

**Sec. 15. Laws repealed.**—Mason's Minnesota Statutes of 1927, Sections 3183-5 and 3183-14, and Laws 1931, Chapter 8, are hereby repealed.

**Sec. 16. Inconsistent acts repealed.**—All acts or parts acts inconsistent with the provisions of this act are hereby repealed.

**Sec. 17. Provisions severable.**—The various provisions of this act shall be severable. If any section or part of this act be declared unconstitutional or invalid for any reason, the remainder of this act shall not be affected thereby.

**Sec. 18. Effective July 1, 1935.**—This act shall take effect and be in force from and after July 1, 1935.

Approved April 29, 1935.

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#### CHAPTER 358—H. F. No. 1404

*An act to amend Laws 1933, Chapter 430, Sections 1, 2, 3, 12, 17 and 21, regulating aeronautics.*

Be it enacted by the Legislature of the State of Minnesota:

**Section 1. Definitions.**—Laws 1933, Chapter 430, Section 1, is hereby amended so as to read as follows:

“Section 1. 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, emergency landing strips, air navigation facilities, or air instruction.

(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 area, either of land or water, which is used or which is made available for the landing and

take-off of aircraft, and which provides facilities for the shelter, supply, and repair of aircraft, and which, as to size and design, has at least 1,800 feet of effective landing length in at least six directions, with clear approaches, and which field shall be in good condition for landing at all times, or has landing strips not less than 500 feet wide, permitting landing in at least six directions at all times, with at least one landing strip aligned with the general direction of the prevailing wind, the landing strips not to cross or converge at angles at less than 40 degrees, nor any one of the landing strips to be less than 1,800 feet in effective length with clear approaches, or has two landing strips, one aligned with the general direction of the prevailing wind, permitting at least *four-way* landing at all times and having clear approaches, the landing strips to be at least 500 feet wide and at least 2,500 feet in effective length, and not to cross or converge at an angle less than 60 degrees; and which, in any case hereinafter mentioned, meets the minimum requirements as to surface, marking, equipment and management as may from time to time be provided, by the Minnesota aeronautics commission.

(f) "Landing field" means any area, either of land or water, which is used or which is made available for the landing and take-off of aircraft, which may or which may not provide facilities for the shelter, supply and repair of aircraft, and which meets the minimum requirements as to size, design, surface, marking, equipment and management as may from time to time be provided by the Minnesota aeronautics commission.

(g) "Emergency landing strip" means an area, either of land or water, which is available for the landing and take-off of aircraft, having not less than 200 feet of usable width and not less than 1,000 feet of usable length, the use of which shall, except in case of emergency, be only as provided from time to time by the regulations of the Minnesota aeronautics commission.

(h) "Person" means any individual, association, copartnership, firm, company, corporation, or other association of individuals.

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

(j) Any person engaged in giving instruction, or offering to give instruction in aeronautics—either in flying or ground subjects, or both—for or without hire or reward, and

advertising, representing, or holding himself or itself out as giving or offering to give such instruction, shall be termed and considered an "Air School."

(k) Any person (other than an individual) who, neither for profit nor reward, owns, leases, or uses one or more aircraft for the purpose of instruction, pleasure, or both, shall be termed and considered a "Flying Club."

(l) "Aviation instructor" means any individual engaged in giving instruction, or offering to give instruction, in aeronautics—either in flying or ground subjects, or both—for or without hire or reward, without advertising such occupation, without calling his facilities an "Air school" or anything equivalent thereto, or without employing or using other instructors.

(m) "*Commercial Aviation*" means the operating of aircraft while carrying persons for hire, either as passengers or while receiving flying instructions."

Sec. 2. **Pilots must be licensed.**—Laws 1933, Chapter 430, Section 2, is hereby amended so as to read as follows:

"Sec. 2. *Aircraft must be licensed. It shall be unlawful for any person to operate or navigate, or cause or authorize to be operated or navigated, any civil aircraft within the State unless such aircraft is licensed by the Minnesota aeronautics commission, or shall have an appropriate, effective license issued by the Department of Commerce of the United States, or is licensed by a foreign country with which the United States has a reciprocal agreement covering the operations of such licensed aircraft, or is a public aircraft of the United States or any state, territory, or possession thereof, or is an aircraft licensed by any state having similar licensing requirements to those of Minnesota.*

(a) *Commercial Aircraft.* All aircraft engaged in commercial aviation operating within this state shall conform with respect to design, construction, and airworthiness to the standards prescribed by the United States government with respect to the operation and navigation of civil aircraft subject to its jurisdiction, the Minnesota aeronautics commission is hereby empowered to issue commercial licenses to such aircraft as may be found airworthy, and insofar as is practical, the standards prescribed by the Department of Commerce of the United States with respect to design, construction, and airworthiness, shall be applied to aircraft engaged in commercial aviation within this state, and before issuing a commercial license, the Minnesota aeronautics com-

mission may require that said aircraft shall meet all standards prescribed by the Department of Commerce of the United States for aircraft subject to its jurisdiction. All applications for a commercial license may be in writing, signed by the applicant, and shall be accompanied by such filing fee as the Minnesota aeronautics commission may designate, not exceeding \$25.00 annually for a single motored aircraft or \$50.00 annually for a multimotored aircraft, which fee shall be paid into the state aviation fund.

(b) *Non-commercial Aircraft.* The Minnesota Aeronautics Commission shall issue restricted licenses for the limited operation of non-commercial aircraft as hereinafter provided. All applications for a non-commercial license shall be in writing, signed by the applicant, and shall be accompanied by such filing fee as the Minnesota aeronautics commission may designate, not exceeding \$25.00 annually for a single motored aircraft or \$50.00 annually for a multimotored aircraft, which fee shall be paid into the state aviation fund. When such application is filed, the Commission shall grant a temporary license to test fly said aircraft for a designated period, during which period any licensed transport pilot may conduct flying tests of said aircraft, provided that said aircraft shall not be flown over any inhabited city, town, or village during said period. During the time that said temporary license is in effect, the Minnesota aeronautics commission shall designate a transport pilot or inspector to test said aircraft or otherwise determine whether it is airworthy, and may also designate the place where tests shall be carried on. Such designated pilot or inspector may test fly said aircraft himself or he may require it to be tested within his view by having it subjected to such flying tests as the Minnesota aeronautics commission may require. If said aircraft is determined to be airworthy then the Minnesota aeronautics commission shall issue a license authorizing said aircraft to be flown for non-commercial purposes only, and markings prescribed by the Minnesota aeronautics commission shall be placed on said aircraft to show that same is licensed only for non-commercial purposes.

The Minnesota aeronautics commission is hereby empowered to temporarily or permanently revoke any license issued by it or refuse to issue a license whenever the commission shall determine that any aircraft is not airworthy.

**Sec. 3. Exceptions.**—Laws of 1933, Chapter 430, Section 3, is hereby amended so as to read as follows:

*"Sec. 3. It shall be unlawful for any person to operate or cause to be operated any aircraft in this state unless such person is licensed by the Minnesota aeronautics commission, or is a holder of a correct, effective pilot's license issued by the Department of Commerce of the United States, or is a pilot licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft, or is a pilot licensed by a state having similar licensing requirements to those of Minnesota, or is a pilot in the military or naval service, active or reserve, of the United States or of any state, while operating military or naval aircraft.*

*The Minnesota aeronautics commission may prescribe such reasonable rules and regulations for the granting of pilot's licenses as it may deem necessary and advisable for the public safety, and the safety of those engaged in aeronautics.*

**Sec. 4. Minnesota Aeronautics Commission created.**—Laws 1933, Chapter 430, Section 5, is hereby amended so as to read as follows:

*"Sec. 5. There is hereby created an aeronautics commission to be known as the Minnesota aeronautics commission, consisting of five persons to be appointed by the Governor as hereinafter provided and to serve without pay. 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. No person shall serve on this commission unless he or she at the time of appointment belonged to one of the following groups:*

*(a) Persons holding a correct and effective pilot's license from the Department of Commerce of the United States, or a pilot's license issued by the Minnesota aeronautics commission.*

*(b) Commissioned officers holding a flying rating in the armed forces of the United States whether on active duty or in the reserve corps including commissioned officers holding flying ratings in the United States Army, United States Navy, National Guard, or Naval Militia.*

(c) *Persons actively engaged in or having had at least three years of practical experience in civil aeronautics,—provided however, that no more than two members of the commission can belong only to group (c).*

**Sec. 5. Airport operators to make application for approval—Licenses.**—Laws 1933, Chapter 430, Section 12, is hereby amended so as to read as follows:

“Sec. 12. Within 60 days after the commission is created, all owners and/or operators of all airports, landing fields, air schools, and flying clubs, and the owners and/or operators of all air beacons and air navigation facilities, shall make application to the commission for its approval of such airport, landing field, air school, flying club, air beacon, or other air navigation facility, and the commission shall immediately consider and pass upon such application. Within the same period all pilots and owners and/or operators of all aircraft shall register the Federal License of said airmen and of said aircraft in such manner as the commission may by regulation prescribe. All proposed airports, landing fields, air schools, flying clubs, air beacons, 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, landing field, air school, flying club, air beacon, or other navigation facility to be used or operated without the approval of the commission; and it shall be unlawful for *any* aircraft, except in case of emergency, to land upon or take off from any area in the state of Minnesota, other than an airport, landing field, or emergency landing strip; 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, landing fields, air beacons, 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 *annual* certificate of registration of each Federal license for pilots and aircraft, *a fee to be fixed by the Minnesota aeronautics commission, not exceeding \$10.00 may be charged.*

For issuance of each annual airport license, \$10.00.

For issuance of each annual landing field license, \$10.00.

For issuance of each annual air school license, \$10.00.

For issuance of each annual flying club license, no fee shall be charged.

For issuance of each annual air beacon license, no fee shall be charged.

For issuance of each annual other air navigation facility license, no fee shall be charged."

**Sec. 6. Powers of Commission.**—Laws 1933, Chapter 430, Section 17, is hereby amended so as to read as follows:

"Section 17. In any case where the commission rejects an application *for a pilot's license or a license for any aircraft, or* for permission to operate or establish an airport, landing field, air school, flying club, air beacon, or other air navigation facilities, or in any case where the commission shall issue any order requiring certain things to be done, *or revoking any license on any aircraft,* 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, landing field, or order any air school, flying club, or air beacon, 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 Minnesota 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, landing fields, air schools, flying clubs, air beacons, 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.

**Sec. 7. State aviation fund created.**—Laws 1933, Chapter 430, Section 21, is hereby amended so as to read as follows:

"Sec. 21. There is hereby created a fund to be known as the "State Aviation Fund". All moneys received *from the registration of federal licenses on aircraft and pilots,* from the licensing of *aircraft,* airports, landing fields, air schools, or other licenses issued under the provisions of this Act, shall be paid into the State Treasury and credited to such fund."

Approved April 29, 1935.