

CHAPTER 360

AIRPORTS AND AERONAUTICS

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360.305 EXPENDITURES FOR AIRPORTS AND NAVIGATION.

[For text of subs 1 to 3, see M.S.2004]

Subd. 4. **Costs allocated; local contribution; hangar construction account.** (a) Except as otherwise provided in this subdivision, the commissioner of transportation shall require as a condition of assistance by the state that the political subdivision, municipality, or public corporation make a substantial contribution to the cost of the construction, improvement, maintenance, or operation of the airport, in connection with which the assistance of the state is sought. These costs are referred to as project costs.

(b) For any airport, whether key, intermediate, or landing strip, where only state and local funds are to be used, the contribution shall be not less than one-fifth of the sum of:

(1) the project costs;

(2) acquisition costs of the land and clear zones, which are referred to as acquisition costs.

(c) For any airport where federal, state, and local funds are to be used, the contribution shall not be less than five percent of the sum of the project costs and acquisition costs.

(d) The commissioner may pay the total cost of radio and navigational aids.

(e) Notwithstanding paragraph (b) or (c), the commissioner may pay all of the project costs of a new landing strip, but not an intermediate airport or key airport, or may pay an amount equal to the federal funds granted and used for a new landing strip plus all of the remaining project costs; but the total amount paid by the commissioner for the project costs of a new landing strip, unless specifically authorized by an act appropriating funds for the new landing strip, shall not exceed \$200,000.

(f) Notwithstanding paragraph (b) or (c), the commissioner may pay all the project costs for research and development projects, including, but not limited to noise abatement; provided that in no event shall the sums expended under this paragraph exceed five percent of the amount appropriated for construction grants.

(g) To receive aid under this section for project costs or for acquisition costs, the municipality must enter into an agreement with the commissioner giving assurance that the airport will be operated and maintained in a safe, serviceable manner for aeronautical purposes only for the use and benefit of the public:

(1) for 20 years after the date that any state funds for project costs are received by the municipality; and

(2) for 99 years after the date that any state funds for acquisition costs are received by the municipality. If any land acquired with state funds ceases to be used for aviation purposes, the municipality shall repay the state airports fund the same percentage of the appraised value of the property as that percentage of the costs of acquisition and participation provided by the state to acquire the land.

The agreement may contain other conditions as the commissioner deems reasonable.

(h) The commissioner shall establish a hangar construction revolving account, which shall be used for the purpose of financing the construction of hangar buildings to be constructed by municipalities owning airports. All municipalities owning airports are

authorized to enter into contracts for the construction of hangars, and contracts with the commissioner for the financing of hangar construction for an amount and period of time as may be determined by the commissioner and municipality. All receipts from the financing contracts shall be deposited in the hangar construction revolving account and are reappropriated for the purpose of financing construction of hangar buildings. The commissioner may pay from the hangar construction revolving account 80 percent of the cost of financing construction of hangar buildings. For purposes of this paragraph, the construction of hangars shall include their design. The commissioner shall transfer up to \$4,400,000 from the state airports fund to the hangar construction revolving account.

(i) The commissioner may pay a portion of the purchase price of any airport maintenance and safety equipment and of the actual airport snow removal costs incurred by any municipality. The portion to be paid by the state shall not exceed two-thirds of the cost of the purchase price or snow removal. To receive aid a municipality must enter into an agreement of the type referred to in paragraph (g).

(j) This subdivision applies only to project costs or acquisition costs of municipally owned airports incurred after June 1, 1971.

[For text of subs 5 to 7, see M.S.2004]

History: 2005 c 41 s 1

360.55 EXEMPTIONS.

[For text of subd 1, see M.S.2004]

Subd. 2. Transacting official business. Aircraft owned and used solely in the transaction of official business by representatives of foreign powers, by the federal government, or by the state or any municipality thereof are exempt from the provisions of sections 360.54 to 360.67 requiring the payment of a tax, but all such aircraft, except those owned by representatives of foreign powers or by the federal government, must be registered as required by sections 360.54 to 360.67. The exemption herein provided does not apply to any aircraft except those owned by representatives of foreign powers or by the federal government and except those aircraft as may be used in general police work, unless the name of the state department or the municipality owning the aircraft is plainly printed on both sides thereof in letters of a size and character to be prescribed by the commissioner.

Subd. 3. Civil air patrol. Any aircraft owned and used solely in the transaction of official business by any unit of the civil air patrol created by Public Law 476, 79th Congress, Public Law 557, 80th Congress, or acts amendatory thereto, whether or not the title to the aircraft is retained by the federal government or vested in such unit unconditionally, is exempt from the provisions of sections 360.54 to 360.57 requiring the payment of tax, but all such aircraft must be registered as required by sections 360.54 to 360.57.

Subd. 4. Collector's aircraft. (a) For purposes of this subdivision:

(1) "antique aircraft" means an aircraft constructed by the original manufacturer, or its licensee, on or before December 31, 1945, with the exception of certain pre-World War II aircraft models that had only a small post-war production, such as Beechcraft Staggerwing, Fairchild 24, and Monocoupe; and

(2) "classic aircraft" means an aircraft constructed by the original manufacturer, or its licensee, on or after January 1, 1946, and has a first year of life that precedes the date of registration by at least 50 years.

(b) If an antique or classic aircraft is owned and operated solely as a collector's item, its owner may list it for taxation and registration as follows: A sworn affidavit must be executed stating (1) the name and address of the owner, (2) the name and address of the person from whom purchased, (3) the aircraft's make, year, model number, federal aircraft registration number, and manufacturer's identification number, and (4) that the aircraft is owned and operated solely as a collector's item and not for

general transportation or commercial operations purposes. The affidavit must be filed with the commissioner along with a fee of \$25.

(c) Upon satisfaction that the affidavit is true and correct, the commissioner shall issue to the applicant a registration certificate. The registration certificate is valid without renewal as long as the owner operates the aircraft solely as a collector's item.

(d) Should an antique or classic aircraft be operated other than as a collector's item, the registration certificate becomes void and the owner shall list the aircraft for taxation and registration in accordance with the other provisions of sections 360.511 to 360.67.

(e) Upon the sale of an antique or classic aircraft, the new owner must list the aircraft for taxation and registration in accordance with this subdivision, including the payment of a \$5 fee to transfer the registration to the new owner, or the other provisions of sections 360.511 to 360.67, whichever is applicable.

(f) In the event of loss or destruction of the registration certificate, and upon receiving and filing a sworn affidavit of the aircraft owner setting forth the circumstances, together with a fee of \$5, the commissioner shall issue a replacement certificate.

Subd. 4a. Recreational aircraft; classic license. (a) An aircraft that has a base price for tax purposes under section 360.531 of \$10,000 or less, and that is owned and operated solely for recreational purposes, may be listed for taxation and registration by executing a sworn affidavit stating (1) the name and address of the owner, (2) the name and address of the person from whom purchased, (3) the aircraft's make, year, model number, federal aircraft registration number, and manufacturer's identification number, and (4) that the aircraft is owned and operated solely as a recreational aircraft and not for commercial operational purposes. The affidavit must be filed with the commissioner along with an annual \$25 fee.

(b) On being satisfied that the affidavit is true and correct, the commissioner shall issue to the applicant a registration certificate.

(c) Should the aircraft be operated other than as a recreational aircraft, the owner shall list the aircraft for taxation and registration and pay the appropriate registration fee under sections 360.511 to 360.67.

(d) If the aircraft is sold, the new owner shall list the aircraft for taxation and registration under this subdivision, including the payment of the annual \$25 fee, or under sections 360.511 to 360.67, whichever is applicable.

[For text of subs 5 to 8, see M.S.2004]

History: 2005 c 41 s 2-5

360.58 OPERATION WITHOUT REGISTRATION OR PAYMENT.

Except as exempted by sections 360.54 and 360.55, a person shall not use or operate an aircraft in the air space over this state or upon any of the airports of this state until the aircraft has been registered as required in sections 360.54 to 360.67 and the aircraft tax and fees herein provided have been paid.

History: 2005 c 41 s 6

360.59 AIRCRAFT REGISTRATION AND LISTING FOR TAXATION.

[For text of subd 1, see M.S.2004]

Subd. 2. Agent or lienor may list. Any act required herein of an owner may be performed in the owner's behalf by a duly authorized agent. Any person having a lien upon, or claim to, any aircraft may pay any tax due thereon to prevent the penalty for delayed registration from accruing, but the registration certificate shall not be issued until legal ownership is definitely determined.

[For text of subd 3, see M.S.2004]

Subd. 4. [Repealed, 2005 c 41 s 21]

Subd. 5. **Commissioner to approve.** The commissioner shall approve applications for any aircraft. When an applicant is listing the same aircraft for taxation and registration for the second and succeeding time the registration certificate issued for the prior year need not be delivered to the commissioner; but in case of a transfer or sale the registration certificate therefor issued or proof of loss thereof by sworn statement shall be delivered to the commissioner. The commissioner shall be satisfied from the records that all taxes and fees due hereunder shall have been paid, and endorsements upon said certificate or sworn proof of loss in writing signed by the seller and purchaser, shall furnish proof that the applicant for registration is paying or receiving credit for the tax upon the aircraft of which the applicant is the rightful possessor.

[For text of subd 6, see M.S.2004]

Subd. 7. **Transfer of ownership.** Upon the transfer of ownership; the destruction, theft, or dismantling; or the permanent removal by the owner from this state, of any aircraft registered in accordance with sections 360.511 to 360.67, the right of the owner of the aircraft to use the registration certificate assigned the aircraft expires. The owner shall forthwith return the certificate with transportation prepaid to the commissioner with a signed notice of the date and manner of termination of ownership, giving the name and post office address, with street and number if in a city, of the person to whom transferred. On becoming the owner by gift, trade, or purchase of any aircraft for which a registration certificate has been issued under sections 360.511 to 360.67, a person, including a dealer or manufacturer, shall, within seven days after acquiring ownership, join with the registered owner in transmitting with an application the registration certificate with the assignment and notice of sale duly executed upon the reverse side, or in case of loss of the certificate, with such proof of loss by sworn statements in writing as shall be satisfactory to the commissioner. Upon the transfer of any aircraft by a manufacturer or dealer, for use within the state, whether by sale, lease, or otherwise, the manufacturer or dealer shall, within seven days after the transfer, transmit the transferee's application for registration. The manufacturer or dealer shall each month file with the commissioner a notice or report containing the date of the transfer, a description of the aircraft, and the name, street and number of residence if in a city, and post office address of the transferee.

Subd. 8. **Amendment, suspension, modification, revocation.** All registrations are subject to amendment, suspension, modification, or revocation by the commissioner summarily for any violation of or neglect to comply with sections 360.511 to 360.67. In any case where the proper registration of an aircraft is dependent upon procuring information entailing such delay as to unreasonably deprive the owner of the use of the aircraft, the commissioner may issue a tax receipt conditionally. In any case when revoking a registration for cause, the commissioner has the authority to demand the return of the registration certificate.

Subd. 9. [Repealed, 2005 c 41 s 21]

[For text of subd 10, see M.S.2004]

History: 2005 c 41 s 7-10

360.63 DEALER'S LICENSE.

[For text of subd 1, see M.S.2004]

Subd. 2. **Aircraft demonstration.** Any aircraft owned by an aircraft dealer, licensed under this section, may be used for the purpose of demonstration or for any purpose incident to the usual conduct and operation of business as an aircraft dealer; provided

the aircraft has been first listed with the commissioner on an aircraft withholding form provided by the commissioner.

History: 2005 c 41 s 11

360.67 VIOLATIONS AND PENALTIES.

[For text of subs 1 to 3, see M.S.2004]

Subd. 4. **Fraud.** Any person who uses a false or fictitious name or address or description of the aircraft, engine number, or frame number in any application for registration of an aircraft or knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application is guilty of a misdemeanor.

History: 2005 c 41 s 12