county where the party resides. Such complaint must be filed within twenty days after notice of the action of the board. A copy of the complaint shall be served upon the secretary of the board by registered mail. The board shall have twenty days after receiving complaint to defend. Thereafter, the cause shall be tried as a suit in equity.

SECTION 7. The board is authorized to establish and collect reasonable fees for the inspections required by this act. All fees and other moneys collected by the board are hereby appropriated to carry out the provisions of this act. Such fees shall be disposed of and used in the manner provided in section 17-114, Oregon Code 1930.

SECTION 8. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than two hundred dollars (\$200).

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#### Utah:

##### H. 12 (Airports.)

*AN ACT under which counties, municipalities, or other political subdivisions may establish, develop, operate, maintain, regulate, and police airports and landing fields.*

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. The local legislative bodies of counties, municipalities, or other political subdivisions of this State are hereby authorized, separately

or jointly, to acquire, establish, construct, own, lease, control, equip, improve, maintain, operate, regulate, and police airports or landing fields for the use of aircraft either within or without the geographical limits of such political subdivision, and may use for such purpose or purposes any property suitable therefor that is now or may at any time hereafter be owned or controlled by such political subdivisions.

SECTION 2. Any lands acquired, owned, leased, controlled, or occupied by such counties, municipalities, or other political subdivisions for the purpose or purposes enumerated in section 1 of this act shall and are hereby declared to be acquired, owned, leased, controlled, or occupied for a public purpose and as a matter of public necessity, and such counties, municipalities, or other political subdivisions shall have the right to acquire property for such purpose or purposes under the power of eminent domain as and for a public necessity.

SECTION 3. Private property needed by a county, municipality, or other political subdivision for an airport or landing field or for the expansion of an airport or landing field, may be acquired by grant, purchase, lease, or other means, if such political subdivision is able to agree with the owners of said property on the terms of such acquisition, and otherwise by condemnation and/or excess condemnation in the manner provided by the law under which such political subdivision is authorized to acquire real property for public purposes, or if there be no such law, in the manner provided for and subject to the provisions of the condemnation and/or excess condemnation laws.

SECTION 4. The purchase price or award for real property acquired in accordance with the provisions of this act for an airport or landing field may be paid for by appropriation of moneys available therefor or wholly or partly from the proceeds of the sale of bonds of said county, municipality or other political subdivision, as the local legislative body of such political subdivision shall determine; subject, however, to the adoption of a proposition therefore at a public election, if the adoption of such a proposition is a prerequisite to the issuance of bonds of such political subdivision for public purposes generally.

SECTION 5. Where necessary in order to provide free air space for the landing and taking off of aircraft utilizing airports and landing fields acquired or maintained under the provisions of this act, the local legislative bodies of the political subdivisions of this State are hereby granted authority to acquire such air rights over private property as are necessary to insure safe approaches to the landing areas of said airports and landing fields. Such air rights may be acquired by grant, purchase, lease, or condemnation in the same manner as is provided in section 3 of this act for the acquisition of the airport or landing field itself or the expansion thereof.

SECTION 6. The local legislative bodies of the political subdivisions of this State are hereby authorized to acquire the right or easement for a term of years or perpetually to place and maintain suitable marks for the daytime, and place, maintain, and operate suitable lights for the nighttime marking of buildings, or other structures or obstructions interfering with the safe operation of aircraft utilizing airports and landing fields acquired or maintained under the provisions of this act. Such rights or easements may be acquired by grant, purchase, lease or condemnation in the same



manner as is provided in section 3 of this act for the acquisition of the airport or landing field itself or the expansion thereof.

SECTION 7. The local legislative bodies of counties, municipalities, or other political subdivisions of this State which have established or may hereafter establish airports or landing fields or which acquire, lease, or set apart real property for such purpose or purposes, are hereby authorized—

(a) To construct, equip, improve, maintain, and operate the same, or to vest jurisdiction for the construction, equipment, improvement, maintenance, and operation thereof, in an officer, board, or body of such political subdivision. The expenses of such construction, equipment, improvement, maintenance, and operation shall be a responsibility of said political subdivision.

(b) To adopt regulations and establish charges, fees, and tolls for the use of such airports or landing fields, fix penalties for the violation of said regulations, and establish liens to enforce payment of said charges, fees, and tolls.

(c) To lease such airports or landing fields to private parties for operation or to lease or assign to private parties for operation, space, area, improvements, and equipment on such airports or landing fields; provided in each case that in so doing the public is not deprived of its rightful use thereof.

SECTION 8. The local public authorities having power to appropriate moneys within the counties, municipalities, or other political subdivisions of this State, acquiring, establishing, developing, operating, maintaining, or controlling airports or landing fields under the provisions of this act, are hereby authorized to appropriate and cause to be raised by taxation or otherwise in such political subdivisions, moneys sufficient to carry out therein the provisions of this act; also to use for such purpose or purposes moneys derived from said airports or landing fields.

SECTION 9. The political subdivisions of this State acquiring, establishing, developing, operating, maintaining, or controlling airports or landing fields under the provisions of this act without the geographical limits of such subdivisions are hereby specifically granted the same police powers over such airports or landing fields as they may now exercise or may hereafter be authorized to exercise within the geographical limits of such subdivisions.

SECTION 10. This act shall take effect on approval.

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#### West Virginia:

##### S. 104 (General Regulations.)

A BILL to create a board of aeronautics; to provide for the selection of its members; to prescribe their terms of office; to prescribe their powers and duties; to provide for the supervision and control of commercial and public airports and landing fields and schools of aviation; to provide for appeals from the order of such board; to provide penalties for violations of this bill; to provide for the enforcement of all rules and regulations adopted by the board governing the operation of airports, aircraft and aviation within the state; to provide for the licensing of aircraft, pilots, mechanics and schools of aviation; to provide for funds to carry out the provisions of this bill; and to amend and re-enact section 20, article 14, chapter 11, official

*code of West Virginia, 1931, authorizing refund of tax on gasoline used for certain purposes.*

*Be it enacted by the Legislature of West Virginia:*

SECTION 1. There is hereby created a board of aeronautics, to be known as the West Virginia Board of Aeronautics, to consist of five members to be appointed by the governor for a term of four years, to serve without pay, no more than three of whom shall be members of the same political party. The first member of such board shall be appointed, two for a term of two years; two for a term of three years; and one for a term of four years, and thereafter each succeeding member or members shall be appointed for four years.

SECTION 2. Such board shall have general supervision and control over all airports and landing fields used for commercial purposes, and all state, county and municipal airports, all schools of aviation, and the general operation of aviation within the State. Such board is hereby given the power and authority to make such reasonable rules and regulations as it may deem necessary and advisable for the public safety, governing the designing, laying out, locating, building, equipping and operating of all airports and landing fields within the state. Such board is given the power and authority to make different ratings of airports and prescribe the proper uses for which the different classes of ratings are given. The board is given such power and authority to make rules and regulations governing the personnel and operation of all schools of aviation, for the purpose of protecting the health and safety of students therein and insuring, so far as may be, the public safety through the proper training and instruction of student aviators and mechanics. Such board shall adopt and enforce the provisions of the Federal Air Commerce Act, now in force or as hereafter amended, so as to make applicable as far as possible the provisions of that act to the state of West Virginia. All airports and landing fields and schools of aviation shall, within sixty days after such board is created, make application to the board for its approval of such airport, landing field or school, and the Board shall immediately consider and pass upon such application. No airport, landing field or school shall be used for commercial purposes without the approval of this board. The board is hereby authorized to issue a certificate of its approval in each case, for which it may charge a fee not to exceed five dollars. The funds so derived shall be diverted into the state board of aeronautics fund.

SECTION 3. In any case where the board rejects an applicant for permission to operate an airport, landing field or school of aviation, or in any case where the board shall issue an order requiring certain things to be done, it shall set forth its reasons therefor and shall state the requirements to be met before such approval will be given or such order modified or changed. In any case where the board may deem it necessary, it may order the closing of any airport or landing field or school of aviation, and all operations to cease until it shall have complied with the requirements laid down by the board.

SECTION 4. The board is hereby authorized to employ the necessary clerical assistants and inspectors. No person shall be considered for appointment as inspector who does not have the following qualifications: he shall hold a federal transport pilot's license; a federal airplane and motor

mechanic's license; shall have had at least one thousand hours of flying experience; and shall have been a resident of the state of West Virginia for the past year. The duty of the inspectors shall be to see that the state and federal laws governing aviation and the rules and regulations of the board are carried out for the safety and protection of those engaged in the operation and use of aviation.

SECTION 5. All owners of airplanes within the state shall, within sixty days after such board is created, make application to the board for a license to operate, and the registration of such airplane. All pilots, student pilots, mechanics and instructors shall also make application for a license to the board, and the board is hereby given authority to charge a reasonable fee for these licenses issued, which shall not exceed two dollars.

SECTION 6. Any person considering himself aggrieved by any order, rule or regulation of such board shall, within ten days after the issuance thereof, appeal to a board, consisting of the governor, the secretary of state and the attorney general. Appeal from the order of such appeal board shall be by certiorari to the supreme court, and shall only be allowed if taken within ten days after the order appealed from is made by such appeal board.

SECTION 7. Any person, firm, association or corporation who shall have failed to comply with any rules or regulations adopted by said board, or shall violate any of such rules or regulations, or shall fail to comply with or shall violate any order of said board, shall be deemed to be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars or by imprisonment for a period of not more than thirty days. A violation of any rule, regulation or order shall be considered as a separate offense.

That Section 20, Article 14, Chapter 11, Official Code of West Virginia, 1931, be amended and re-enacted so as to read as follows:

SECTION 20. *Refund of Tax on Gasoline Used for Certain Purposes; Penalty for False Claim.*—Any person who shall buy, in quantities of twenty-five gallons or more at any one time, any gasoline as defined in this article, for the purpose of, and the same is actually used for, operating and propelling boats, aeroplanes, tractors used for agricultural or other purposes, road rollers, steam shovels, compressors, pumps, stationary gas engines, threshing machines or other gasoline-operated machinery, except motor vehicles; or who shall purchase and use such gasoline for cleaning and dyeing or for manufacturing or other commercial uses, except in motor vehicles, which gasoline shall have been previously included in the measure by which the excise tax imposed by this article is determined, shall be reimbursed and repaid a sum equal to the amount of such tax, *except any person who shall buy such gasoline for the purpose of, and the same is actually used for, operating and propelling aeroplanes shall be reimbursed and repaid a sum equal to one-half of the amount of such tax*, upon presenting to the tax commissioner an affidavit accompanied by a ticket or invoice from the distributor or retail dealer, showing such purchase, which affidavit shall set forth the total amount of such gasoline purchased and used by such consumer, other than in motor vehicles operated in this state, and how used; and the tax commissioner upon the receipt of such affidavit and ticket or invoice shall cause to be refunded to such consumer such tax paid on gasoline purchased and used other than for motor vehicles as aforesaid:

*Provided*, that the tax commissioner shall cause refund to be made under authority of this section only when application for refund, as herein provided, is filed with the tax commissioner, upon forms prepared and furnished by the tax commissioner, within sixty days from the date of purchase or delivery of the gasoline: *Provided, further*, that no refund shall be allowed under authority of this section on gasoline purchased and used for any purpose when the same shall be reused for the purpose of propelling motor vehicles; *Provided, further*, that the tax commissioner shall pay over to the state board of aeronautics a sum equal to the amount of such taxes collected from persons who buy such gasoline for the purpose of operating and propelling aeroplanes, but if any of said amount has been refunded as above provided, then he shall pay over the remainder of the amount of such taxes collected.

All acts or parts of acts inconsistent herewith are hereby repealed.

#### REPORT OF THE COMMISSIONER OF AERONAUTICS OF CONNECTICUT \*

This is the second biennial report of the Department of Aeronautics and covers the period from July 1, 1928, to June 30, 1930. The last six months of 1928 not only indicated the increase in aeronautical activities to be anticipated, but overtaxed the facilities and personnel of the Department at that time so that certain recommendations in the way of increased personnel and facilities were made in the last report. These recommendations in most part were received favorably by the last Legislature and as a result we have been fairly well able to meet the continued increase in aeronautical activities.

The personnel of the Department now consists of the Commissioner, Deputy Commissioner, two technical inspectors, two flight surgeons, a chief clerk and two stenographers. This forms a basic organization that may be readily expanded as necessity demands and as funds are made available for that purpose.

Our most pressing need two years ago was suitable quarters for the work of the Department. This was erected with funds provided for that purpose by the last Legislature and the Department moved into its new building at Brainard Field August 1, 1929, this being the first State Department of Aeronautics building in the country. The prime consideration in planning this building was to have it architecturally harmonize with the airport development and also to be so designed that it may readily be enlarged to supply the future demands of the Department without destroying any of the present investment. This, I feel, has been very well accomplished, as it may have additional floors or be extended in depth without disturbing the present layout in any way and, as the present quarters furnish primarily executive and administrative facilities, they should be adequate for the Department for a long time to come. It does appear, however, although it is not at all necessary at present, that in another two years increased space will be necessary for inspectors and clerks.

July 1, 1929, the Department took delivery of a Wasp motored Vought Corsair. This is the first State owned ship in the country and was immediately put into service as a patrol ship and has proven to be an invaluable aid to the Department in carrying on its work. It is a ship of which the State may well be proud and has represented the State of Connecticut at all aeronautical meetings of national importance since being put into service. It has visited every state east of the Mississippi River with the exception of West Virginia and Mississippi and has covered over 50,000 miles.

The matter of personnel inspection has long been a serious problem for

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\*This report was furnished through the kindness of the Commissioner. A considerable part of the report, dealing with the announcement of the School of Aviation Medicine, has been omitted.

the Department, as there are very few trained flight surgeons in the country and without this specialized training a surgeon's findings are of no value. As there seemed to be no school for this specialized training outside of the United States Army, it was decided to organize a school in the Department. This was started in August 1929 with five selected students from those sections of the State that appeared to be the logical divisions for this particular work with reference to the convenience of the public. At the present time we have had one man graduate, who has been added to the staff of the Personnel Inspection Department, and two others who are ready for their final work at some flying school. The work of this Department is now obtaining such proportions that it is possible to begin making group studies of the flying personnel and by means of this much that is new and interesting will, without doubt, be learned, which will make the work of the Department even more valuable. It is hoped that within the next year the Department may establish and equip suitable quarters for these new personnel inspectors at the major airports in the sections selected.

During the past biennial period this Department has worked continuously, aided by various organizations, to interest and assist various communities to air mark their towns. As a whole the results have been quite gratifying, as at the present time there are over one hundred and fifty such markers. This, however, is far from being complete and it would appear that the only way the State can be completely marked is to have such markings become a function of this Department and funds provided for that purpose. In the past it has been accomplished by voluntary donations of individuals and various civic organizations interested in the development of aeronautics and I feel that the State is greatly indebted to these organizations for this very valuable work. It seems unreasonable, however, for the State to expect these organizations to continue this work indefinitely, as such signs require repainting at least every two years and if allowed to become obliterated after becoming known to the air traffic they create a serious hazard by virtue of the traffic not being able to find such markings as were anticipated. Furthermore, there are many sections of the State devoid of any identifying marks where there are no organizations or individuals to interest in this important work.

Although I do not feel that the State should develop airports with the exception of the State Airport at Groton, I do think that the time has come because of the hazardous terrain of the State to start the development of a system of emergency fields along the commonly used airways. This, I believe, could be carried on by the development of two or three fields a year without undue burden to the State until a system of fields were obtained that would offer suitable emergency facilities throughout the State.

Whereas, four years ago, when the Connecticut State Department of Aeronautics was created, as the first such Department in the United States, there were many who questioned the advisability and even the authority of the State entering this particular field of control; since that time the majority of the states have passed some sort of laws and several have established well organized departments for that administration. In fact, the necessity for the work has become so apparent that it has been the cause for two national conferences upon the subject, one of which was called by the Air Law Institute of Northwestern University during August 1930 and a more recent conference called by the Hon. Robert P. Lamont, Secretary of Commerce in Washington, D. C., December 16th and 17th, 1930. By far the majority of the states of the Union were officially represented at both of these conferences and in many instances Connecticut has been looked to for advice in this important work and held forth as an example of what might well be done in the way of cooperation with and assistance to the Federal government in not only the control of but also the promotion of aeronautics.

#### *Summary of Aviation Activities to June 30, 1930*

The development of aeronautics in Connecticut from July 1, 1928, to June 30, 1930, was very marked. Each six month period showed a very large increase in both the registration of aircraft and licensing of pilots.

During this period, air transportation was accepted by the public as another means of fast transportation. Not only has scheduled air transportation taken its place alongside of other modes of travel, but a large and profitable air taxi business has been developed.

Another type of flying, known as the fixed base and itinerant operator, has been well built up during this two year period. This class of flying, which one hears very little of, is by far the largest in the country. It is estimated that between seventy and eighty per cent of all flying is carried on by these operators. They are engaged in sightseeing or joy hop flights, commercial photography, mapping, air inspection of properties, newspaper circulation, flying instruction, aircraft sales and private flying.

Connecticut has been very fortunate during this period in having several of the country's well-known manufacturers of aircraft and aircraft engines located here, the largest being the Pratt and Whitney Aircraft Company and Chance Vought Corporation of East Hartford; the Sikorsky Aviation Corporation and the Whittlesbey Avian Company of Bridgeport; and the Viking Aircraft Company of New Haven. Besides these concerns producing aircraft and aircraft motors, there are one hundred forty-five concerns producing parts and accessories for aircraft.

There is also one other enterprise, the United Airports of Connecticut, which is completing one of the finest airports in New England in East Hartford at the present time.

The air marking of cities and towns has progressed very favorably in the past two years. This is a very important aid to air navigation and I believe Connecticut is as well air marked as any State in the Union.

There has been a large increase in the number of people enrolled in the various flying schools throughout the State to learn the art of flying. One hundred ninety-four of these students successfully passed their examination for a State student pilot's license during the past two years. Everyone of these students completed their examination in flying without the slightest accident. This, I believe, was due to the excellent type of instructors operating throughout Connecticut and the enforcement of our aeronautical laws.

Four hundred ninety-eight pilot's licenses of all classes and two hundred sixty-six aircraft registrations were issued during this two year period. This shows a decided increase in the number of licenses and registrations issued each year.

There was a total of eighty-four aircraft accidents. Of this number eight were fatal and a total of thirteen persons were killed. Of the fatal accidents only two involved Connecticut licensed pilots. Three were air mail; one was an endurance flight which started on Long Island and ended in Connecticut when the ship crashed due to thick fog; one was caused by stunting an airplane over a neighboring state, the ship falling out of control and landing just over the State line in Connecticut; and one was a cross country flight which started in a neighboring state and ended in a crash in Connecticut because of an exhausted fuel supply.

There was one other fatality during this period—an exhibition parachute jumper attempting to make a spectacular jump, which was against the Connecticut regulations, failed to open his chute in time and was killed when he landed in a lake.

#### RECEIPTS

July 1, 1928 - June 30, 1930

Aircraft Pilots' Licenses (all classes).....	\$2,420.50
Aircraft Registrations (all classes).....	5,120.00
Flying Examinations .....	315.00
Forfeited Bonds .....	51.80
Officers' Fees .....	3.00
Fines .....	20.00
Total .....	\$7,930.30

## STATISTICS

	1924-25	1925-26	1926-27	1927-28	1928-29	1929-30
Pilots Licensed .....	41	31	47	96	179	319
Aircraft Registered .....	33	29	39	60	91	175
Aircraft Accidents .....	4	19	15	26	38	46

*In Conclusion*

In reviewing the progress of aeronautics and the Department's experience in the control of flying for the past two years, it would seem quite unnecessary to make any changes in our laws at the present time. With the law as it now stands the State can cooperate fully with the other states in developing uniformity of regulation of air traffic, which is the objective that is being sought by the two recent National Air Conferences and those to follow. Connecticut's laws have generally been considered very rigid, but in no case has it interfered with air traffic nor the development of aeronautics and the industry in the State and I believe that Connecticut may well be proud of its record, as shown in this report, for safety in aeronautics. Connecticut's production of aircraft, motors and aircraft accessories has developed from a negligible amount to a position where in value of production it leads the country. This development has taken place entirely since Connecticut has had effective aeronautical legislation.

During the past two years it has, however, become quite evident that certain sections of Chapter 236, Public Acts of 1929 should be clarified and made more specific, especially as to ways of procedure. This is most important, as the possible sites for airports in the State are limited in number and it is only through the powers granted by this act that many of these sites could be made available for development.

The rapid increase in flying activities has made the necessity for some increase in personnel quite apparent, especially in the Inspection Department. A semi-monthly inspection of all aircraft is much to be desired and has been reasonably well maintained by the Department until the past year, since when it has been physically impossible to maintain this schedule. In order to continue the State's excellent record for safe aircraft it is most important that these semi-monthly inspections be re-established and this can only be done by the addition of inspectors.

The Vought Corsair purchased by the State July 1, 1929, has proven to be invaluable in the work of the Department and is a ship of which the State may well be proud to have represent it. Having but one ship it has demonstrated that it is the ideal ship for the purpose, but from the standpoint of economy, I urge that the State purchase an additional ship. A second ship, smaller and of less power, could carry on much of the work now being performed by the present ship at a great saving to the State.

During the past year the Department has kept its ship in the National Guard hangars at Brainard Field, but with the new equipment of the Squadron it has become quite evident that there will be no space available for the Department's ship and I hope that funds may be made available for a hangar for the proper housing and maintenance of State craft. This would not only provide proper housing for State owned craft and give suitable facilities for their maintenance, but would allow the State to extend the same courtesies to visiting State and Federal ships in the matter of providing these facilities as are received by this Department from other states.

Air traffic has already reached the point where the State is warranted in undertaking the proper marking of the State and beginning a system of emergency landing fields. This is not a pioneer movement in any way, but is simply an effort to keep pace with the rapid development of aeronautics. During the past two years Pennsylvania and Ohio have accomplished excellent results along these lines. Pennsylvania with its rugged terrain has a policy of emergency landing field development well under way with a number of very good fields completed at various critical points about the State. Likewise Ohio has carried out a program of air markings required by their

laws so that every community in the State can be readily identified from the air. These activities so vital to the safety of air traffic would not call for any prohibitive expenditures by the State and the air marking of all State institutions would make an excellent beginning of this most important piece of work, and I believe that with a moderate appropriation a good start could be made on an emergency landing field program with the co-operation of various other State departments whose facilities and organizations are adaptable to this class of work.

One more activity that the State may well consider for the promotion and development of the aeronautical industry, an industry that is particularly adaptable to our conditions as a production center, is the development of a speed course for the testing of aircraft. Such a layout is most necessary to the development of future aircraft and is necessary to all producers of such, but the amount of use any one concern has for such a course is so limited that its development by the individual concern is out of the question. There is no doubt but what such a development would do much to attract the aeronautical industry which has such wonderful possibilities.

To summarize, it appears that if Connecticut wishes to benefit to the fullest by the development of aeronautics, that the airport Enabling Act, Chapter 236, Public Acts of 1929 should be revised and made more specific, the personnel of the Department of Aeronautics should have a reasonable increase and for the sake of economy another ship and hangar added to its equipment, that a program of airmarking and emergency landing fields should be inaugurated and in order to attract and promote the development of the aeronautical industry that the State should establish an aircraft test course.

CLARENCE M. KNOX,  
Commissioner of Aviation.

#### REPORT OF THE DEPARTMENT OF PUBLIC WORKS OF IDAHO\*

The Aeronautics Division of the Department of Public Works was established under Chapter 137, Laws of 1929. This Act, styled "The Idaho Air Commerce Act of 1929" took timely cognizance of aviation in its relations to state government, providing not only for regulation and licensing of airmen, aircraft, and air navigation facilities, but establishing a state policy of constructive cooperation in aviation development. Under this law, registration and licensing was delegated to the Department of Law Enforcement, while regulation "in conformance with the provisions of the Federal Law known as the Air Commerce Act of 1926" became a duty of the Commissioner of Public Works. The remainder and most significant part of this law, however, further charges the Commissioner of Public Works with active encouragement of aviation as recited in its title, "providing for a survey of conditions, establishment of air navigation facilities . . . and designation of routes; . . . negotiation with other states in regard to interstate airways; . . . a uniform system of markers for airways and airports, . . . the issuance of bulletins and maps pertaining to aeronautics; . . . and creating a state aeronautics fund."

The designation of two existing state departments to administer the Act has proven both economical and effective. The Department of Law Enforcement was already equipped and trained for licensing of motor vehicles, with a force of patrolmen whose duties were readily extended to include field inspection of licenses. The Department of Public Works included in its Bureau of Highways all necessary technical personnel and equipment for cooperation with the Aeronautics Division in construction and maintenance of aviation ground facilities.

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\*This report was furnished through the kindness of the Commissioner. This excerpt deals only with the Aeronautics Report, part of which is omitted.



*Western States Air Commerce and Airways Conference.*

The broad scope of the Idaho Air Commerce Act indicated the advisability of consultation with federal agencies who had pioneered in governmental aviation activities and with leading representatives of the aviation industry as to most practical and beneficial application of the law. Accordingly, Governor Baldrige called representatives of these groups and of neighboring states to a meeting at Boise, July 8, 9, and 10, 1929. This Western States Air Commerce and Airways Conference brought together national authorities on aviation legislation, regulation, licensing, taxation, rate control and federal, state and municipal development of facilities. The published report of its proceedings has been regarded as a most complete pioneer commentary on the relations between state and industry in aviation, over three thousand copies having been furnished through this department on request from all quarters of the United States and several foreign countries. The Boise Chamber of Commerce and Citizens' Committee contributed very materially to the success of the meeting by their active interest and financial support.

*Western States Aeronautics Association.*

An immediate consequence of the Boise Conference was the organization of the Western States Aeronautics Association composed of representatives appointed by the governors of the eleven Western States. This Association is promoting that governmental consistency and encouragement essential to the assimilation of aviation as an economic asset of primary importance to the commonwealth. Uniformity and flexibility in state legislation, universal adoption of Department of Commerce standards and regulations, coordination of the various states' aviation activities, use of existing state technical personnel and equipment in construction of air navigation facilities and declaration of the principle of state and federal aid for airway development are projects of this Association. Further, the Association advises with all representatives of government agencies, national aeronautic organizations and individuals having to do with aviation or connected with the aviation industry and invites them to present their problems and suggestions at the meetings of this Association. Vote on formal action of the Association, however, is confined to the state representatives. Idaho's Commissioner of Public Works has been chairman since its organization.

*Aeronautics Division.*

The Idaho Air Commerce Act became effective March 7, 1929. A State Airways Engineer was appointed to supervise state aeronautics. A state representative of the Airways Section of the United States Department of Commerce was assigned to aid the state in organization of the Aeronautics Division. The services of a Department of Commerce Airport specialist were also secured for a joint inspection of existing ground facilities within the State.

The following is quoted from a recent report of the same airport specialist to his headquarters. "It is a pleasure and satisfaction to see the extent of airport and landing field development throughout the State of Idaho since my last trip a year and a half ago. At that time, only six fields were in existence, while today thirty-eight airports and landing fields are to be found." Of the original six fields mentioned, two were condemned as inadequate, leaving but four of the present thirty-eight as useful facilities existing before the establishment of the Aeronautics Division. In this connection, it is interesting to note that the City of Coeur d'Alene purchased land in 1916 for airport purposes. This is believed to be the first municipally owned airport in the United States.

*Community Projects.*

The Aeronautics Division was established at a time when many communities were planning some sort of airport development. Its services were

in demand immediately, with the result that forty-two prospective sites were inspected and planning recommendations reported. This service has been as broad as required in each case, ranging from selection of best available sites and general planning of facilities to testing of materials, detailed design of buildings, estimates of cost and preparation of stage construction programs. In addition, material aid has been given by the state in construction and maintenance of fourteen of those fields. In many cases, communities not in a position to obtain good technical advice in their airport problems have been saved a considerable waste on projects improperly planned. The breadth of this assistance to municipalities has been made possible through the ready cooperation of every division of the Department of Public Works.

In the total of 38 existing fields, there is included a group of 15 such municipal projects. The entire list is classified as follows:

Municipal Fields .....	15
D. of C. Intermediate.....	10
Private .....	5
Forest Emergency .....	4
State Auxiliary .....	4
TOTAL .....	<hr/> 38

#### *Air Marking Municipalities.*

The promotion of air marking has been an important aid to air navigation in Idaho. The uniform system of air marking recommended by the Aeronautics Branch of the Department of Commerce in Aeronautics Bulletin No. 4 has been adopted as standard. The State Division of Aeronautics also cooperated with the Daniel Guggenheim Fund for the Promotion of Aeronautics in their efforts to further this work, urging all communities in the State to identify themselves in this way. A recent survey shows that 35 towns have complied with this request and 8 others are expecting to place signs in the near future. The Department of Public Works has placed air markers on its district offices and equipment sheds throughout the State. One of these units at Weiser is lighted.

#### *Air Marking Highways.*

An experimental air sign designating the U. S. Route Number and highway direction has been painted on the surface of the Boise-Mountain Home Highway. If this sign demonstrates satisfactory wearing qualities of paint on oiled highway surfaces, similar airway guides will be placed in various parts of the State.

#### *State Licensing.*

All airmen operating continuously within the State, except those of state, national and foreign governments, must be licensed by the State Department of Law Enforcement. Airmen not licensed may operate within the State for a period of 30 days, provided no persons or property are carried for hire. The pre-requisite for a state license to any airman is presentation of a federal license issued by the U. S. Department of Commerce and payment of a one dollar fee. The state license qualifies the airman to operate aircraft within the same limitations as provided for in his Department of Commerce license and is effective through the same period. State license may be refused on evidence of unfitness to operate aircraft.

Aircraft operating within the State, except those of state, national and foreign governments must also be licensed by the Department of Law Enforcement. Application must be accompanied by United States Department of Commerce aircraft license. The license fee is determined by the useful load capacity of the aircraft as recited in its Department of Commerce license, at a rate of 2½ cents per pound. Aircraft licenses expire on midnight, February 1st, next following the date upon which they are issued. A 30 day license for commercial operation of aircraft may be secured upon

presentation of Department of Commerce license and payment of  $\frac{1}{8}$  of the annual license fee.

This procedure for registration and licensing, though extremely simple, provides the state with the necessary groundwork for successful enforcement and supervision in the interest of public safety. Duplication by the state of federal functions is avoided, while adequate safeguards accrue from skilled inspection of equipment and careful examination of personnel by the Department of Commerce.

#### *Air Traffic Regulation.*

Regulation of air traffic as provided in the Idaho Air Commerce Act necessitates a particularly close correlation of Federal and State activities since the regulations of the former agency are adopted as law by the latter. This coincidence of purpose has resulted in a most cordial spirit of cooperation between Department of Commerce and state personnel, resulting in mutual economy of effort. Obviously the Department of Commerce is not justified in maintaining a force of inspectors adequate to police all states of the Union to insure enforcement of air traffic rules and regulations. In Idaho, this new requirement in law enforcement is met by the State Traffic Patrol of the Department of Law Enforcement. State traffic officers have received a careful course of instruction covering air traffic rules and regulations and the activities and limitations of airmen. In carrying out their duties on the State Highway System, they are in position to police airports of the state where aviation activities are centered and controlled. The psychological effect of the constant activity of state officers throughout Idaho has been to minimize violations by pilots and operators.

#### *The Aeronautics Fund.*

The principal source of funds for the Aeronautics Division has been the excise tax on aviation gasoline, which amounted to \$11,759.25 for the period from April 1, 1929, to October 31, 1930. Total expenditures of this division during the same period were \$13,594.18, the difference being represented by direct appropriation of state funds. This appropriation (Chapter 146, Laws of 1929) authorized total expenditure of \$25,000 by the Aeronautics Division before December 31, 1930, and provided that any portion thereof not at hand in the State Aeronautics fund should be supplied by transfer from the State highway fund. Only \$5,000 was so transferred, although approximately \$13,000 was authorized.

#### *Budget.*

This conservation of available funds has been dictated by the desire for a comprehensive survey of conditions and careful consideration of the data gathered prior to any broad construction program. With basic information now at hand, the Aeronautics Division is prepared to place greater emphasis on airway development during the next biennium.

Plans include construction of additional state auxiliary fields, state aid in construction of municipal projects and further development of existing units. Preliminary estimates of cost for this program, involving fifty separate fields, total \$38,100, which amount has been shown in the budget appearing as Table Number 38 of this report.

Items for continuation of surveys and investigations of all kinds and for administrative expense are also shown in the budget. These amounts, together with allowance for rental and purchase of needed equipment, will set the total requirements of the Aeronautics Division for the next two years at \$65,000.

The estimated revenue for the biennium from the gasoline tax, airmen's and aircraft license fees, amounts to \$39,000. Since this amount will be applied to the work of the Aeronautics Division as budgeted, the actual demand on state funds in excess of receipts will be approximately \$26,000.

Since however, the Aeronautics Division is, in effect, turning back to the highway fund approximately \$20,000 conserved from previous authorized expenditures, a \$26,000 appropriation will result in net additional cost to the state of but \$6,000 for the entire two year program of the Aeronautics Division as now planned.

In comparison to this direct state contribution to aeronautics, the state-wide program of all agencies for development of aviation facilities in the next two years, as expressed in present intentions, includes the following:

- a. Construction of fields at 12 localities having no present facilities, at a cost of some \$70,000 to the communities involved.
- b. Improvement of established fields by various communities at approximate cost of \$120,000.

If the state, by continued participation in these projects to the extent recommended in the Aeronautics Division budget, can aid these communities in the wise application of their investment and can, at the same time, so coordinate these projects with construction of intermediate fields as to result in a state airway system conducive to safe and convenient air transportation, its endeavors will constitute a public service of the greatest benefit.

#### *Recommendations.*

(1) THAT representation be continued in the Western States Aeronautics Association, that Idaho may further benefit by its studies in Aeronautic matters.

(2) THAT charter powers of highway Districts, cities of the second class and villages be extended to include levies and expenditures for airport purposes.

(3) THAT the State Land Board be authorized to lease or set aside adequate tracts of state land for airport use at nominal rental following the practice of the United States Government in setting aside government land for airport use. (Act of Congress approved May 24, 1928, Public No. 499 entitled "An Act to Authorize the Leasing of Public Lands for Use as Public Aviation Fields.")

J. D. Wood  
COMMISSIONER.

#### REPORT OF THE DIRECTOR OF AERONAUTICS OF OHIO \*

Under the law creating the Bureau of Aeronautics, the first duty of the director is to administer and enforce the provisions of General Code Sections 6310-39 through 6310-43, requiring commercial aircraft and pilots operating in Ohio to have the license for airworthiness issued by the U. S. Department of Commerce, Aeronautics Branch. In administering this law, I have tried to keep in mind that it was enacted "in the interest of aeronautical progress" (G. C. Sections 6310-40 and 6310-42). Its purpose was to secure licensed flying, not merely to prohibit unlicensed commercial flying.

The director of aeronautics was placed in an unusual position in the administration of this law; he was given no authority to make arrests himself, and no staff to inspect the entire state; he was given no power to require action by city and county officials, in enforcing the law; but these local officials, under the general laws of the state, had the power and the duty to investigate and prosecute violations of this law. Ohio required the use of a license which Ohio did not issue; Ohio adopted in this way the entire machinery of the Federal government for determining standards of airworthiness and applying these standards, and thus accepted and required standards set up by the Federal government. Therefore an Ohio sheriff or policeman must know what the Federal air rules and regulations are before

\*This report was furnished through the kindness of John M. Vorys and Lt. Frank McKee, Director of Aeronautics for the State of Ohio. Part of the report has been omitted.

he can tell what the license looks like which he is to look for. This unique situation is one of the results of the development of aerial transportation, and secures practical uniformity of requirements for airmen; and the Ohio law, unusual as it may appear in its provisions, is of the type considered by the leaders in law and in aviation as most conducive to public safety and aeronautical progress.

The director of aeronautics thus found himself administering the provisions of Federal rules and regulations over which he had no control, and requiring the enforcement of these provisions by local state officials over whom he had no control.

This task has not been as difficult as it sounds. The U. S. Department of Commerce, Aeronautics Branch, has been only too glad to cooperate; and, for the most part, the local state officials have been only too glad to cooperate, once they learned the way in which to enforce the law.

The work of the Bureau of Aeronautics has therefore been primarily educational, with regard to the licensing law; to explain to local enforcement officials the provisions of the state and Federal law; and the way to go about punishment of violations; and to explain to the public, all of them potential air pilots or passengers, the way in which the law protects them by insuring airworthy air transport.

#### *Supervision of Local Enforcement*

Copies of the Ohio Law and Regulations explaining the licensing law had been issued in 1929 (see Appendix B). After inspecting flying conditions at all of the large airports and at a great number of the smaller landing fields, and after investigating numerous reported violations, I became more and more convinced that the routine work of enforcement of the licensing law should devolve upon county and city officials, and that the great obstacle to such enforcement was the lack of knowledge of these officials of the work that they were supposed to do. They knew very little about the air laws, and very little about flying; and in their attempts to regulate flying, there was the danger on the one hand of unintelligent severity through suspicion of flying and flyers in general, and on the other hand of unintelligent leniency through the feeling that the one man in town who knew how to fly was a second Lindbergh and could do no wrong. I found out that it was practically impossible to explain all this by correspondence, and that it was also impractical for me to see all of the men involved personally in order to explain the interrelation of the laws of nature and the laws of man which govern flying.

What was needed was to get these officials together in a sort of air law enforcement school. For this purpose I organized the first Ohio Air Law Conference, which was held on May 7, 1930 at the beginning of the flying season. I invited all sheriffs, county prosecutors, airport managers, and representatives of the enforcement departments of the larger airport cities. One hundred and fifty attended. The Conference was conducted in the municipal airport hangar at Port Columbus. Governor Myers Y. Cooper gave an address on aviation in general; a representative of the U. S. Department of Commerce explained the Federal licensing system; Attorney General Gilbert Bettman discussed procedural phases of prosecutions under the law; and the director of aeronautics conducted a "question and answer" period on flying and flying regulations. In the hangar were examples of the various types of licensed and unlicensed aircraft, which were inspected by the audience and explained by pilots and by the various speakers. The U. S. Department of Commerce aeronautical inspectors for Ohio were present, and became acquainted with the local enforcement officials. Then the audience took their chairs to the door of the hangar and witnessed an aerial demonstration of the tests given applicants for pilot licenses, and demonstrations of the Air Traffic Rules in operation—all of which were explained from the ground to the Conference through a public address system. After this, the members of the Conference were taken up for complimentary airplane rides, so that they learned about flying "from the ground up."

This Conference resulted in an increased knowledge of and interest in flying and air laws by the officials present. Throughout the past flying season the Bureau of Aeronautics has had constant evidence of the satisfactory effects of the Conference on the administration of the air laws. After the Conference, the Bureau sent out further instructions and information as to air law enforcement.

Although the air laws have been better enforced this year than before I do not have a complete list of violations and investigations. I am not empowered to require reports from sheriffs and chiefs of police, and as the emphasis this year has been upon local enforcement through the usual enforcement agencies, complaints have been made locally and many of the cases have not been brought to my attention.

Although the law gives me power to appoint assistants and deputies, I did not have the funds to employ deputies, and thought it inadvisable to appoint volunteer deputies. We had, this year, two sheriffs in Ohio who were licensed pilots, namely John W. Parker, of Erie county, and Jay R. Ferry, of Portage county; and in a number of counties the sheriffs formally deputized pilots to assist them in their work. I believe that this is the proper procedure to follow for the future, rather than to have a large number of deputy state officials taking part in the enforcement of air laws.

In certain cases, I have had great difficulty in securing action in either investigation or prosecution, from county officials. For some time to come it will be necessary to have state-wide supervision of the enforcement of air laws, and I believe that for some time to come the actual enforcement and supervision should be done by the usual local officials. In view of this form of administration, I would recommend that the director of aeronautics be given power to require investigations by local officials, and to report to the Governor, for removal, officials who fail to act upon request or to report their actions when requested by the director of aeronautics. I would also recommend that the director of aeronautics be given authority and funds to conduct, at least once a year, an air law school for local officials, and that these officials be required to attend and be reimbursed for the expenses incurred in attendance as for other expenses incurred in line of duty.

#### *All Flying Should Be Licensed*

The Ohio law requires a license for commercial flying *only*. This means that in the prosecution of any case it must be shown that the flying was for hire, directly or indirectly. It is this loop-hole which has caused many cases of unlicensed flying investigated by the Bureau of Aeronautics and by local officials to be marked "No Violation" or "Insufficient Evidence." It always seems to appear that, whereas the unlicensed pilot flying in an unlicensed plane may be well known to have been carrying passengers for hire, when a specific case is investigated it turns out to be a mere "pleasure" ride. In two instances of fatal accidents, where the passengers were killed in unlicensed planes, the surviving pilot of course stated that he was taking up the passengers for pleasure only.

Aside from this administrative difficulty in the present law, it would seem that the safety of persons and property on the ground beneath all flying, whether for hire or not, and the safety of all persons who fly, whether as paid passengers or not, would warrant that every plane and pilot should conform to certain minimum standards of safety prescribed by a competent authority, and that therefore *all* planes and pilots in Ohio should have some sort of license for airworthiness. The majority of the states, 32 in number, have adopted this view; 20 states require Federal licenses for all aircraft and airmen, 6 states require either Federal or state licenses for all aircraft and airmen and 6 states require state licenses for all aircraft and airmen. Only 9 states, including Ohio, require a license for commercial flying only. The majority rule would seem to be the best rule—to require that all aircraft and pilots be licensed for airworthiness before flying over Ohio.

The objection has been made to such a law that, under it, the developmental and experimental work in aviation, in new and untried forms of aircraft, would be hampered. This objection comes from a misapprehension of the law. An experimental license—which consists of a license number preceded by the letter X—is one of the types of license issued by the U. S. Department of Commerce. It is issued for any type of experimental plane, but the use of such plane is limited to experimental purposes only, and it is not permitted to carry passengers. Such a license, in itself, constitutes a warning to friends of the experimenter who are offered a ride, that the airworthiness of such a plane is undetermined.

#### *Air Traffic Regulations*

Ohio has no air traffic regulations. Certain municipalities have enacted city ordinances incorporating the regulation of air traffic, and I have been able to secure some control by state officials over air traffic through reports of violations to the Federal inspectors, and through the threat of prosecution under General Code Section 12814, as constituting an unlawful interrupting or disturbing of a lawful assemblage of persons. This threat was, I believe, effective in stopping the low flying over football games which had constituted a nuisance and a menace in previous years. I did not receive a single complaint on this score during the fall of 1930.

Most of the complaints which come to the Bureau of Aeronautics, however, and most of those, I believe, which come to local officials, involve violations of air traffic rules rather than violations of the licensing law. Ohio should have some sort of air traffic regulations. All aviation authorities agree that from a standpoint of safety the state regulations should be uniform with those promulgated by the Federal government through the U. S. Department of Commerce, under the Air Commerce Act of 1926. It can be seen that the confusion and hazard which result from the variations which exist in motor traffic rules would be greatly increased in air traffic. We must have uniform air traffic rules, universally understood by all pilots, to prevent the accidents which come from an instant's confusion when traveling hundreds of feet a second.

One way to incorporate the Federal Air Traffic Rules would be to enact them as statutes. The objection to this method is that changes in the Air Traffic Rules which the development of the science of air navigation necessitates could not be made until the Legislature would meet again. The best way to incorporate these Air Traffic Rules, and the one which I recommend, would be to enact a law giving the director of aeronautics the authority and the duty to promulgate air traffic rules which shall conform to and coincide so far as possible with the provisions of the Regulations issued by the Federal government.

#### *Air-Marking*

Ohio has, in General Code Section 6310-44, the first mandatory municipal air-marking law in the world. The law provides that each municipality in Ohio shall be air-marked in accordance with the rules and regulations prepared by the director of aeronautics, within sixty days after being notified by the director. I described in my 1929 report the formulation of the Air-Marking Regulations. The law provided that, in case any municipality failed to air mark itself after being notified to do so by the director of aeronautics, the director might air-mark such municipality and charge the cost thereof to the municipality in an amount not to exceed twenty-five dollars. The Attorney General ruled that the twenty-five dollar charge should be paid into the state treasury, and that the cost of any air-marker erected by the Bureau of Aeronautics must be met by funds appropriated for that purpose. No such appropriation was made by the Legislature, and it was found that twenty-five dollars, in most cases, would not cover the cost of adequately air-marking a municipality. Therefore the "teeth" in this law were not effective, and the director of aeronautics had to rely upon voluntary

obedience of the law by municipalities, rather than enforcing compliance with it.

When the law first went into effect in 1929, and the Air-Marking Regulations were issued, it was comparatively easy to secure compliance with the law from a large number of towns. During 1930 the air-marking work of the Bureau of Aeronautics has been largely that of securing cooperation from the more dilatory and recalcitrant municipalities. Nevertheless, considerable progress in air-marking has been made, and Ohio is well known in aviation circles as being the best air-marked community in the world.

In 1929, when the air law went into effect, there were approximately 108 air-markers in Ohio. At the end of 1929, 398 municipalities were marked with 547 markers, and 78 municipalities were reported as in the process of erecting markers, so that I predicted that 476 municipalities would be air-marked for 1930 air traffic. At the close of 1930, 482 municipalities were reported as air-marked with 644 markers, and 54 municipalities reported that they were working on air-markers.

The State Highway Department has offered to cooperate in experimenting in the marking of roads for air traffic, and one splendid municipal air-marker was built into the brick pavement of a bridge at Napoleon, Ohio. Since the aviation maps most generally used do not show roads, and since road markers tend to be soon obscured by dirt, snow, etc., and since even light traffic makes it difficult to locate a road marker, I have not encouraged the erection of road markers.

I recommend that the director of aeronautics be given authority to require the air-marking of airports, and be given authority to eliminate air-markings which are confusing or deceptive. I have assumed this authority, but the law is not clear on these points.

I recommend that a rotary fund be established for setting up an air-marking division in the Bureau of Aeronautics. This fund need not be very large, but should be sufficient to make it possible for the state to air-mark municipalities, which could be charged for this work. In this way it is believed that the air-markers could be erected more cheaply than by the municipalities themselves, and uniformity in style and location of air-markers could be thus secured.

It would also be very helpful if authority were given the director of aeronautics to erect air-markers in such places as he deemed necessary, either inside or outside of municipalities. In this way some much needed experiments could be made toward the formulation of a satisfactory permanent system of air-markers.

#### *Public Relations*

While the duties of the director of aeronautics were limited by law and by appropriations, the all-inclusive title of "director of aeronautics" and the title "bureau of aeronautics" have caused the public to expect information and assistance in many matters outside the strict scope of the duties of the Bureau. I have attempted to answer questions and to render assistance wherever I could properly do so, without regard to whether my legal duty demanded this. The great interest of the public in aviation in general has resulted in many calls upon the director of aeronautics to make speeches and to participate in various aeronautical ceremonies. I have complied with such requests wherever possible.

I have found that these occasions were of great direct benefit in administering the air laws of Ohio. Both the licensing law and the air-marking law were enacted to secure safe aviation. These air laws require considerable explanation before they can be understood or their importance to aerial safety appreciated; but once the air laws are understood and appreciated, aviation enthusiasts become of greatest assistance in securing compliance with the law. If the general public learns what an aircraft or pilot's license looks like, what the holding of this license means, and what the lack of this license may mean, the general public will enforce compliance with the licensing law; they will not go into the air in unlicensed planes or with un-



licensed pilots. Thus the "gypsy" pilot finds himself without customers and either becomes licensed or moves away.

As to air-marking. I have found that my speeches on this subject, to audiences who were interested in aviation, have been more productive of air-markers than my demands made upon local officials. If the local people themselves become convinced of the importance of air-markers, and either erect markers themselves or demand that their local officials do it, the desired result is achieved.

The director of agriculture, appreciating the importance of the future of aviation in Ohio and the great public interest in aviation, and also appreciating the financial condition this year of both the aviation industry and the Ohio Bureau of Aeronautics, was most far-sighted and generous in his arrangements for the Aeronautical Exhibition at the Ohio State Fair. He provided an outstanding location for the exhibition, made special concessions to the exhibitors, and turned the direction of the exhibition over entirely to the director of aeronautics.

As a result we had, at the Ohio State Fair this year, the largest exhibit of commercial and military aircraft ever assembled at a state fair; we had six military planes, including the very latest types, with exhibits of armament, instruments, and parachutes; we had fourteen commercial planes, ranging in size from the tiny "Aeronca," made in Cincinnati, Ohio, to the huge tri-motored Ford of the type used to transport passengers and mail over Ohio, and including two Ohio-made primary training gliders. The exhibit was crowded night and day with an interested audience.

In the middle of the Aeronautical Exhibition, the Bureau of Aeronautics had its educational display depicting the licensing system for aircraft, showing the tests and inspections which were involved in securing licenses, and also showing some of the results of unlicensed flying. We also had the Air-Marking Regulations displayed, together with photographic examples of air-markers. This display was crowded constantly with interested persons asking questions and was, I believe, the most effective single enterprise of the Bureau of Aeronautics in educating the public on the air laws of Ohio.

Mr. Homer W. Johnston, who was at that time acting as assistant director of aeronautics, also acted as director of the Aeronautical Exhibition, and rendered valuable service to the state in this capacity.

A similar Bureau exhibit, although on a much smaller scale, had been displayed earlier in the year at the Cincinnati Air Show. Miss Marjorie R. Benedict, secretary of the Bureau, was in charge of this exhibit, and was very efficient in explaining the Ohio air laws to visitors at the booth. It was this earlier exhibit which gave us an insight into the possibilities of such displays in carrying on the work of the Bureau of Aeronautics.

#### *Ohio Aviation Accidents in 1930*

Believing that the Ohio law of aeronautics was enacted in the interest of safety in flying, I have, since the Bureau of Aeronautics was organized, kept a record of aviation accidents in Ohio.

I find that, in 1930, 24 persons were killed in 16 civil aviation accidents. Of these, 12 were pilots, 10 passengers, and 2 were bystanders. In addition, there was 1 person killed in a military flying accident, 2 persons were killed in glider accidents, 3 were killed in exhibition parachute jumps and 1 mechanic was killed by walking into the propeller of a standing plane.

I find that thirteen scheduled air transport lines flew approximately 1,850,900 miles in 1930. *Not a single pilot or passenger was killed or injured in Ohio in scheduled air passenger transport in 1930.*

In civil aviation, outside of scheduled air transport, there were approximately 6,750,000 miles flown over Ohio in 1930. Of the 10 passengers killed in the course of this flying, 4 were in unlicensed planes, with unlicensed pilots; 1 was in an unlicensed plane; and 1 was killed as the result of a violation of an air traffic rule. We thus find that only 4 passengers were killed in Ohio in 1930 in licensed flying in accordance with the Air Traffic Regulations.

A comparison with 1929 is interesting:

	<i>Fatal Air Accidents</i>	<i>Persons Killed</i>	<i>Miles Flown</i>
1929 .....	22	32	5,917,636
1930 .....	16	24	8,600,900

Thus, with nearly 50 percent more flying in 1930, there was a decrease of 25 percent in the number of persons killed.

The Bureau of Aeronautics has kept, in addition to fatal accidents, a record of all aviation accidents in which there was a possibility of injury. It was impossible for the Bureau to secure information as to all such accidents, as only the more spectacular accidents were reported. Such a compilation was made for the period June through December, 1929. These were the months during which the Bureau of Aeronautics was in existence, and these are the months during which the greatest flying activity takes place. Comparing these months with the same period in 1930, we find:

*Aviation Accidents, June—December*

<i>Year</i>	<i>Total Accidents</i>	<i>Persons Killed</i>	<i>Persons Injured</i>	<i>Persons Involved</i>	<i>Persons Uninjured</i>
1929 .....	119	23	15	172	104
1930 .....	85	17	51	172	104

These figures show a decrease in number of accidents and in number of fatalities. They also show that, contrary to the general belief of the layman, an aviation accident does not necessarily mean that some one is going to be killed or injured.

The above study of accidents tends to show that, with increased mileage and decreased accidents, flying has become safer in Ohio in the past eighteen months. Much of this is due to general progress in the development of aeronautics, through improved equipment and increased skill of personnel. It would seem likely, however, that the administration of the new Ohio law of aeronautics by the new Ohio Bureau of Aeronautics also had a share in making flying safer in Ohio.

RECOMMENDATIONS FOR LEGISLATION

I have heretofore in this report mentioned certain recommendations. I now wish to group all of my legislative recommendations together, including the matters already discussed.

When I was appointed to this position I was told by the Governor, by Hon. D. S. Ingalls, author of the aeronautics law, and by many members of both houses of the Legislature, that in addition to my specific duties under the law, I would be expected to make a careful survey of aviation conditions in Ohio, and a study of progress in aviation and air legislation elsewhere, so as to be able to make intelligent suggestions and recommendations to the next Legislature; that, in this respect, I was expected to replace the Joint Legislative Committee on Aviation which had made the study and investigations preliminary to the enactment of the Ingalls law. With this in mind, I have tried to keep in touch with developments in aviation in this state and elsewhere, and have studied with great interest the laws and administration of the laws in other states.

In February, 1930, I attended the Legislative Air Parley of the Mid-West States, at Milwaukee, Wisconsin. I also attended in February, at St. Louis, Missouri, a meeting between U. S. Department of Commerce representatives and the aircraft manufacturers, discussing the licensing laws. In August, I attended the First National Legislative Air Conference, held at Northwestern University at Chicago, Illinois. In December, I attended the National Conference on Uniform Aeronautic Regulatory Laws, at Washington, D. C., which was called by the Secretary of Commerce of the United States, and which was attended by two representatives from each state—my colleague from Ohio being the Honorable Earle L. Johnson.

At each of these conferences, I met with representatives of the National Aeronautic Association and the Aeronautical Chamber of Commerce of America. I have met repeatedly with the Commercial Aeronautics Committee of the Ohio Chamber of Commerce.

The recommendations which follow are the result of this study as applied to present conditions in Ohio.

*1. All Flying Should be Licensed.*

The Ohio law should require that every aircraft and pilot flying in Ohio should have the license for airworthiness required by the Federal government for the type of flying engaged in. This can be done by amending General Code Sections 6310-40 and 6310-42. As stated before in this report, thirty-two states now require all aircraft and pilots to be licensed. The Federal licensing system, which costs the Federal government millions of dollars to maintain and administer, is based upon standards of airworthiness derived from the most up-to-date engineering research for aircraft, and the most up-to-date scientific study and practical experience for pilots; these standards are kept from being bureaucratic and technical through constant contact with the aviation industry throughout the country; and while the licensing system has adequate minimum requirements, the system is elastic enough to cover all safe types of planes and pilots. For pilots, the following licenses are issued:—*Student, Private, Limited Commercial, and Transport*. For aircraft, *Experimental* and *Commercial* licenses are issued.

As has been stated before, the universal requirement of a license would not only protect all flying by insuring conformance to certain minimum standards, but is also needed in order to enforce efficiently the present licensing law for commercial aircraft and pilots.

*2. Ohio Should Have Air Traffic Rules.*

The director of aeronautics should be authorized and directed to formulate and promulgate air traffic regulations to "conform to and coincide with, so far as possible, the provisions of the Air Commerce Act of 1926 and amendments thereto passed by the Congress of the United States, and Air Commerce Regulations, issued pursuant thereto." This could be provided by a small amendment to G. C. 6310-38, from which the above language is quoted.

A penalty of fine or imprisonment, or both, should be provided for violation of the air traffic regulations. This could be done by a small amendment to General Code Section 6310-43.

Twice in Ohio, in 1930, persons on the ground were killed by aircraft accidents. Clearly supervision of all aircraft and all air traffic is needed, not only for the safety of those in the air, but of those below.

*3. State Officials Should be Given the Authority to Supervise Local Enforcement.*

The director of aeronautics should be given the power of a peace officer to make arrests, and be given authority to appoint deputies with such powers. While I believe that such powers should be used sparingly by the director, and most enforcement should be under local officials, there will be certain instances where this power will be helpful. For example, members of the staff of the Bureau of Aeronautics should have such powers for use in emergency cases, and it would be desirable to delegate such powers to the managers or superintendents of the large municipal airports.

The director of aeronautics should be given authority to require investigations by police and county officials, and to require reports of such investigations. He should be given power to report to the Governor, for removal, local officials who fail, neglect or refuse to make prompt investigations or reports upon request. I am a strong believer in the decentralization of enforcement in such matters, but we must have promptness and uniform-

ity of enforcement in the administration of a law like this, where the pilot under investigation may have come from hundreds of miles away a few hours before, and may be hundreds of miles away again, a few hours later. Promptness and uniformity can only come with supervision, and authoritative supervision.

I recommend that the director of aeronautics be given authority to call conferences for the instruction of sheriffs and police in air law enforcement, and that these officials be reimbursed for the travel and incidental expenses of such conferences by the county or city, as the case may be.

#### 4. *An Air-Marking Rotary Fund.*

The present law (General Code Section 6310-44) gives the director of aeronautics authority to air-mark a municipality which fails to mark itself, and charge the cost thereof to the municipality, in a sum not to exceed \$25.00. No appropriation was made for this purpose by the last General Assembly; it was also found that \$25.00 was too small an amount to pay for an adequate marker in the average community, and in the larger cities, where a number of markers were needed to air-mark the municipality, the charge of \$25.00 was entirely inadequate.

I recommend that General Code Section, 6310-44 be amended so as to make the maximum amount \$50.00 *per marker*, for erection or maintenance. I also recommend that an air-marking rotary fund of five thousand dollars be set up in the Bureau of Aeronautics for the purpose of air-marking. With this amount a light truck, ladders, paint, and the services of two air-marking men could be secured for a period long enough to start the fund "rotating" (i. e., long enough to have payments from the municipalities reimbursing the fund). In previous years a section of this law, which was obviously intended as a penalty, was looked upon by municipalities as an alternative form of air-marking. By recommendations would permit the Bureau of Aeronautics to furnish this alternative to municipalities.

By having air-marking done by the Bureau of Aeronautics, uniformity of design and lettering of the markers could be secured far better than by having this done locally.

#### 5. *Removal of Confusing Air-Markers.*

The director of aeronautics should be given authority to order the removal of air-markers or lights which are deceptive or confusing to air traffic. Such authority is so imperative, in order to insure safety in flying, that I have assumed such authority in issuing the present Air-Marking Regulations (see Appendix C). Section 14 provides:

"Air-Markers shall be made in accordance with these regulations, and no additional reading matter or symbols shall be used as a part thereof.

"No signs designed to be read from the air shall be made or erected which shall use the color scheme of the air-markers described in these regulations, or which shall tend to imitate an air-marker, and no signs intended to be seen from the air shall be erected or maintained without the written consent of the Director of Aeronautics of the State of Ohio."

I have had occasion to order an airport marker removed from a field no longer used as a landing field, and have ordered advertising matter used in connection with an air-marker changed so as not to be confusing. In each case, the condition changed was so hazardous and the order was so obviously reasonable that there was no challenge of the authority to make the order, but such authority should be given the director of aeronautics in plain terms.

#### 6. *Experimental Air-Marking.*

The director of aeronautics should be given authority to erect and maintain experimental markers. There will be sufficient funds for this purpose in the air-marking rotary fund after it has been in operation a sufficient

time. The present system of air-marking is based largely upon painting signs on convenient roofs. This is quite satisfactory temporarily for day-time travel, but such signs require constant maintenance, and experiments should be made with metal, stone or cloth markers of a more permanent nature. As Ohio has been a leader in air-marking, it would be most appropriate if Ohio maintained this leadership in devising an adequate air-marking system for the future.

7. *Municipalities Should be Empowered to Lease Airport Sites.*

General Code Sections 3677 and 2929 (see Appendix E) now provide for the purchase of land for airport purposes by municipalities, either within or without the limits of the municipality. The Attorney General has ruled that these sections do not give authority to *lease* land for airport purposes outside of a municipality. The law should be amended so as to specifically authorize *leasing* of land for airports. In many communities, funds are not available for the purchase of land for an airport, whereas an adequate area could be leased by the municipality without any great burden to the municipal budget. A city may choose the wrong location for its airport site, and if it purchases the ground, it has no opportunity for a second guess. If it leases the ground, with an option to purchase, it will have an airport; and later, after the qualifications of the site are known by experience, it may either choose another site or purchase the leased site at a fair figure.

8. *State Regulation of Airports.*

The director of aeronautics should be given the authority and the duty to classify airports as to size, equipment and use; which classification should conform to and coincide with, so far as possible, the Federal regulations classifying airports. He should be given authority to issue field rules for airports which should also conform, so far as possible, to the Federal regulations on this subject. He should be empowered to require the air-marking of airports, in accordance with the classifications assigned by him, and he should be given authority to forbid the use of airports for other purposes than those in the classification assigned, under proper penalties.

The considerations of safety and convenience which require uniform classification and uniform field rules for airports are obvious. A pilot regardless of where he comes from, must be able to know *from the air* just what sort of airport he is landing on, and just what he is supposed to do before he lands,—not only for his own protection and convenience, but for the protection and convenience of those in the air and on the ground around the airport. Therefore, the airport must be marked in a way comprehensible to the visiting pilot, and physical conditions and field rules on the airport must correspond with what is seen from the air.

I recommend limiting the uses of airports and landing fields. There must be an ever-increasing number of airports and landing fields in order to make air traffic available to all, but in our enthusiasm to make a good showing in this regard, we have permitted and encouraged the use of airports and landing fields which were in use during 1930. Many of these, while valuable as emergency fields, are not safe for instruction or for the landing of large planes, either because of small size, rough or swampy condition of the landing surface, or obstructions. Some one should have authority to point out to a community that their so-called "municipal" airport is only an emergency field, and should not be used in its present condition for anything except emergencies when any field is better than none. It would seem that the director of aeronautics of the state is the proper official for this work.

9. *State Encouragement of Airports.*

If the state attempts to regulate airports, municipalities will immediately ask of the state, "How can we improve our airport so as to secure state

approval?" and, "How can we secure an airport which will be assured, in advance, of state approval?" These questions have already come repeatedly to the Bureau of Aeronautics. It is only fair that the state, which in the interest of aeronautical safety makes certain requirements of airports, should point out these requirements in advance or should, where possible, point out the way in which these requirements can be met. This means expert advice by the state on the acquisition, conditioning and maintenance of municipal airports. Since this advice will be sought from the Bureau of Aeronautics anyhow, I recommend that the need for such advice be recognized and provided for and that the director of aeronautics be given authority to advise with municipal officials on their airport problems.

In the location of a municipal airport, there is usually a contest between conflicting local interests, with the result that often the best site is not chosen, and often choice of a site is delayed indefinitely. In such situations, the director of aeronautics has often been called upon to choose a site, but has refused because such action is neither required nor authorized under the law. I recommend that the director of aeronautics be required, upon formal request by resolution of any city council, to designate his choice or choices of airport sites for such municipality. Such an expression of choice by an impartial, expert outsider, while having no binding effect upon the municipality, would usually be followed by the municipality and would eliminate many mistakes and delays.

#### *Bureau of Aeronautics Budget*

The budget for the Bureau of Aeronautics is being submitted to the finance director and to the Legislature through the regular channels. I wish to call attention, however, to certain particular items:

##### *10. Chief Pilot.*

The Bureau of Aeronautics should have an assistant director, or chief pilot, who should be a licensed Transport Pilot and who should act as field man for the Bureau, making inspections and investigating flying conditions constantly.

The average pay for Transport Pilots in the employ of a representative group of reporting companies in 1930 was \$550 per month. This is the type of man needed for this work, and his salary will have to be commensurate with that which he could receive in private employment. The U. S. Department of Commerce pays from about \$4,000 to \$5,600 per year for various types of aeronautical inspectors. I would recommend an appropriation of \$4,500 per year, for this position.

##### *11. Airport Engineer.*

The Bureau should also have an airport engineer, whose duties would be to attend to the airport work of the Bureau of Aeronautics (see above). Such an engineer would have to be paid about \$4,000 per year, in order to secure the proper type of man.

##### *12. State Aircraft.*

The Bureau of Aeronautics should have at least one aircraft, preferably two. The inspections required of the Bureau of Aeronautics of flying conditions and air-marking under the present law, and the inspections required under the proposed amendments to the aeronautics law, can only be made properly with an airplane. Of course, it is ridiculous to have a Bureau of Aeronautics without an airplane. The state which has legislated to promote and regulate air traffic should use this means of travel for both its regulation and promotion. Experience in operating aircraft will keep the Bureau staff in touch with flying conditions as in no other way. The state

should have one cabin plane, which can be purchased for about \$6,000 and one open cockpit biplane, which can be purchased for about \$4,000.

*13. Air Transport Should be Available for All State Officials.*

My experience in traveling 8,443 miles by air on state business in borrowed or rented planes has convinced me that air travel would be beneficial and economical for many other state officials, whose duties require their presence at far distant places over the state on short notice. While the Bureau of Aeronautics has a peculiar need for such transportation, it would be an economy for the state, in multiplying the usefulness of many of its officials. I recommend that state officials be authorized to travel by scheduled air transport lines whenever such form of travel is available for their business. For emergency trips, at times or to places when regular air transport lines are not available, the Bureau of Aeronautics should be authorized to carry state officials at cost, said mileage payments to be transferred by inter-departmental voucher to the credit of the Bureau of Aeronautics' air transport fund, and to be expended by the Bureau for aviation gasoline and oil, and for maintenance and repair of aircraft. Such trips should be made only upon the authorization of the head of the department involved, and upon the authorization of the director of aeronautics. If the state should acquire aircraft, requests for transportation would be constant. By providing by law for the use of such aircraft, and by limiting by law the use of such aircraft for other purposes, the director of aeronautics would be relieved of considerable embarrassment, and the state would be assured of the most efficient use of its aircraft.

*14. The Director's Salary Should be Raised.*

The salary of the director of aeronautics should be increased. I believe that his salary should be at least \$6,000 per year. The duties of the director are varied and highly technical; he must be familiar with both legal and scientific developments in aeronautics, and must be a first-class man from a field where, although many at present are unemployed, the salary range of those employed is high. This increase would require an amendment of General Code Section 6310-38.

*15. No Aviation Taxes.*

I recommend that no special taxes be levied upon aviation at this time, either by way of gasoline tax, license fees, or other charges. The time will come when this new industry will have reached a stage where it will be able to produce its share of special public revenues. That time has not yet arrived. The scheduled air transport companies, which are making air transport available to the public at remarkably low figures, are still operating at a loss. For large planes, their operating cost is ninety cents a mile; their average gross income is less than sixty cents a mile. These companies would probably pay the bulk of any taxes levied, and such taxes would at present only increase the deficits of these companies.

The comparatively small appropriations needed in Ohio for the next biennium to regulate and promote aeronautics should come from other than aviation sources. Air commerce and industry now pay regular taxes, just as other commerce and industry; it would seem that, for the present, the best way to secure increased tax revenues from aviation would be to encourage the general growth and value of air commerce and industry, through securing safe flying conditions, and the public confidence and support which such conditions will merit.

*16. Aeronautical Advisory Commission is Recommended.*

I recommend that an Aeronautical Advisory Commission be created, the members to serve without salary, but to receive their actual expenses incurred while on official state business. The duties of such commission would be to advise with the Governor and the director of aeronautics, on

matters pertaining to aviation; to promote and encourage aviation in Ohio; and to present to succeeding legislatures recommendations with reference to future legislation with regard to aeronautics.

*17. No Laws Fixing Civil Air Rights and Liabilities Should be Passed.*

Aviation has created new situations in the realm of private law respecting persons and property. The rights of property owners above their land, the liabilities of aircraft carriers, are some of the problems now in the courts. There is always a temptation to try to solve such problems by "passing a law." I would not recommend that attempts be made at this time to fix by statute the civil rights and liabilities pertaining to aviation, or to attempt to develop private air law through statutory enactments. Development of the unwritten or common law, by the courts, in the light of the developments in aeronautics, will for the present cause civil air law to evolve as it is needed. I am certainly opposed to the placing of the power to determine private rights and liabilities in aviation matters in the hands of this Bureau, or of any other.

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In conclusion, I believe that the above recommendations, which are the result of two years' study and experience, will insure maximum safety in aviation with a minimum of appropriations and bureaucratic control. Most of the recommendations merely follow what has been established in other states; on the other hand, Ohio is looked at by many states as a leader in aviation, and her aeronautics laws should be a pattern for other states to follow.

Respectfully submitted,

JOHN M. VORYS,  
Director of Aeronautics.

## International Regulation

### INTERNATIONAL CHAMBER OF COMMERCE\*

The Sixth General Congress of the International Chamber of Commerce will be held in Washington, D. C., May 4-9, 1931. The announcement and preliminary program contains the items, "Air Transport, Air Mail, Air Law, Barriers to Air Transport," which will be of special interest to those who study the legal problems of aeronautics. Discussions will probably take place on questions of international law and postal regulations in connection with the Convention on Air Navigation of October 13, 1919, and with the air postal regulations of the Universal Postal Union and of the Postal Departments of the various governments. Compulsory insurance of passengers, freight and third parties is another important topic which may be debated, together with seizure, attachment or detention of aircraft, customs procedure, and the basic principles of national regulations governing the status of air transport companies both with respect to the transfer of ownership and operation of planes and the regulation of international transport by both general international convention and by bilateral agreements.

Commercial aeronautics has been a subject to which the International Chamber of Commerce has directed its interest since its Congress held at

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\*Reported by Margaret Lambie, who acknowledges information from the American Section of the International Chamber of Commerce, Washington, D. C.



Rome in 1923, which included in its agenda "International Air Transport as an essential factor in the improvement of international commercial relations." At that Congress a resolution was adopted under the heading, "Air Navigation", as follows:

THIS CONGRESS . . . hereby recommends:

1. That the International Chamber of Commerce establish a permanent international Advisory Committee which will include financial, industrial, legal and aviation experts.
2. That this permanent Committee examine the steps practicable, both immediately and subsequently, to promote the international development of civil aviation for commercial purposes.
3. That the Committee maintain touch with any national or international organization concerned with Air Navigation so as to ensure the closest collaboration, and that it exert every means at its disposal to increase the interest of financiers and business men in this subject, with a view to arriving at an international regulation.

The character and limits of action of this Committee had not been clearly defined and no practical program had been proposed for its guidance. It was therefore decided that the Congress at Brussels in 1925 should be asked to approve a definite program and to authorize the reorganization of the Air Transport Committee. A special committee was appointed to draft the proposals, the report of which committee included the statement that international agreements, both private and public would be necessary to install and operate international air lines. The report explained the principle followed by the special committee was that the International Chamber of Commerce should not aim at replacing existing organizations, but should work in conjunction with them; that the real rôle of the Chamber, as representing business men, was to intervene and take action when no other organization was fitted to do so. The report continued with a brief description of existing international aeronautical organizations, and recommended that the International Chamber of Commerce take an active part in commercial aviation.

The Congress at Brussels in 1925 passed a resolution to reorganize the Air Transport Committee, and on the question of air mail voted as follows:

THE CONGRESS OF THE INTERNATIONAL CHAMBER OF COMMERCE,  
*Considering* that air mail transport is one of the most important factors in international air traffic,

a) *Decides* to further, in all possible ways, a general agreement relating to postal connections between air mails to whatever destination;

b) *Decides* to take all necessary measures in order to further international agreements relating to the study, and establishment of air lines on the principal international postal routes.

And a third resolution adopted was as follows:

*Considering* that in various countries interested in Commercial Aviation new questions of civil law are constantly arising, involving serious danger of conflicting judgments in the Civil Courts,  
*Decides* to take all necessary measures with a view to recommending the convocation of an international official Conference, charged with drafting an International Convention on Civil Air Law similar

to the International Convention on Public Air Law<sup>2</sup> signed on October 13th, 1919.

As a result of the last resolution the Air Transport Committee submitted to the Fourth Congress, at Stockholm in 1927, three drafts of international conventions, which correspond to three essential needs of commercial air transport, namely, The Responsibility of the Operators of Aircraft, The Insurance of the Crews of Aircraft, and the Uniform Air Consignment Note. Other draft conventions are being considered by the Air Transport Committee on the subjects of uniform passenger tickets and baggage checks, nationality of aircraft, standard air insurance policies, etc.

In accordance with the above resolution on air mail two questionnaires were sent out and a report compiled from the replies, which was sent to forty-nine postal administrations accompanied by a Resolution. This Resolution drew the attention of the postal administrations to the advantages to be derived from the early convocation of a limited official conference "to inquire into the possibility of establishing, as a practical experiment, a limited joint agreement between the postal administrations of countries crossed by the heaviest and longest postal currents." Responses led to the calling of an official Conference through the agency of the Universal Postal Union.

The Fifth Congress of the International Chamber of Commerce, held at Amsterdam, July 8-13, 1929, passed the following resolutions on Air Transport:

*1.—Air Law and Regulations.*

*a) Liability of air carriers.*

The International Chamber of Commerce,

Whereas the diversity of national laws and regulations governing air transport is a very and increasingly serious obstacle to the development of international commercial aviation.

Whereas in particular it is of vital importance for commercial aviation that all questions of private law relating to it should be uniform in all countries,

Whereas the common interest of air transport users and of the air carriers themselves demands that first of all and as soon as possible the question of the liability of air carriers should be the subject of uniform international regulations,

Recommends that the governments, with as little delay as possible, convert into an international Convention the draft prepared by the "Comité International Technique d'Experts Juridiques Aériens" on the liability of carriers in international transport by aircraft and on air traffic documents, and, as far as possible, take into consideration the recommendations presented by the Air Transport Committee of the International Chamber of Commerce on this draft convention,

Urges the necessity in adopting this draft convention, of not reopening the question of principle and the figures already included in the international convention on the liability of the carrier by aircraft adopted by the "Conférence Internationale de Droit Privé" (November 1925), inasmuch as the reopening of the discussion would delay the putting into force of international legislation equally desired by international trade and by air transport companies.

*b) Air Traffic barriers.*

The International Chamber of Commerce,

Whereas it is essential that in its initial stages air transport

should be freed from all barriers that might hamper or misdirect its development for years,

Whereas in particular it is essential that everything possible should be immediately done to maintain and develop two essential characteristics of air transport: speed and suitability to international connections,

After due consideration of the questions connected with freedom of passage and traffic, and forced landings,

Recommends that in the drafting and interpretation of international conventions concerning air navigation, Governments should refrain from placing any barriers in the way of the international development of air transport and air traffic; and

Recommends that customs formalities in connection with passengers and goods carried by air should be accelerated both on departure and on arrival, according to the detailed suggestions presented by the Committee on Commercial Policy and Trade Barriers of the International Chamber of Commerce in its report to the Economic Consultative Committee of the League of Nations (May 1929).

### 2.—Free Airports.

The International Chamber of Commerce,

Recommends that free airports be established in the principal international trade centres, and that in such free airports goods be loaded, unloaded and warehoused, and aircraft used in regular transport be repaired, assembled and equipped, free of all customs duties.

### 3.—Air Mail.

The International Chamber of Commerce,

Whereas the acceleration of postal traffic by the use of aircraft is of importance to the economic world,

Whereas, in order to facilitate the development of air mail, it is necessary that its uniform regulation should be flexible enough to remain always adapted to the conditions of a mode of transport in a state of rapid evolution,

Recommends that the decisions reached by the Universal Postal Congress in London providing for the possibility of modifying, in accordance with practical experience, the provisions of the Universal Postal Convention concerning air mail, be applied as soon as the necessity arises.

### 4.—Through "Air and Rail" Transport.

The International Chamber of Commerce,

1) Whereas through "air and rail" transport is of importance to international trade,

Recommends that its National Committees urge air transport and railway companies to inquire into the possibility of organizing through "air and rail" traffic.

2) Whereas difficulties still confront an inquiry into and the introduction of a *uniform international* through traffic system,

Whereas it is necessary to obtain definite experience before framing uniform international regulations based upon such experience,

Recommends that in each country where air lines exist, the managers of the air navigation companies and of railway companies open *direct negotiations* with a view to establishing a through "air and rail" traffic system, and suggests that the agreements to be reached follow as closely as possible the agreements already concluded and applied in Sweden, Germany, Switzerland and Belgium, so as to facilitate the eventual conclusion of a uniform international agreement.

Recommends that in every agreement provision be made, as far as possible, for every kind of through "air and rail" traffic, irrespective of the original means of transport and the number of transshipments.

Requests the International Railway Union, in co-operation with the International Air Traffic Association, to inquire into the possibility of reaching a uniform international agreement for through "air and rail" traffic, such agreement should be based upon the extension of the private agreements already reached and tested.

3) Whereas through "air and sea" traffic is of growing importance,

Recommends that such through traffic be made the subject of urgent inquiry.

The results of the Sixth Congress of the International Chamber, which is to be held in Washington, May 4-9, 1931, will be printed in the July number of this Journal.

#### AIR MAIL CONFERENCE AT BRUSSELS\*

A preliminary conference was held at Brussels, October 16 to 18, 1930, to prepare the program of the Inter-European air mail conference to be held in October, 1931, for the organization and development of air mail transportation between the principal European cities. Delegates attended from the civil aviation and postal departments of Belgium, Czechoslovakia, Finland, France, Germany, Great Britain, Italy, Netherlands, Sweden and Switzerland from the international bureau of the Universal Union, Berne, Switzerland.

A report on problems of air mail transportation was the basis of discussion. The report, prepared by the director of technical services of aeronautics in Belgium, credited the development and success of air mail services in the United States to eight principal causes and indicated that none of the conditions had been achieved in Europe. It was proposed that they might be accomplished by means of a European agreement. Plans for the operation of European air mail services by a single company or by a combination of national groups were outlined. It was indicated that direct subsidies might soon be discontinued by governments. Several desirable objectives such as the delivery of air mail from distant points early in the morning, late collection of air mail and uniform low rates were discussed, as were the application of air mail services to European conditions.

The reasons for the development of air mail services in the United States given in the report and discussed were:

1. Great distances are covered by air mail.
2. Extensive publicity explains the advantages of air mail.
3. Mail is carried by night as well as by day, making an important gain in time for business.
4. Regularity is assured by efficient and well-developed basic arrangement.
5. Basic requirements include aircraft which may be flown in all kinds of weather, even fog, without deviation from the route, thus increasing security.
6. The air mail surtax is uniform.

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\*Reported by Brower V. York, Chief, Information Section, Aeronautics Trade Division, department of Commerce.

7. No formalities are required for air mail. Any letter-box may be used, and ordinary stamps will do, with the words "Air Mail" or with special envelopes marked in red, white and blue.
8. Air mail transportation is independent of passenger service.

After the consideration of the points indicated the following questions were the subjects of discussion:

1. To invite each postal administration of Europe to establish the average weight for letters and postal cards destined for important European centers served by air routes.
2. Publicity.
3. Formation of an air network in Europe and coordination of schedules.
4. Collaboration of aviation with maritime and land systems of communication.
5. Formation of a proper basic arrangement.
6. Postal surtaxes.
7. Development of facilities for posting air mail.
8. Should air mail be carried in special planes?
9. Methods of cooperation to be adopted to secure efficient international cooperation.
10. Other minor points.

A proposed questionnaire was adopted to be sent to European postal and air services by the international bureau of the Universal Postal Union in order to secure needed information. A second preliminary conference was decided upon to be held in June, 1931, and the date for the Inter-European Air Mail Conference was fixed for October, 1931, at Brussels.

The questionnaire, answers for which were desired by April 1, 1931, was divided into three parts:

I. Importance of Traffic, letters and cards only, between European centers and the apportionment of charges and weights among carriers.

II. Constitution of a Provisional Postal Network by the Utilization of Existing Lines. Including the lines having a general interest in mail, the adjustment of schedules for postal needs, taking into consideration the ordinary land or maritime transportation. Indicating the lines over which night flying could be best utilized, stating which lines in each country has necessary beacons for night flying, and for which routes beacons are planned in the near future. Indicating the last hours in which planes may arrive in order to have the mail included in the first delivery, whether surtaxes for air mail should be maintained or suppressed, publicity, improvement of conditions for posting air mail and regularity of air mail, carried at night.

III. Formation of a European Special Air Mail Network. Giving a plan of the lines to be considered, schedules for night and day, methods for reimbursing carriers for transportation, surtaxes, etc., and giving a plan of cooperation for an international operation. Giving information as to whether the European air routes should be exclusively reserved for air mail transport or whether there should be mixed transport (passenger, mail and goods) and if the latter which one should have priority, influence on prices, etc.