CHAPTER 360

AIRPORTS AND AERONAUTICS

ADMINISTRATION

360.011 DECLARATION OF PURPOSE.
360.012 SOVEREIGNTY; LIABILITY; EFFECT OF OTHER LAW.
360.013 DEFINITIONS.
360.015 COMMISSIONER; POWERS AND DUTIES.
360.0151 AIR SERVICE MARKETING PROGRAM.
360.016 FEDERAL AID.
360.0161 APPLICATION FOR FEDERAL AID; COMMISSIONER AS AGENT.
360.017 STATE AIRPORTS FUND.
360.018 REGULATING AIRCRAFT, AIRMEN, AIRPORTS, INSTRUCTORS.
360.019 ORDER OF COMMISSIONER; REVIEW.
360.021 STATE AIRPORT.
360.0215 SERVICE OF PROCESS; LONG-ARM STATUTE; FEE.
360.0216 AIRCRAFT OPERATOR DEEMED OWNER'S AGENT.
360.022 MISDEMEANOR.
360.023 TRANSFER OF AIR NAVIGATION FACILITY.
360.024 AIR TRANSPORTATION SERVICE CHARGE.

ESTABLISHING AIRPORTS

360.031 DEFINITION OF MUNICIPALITY.
360.032 MUNICIPALITY MAY ACQUIRE AIRPORT.
360.033 SOVEREIGN RIGHTS.
360.034 PRIOR ACQUISITION OF PROPERTY VALIDATED.
360.035 EXEMPTION FROM TAXATION.
360.036 FINANCING AIRPORT AND IMPROVEMENTS.
360.037 GENERAL POWER TO TAX; REVENUE PRIORITIES.
360.038 SPECIFIC POWERS OF MUNICIPALITY.
360.039 FEDERAL AID.
360.041 AIRPORT ON WATER AND RECLAIMED LAND.
360.042 JOINT OPERATION; JOINT POWERS BOARD.
360.0425 GENERAL POWERS OF AUTHORITY.
360.0426 CREATION OF AN AIRPORT AUTHORITY; DISSOLUTION.
360.0427 TAX LEVY MAY BE CERTIFIED BY AIRPORT AUTHORITY.
360.043 ASSISTANCE TO OTHER MUNICIPALITY.
360.044 COUNTY AUTHORITY.
360.045 JURISDICTION EXCLUSIVE.
360.046 REQUIREMENTS FOR CLOSURE OF MUNICIPAL AIRPORT.

AIRPORT ZONING

360.061 DEFINITIONS.
360.062 AIRPORT HAZARD PREVENTION; PROTECTING EXISTING LAND USES.
360.063 AIRPORT ZONING; AUTHORITY, PROCEDURE.
360.064 AIRPORT ZONING; COMPREHENSIVE ORDINANCE, CONFLICT.
360.065 AIRPORT ZONING; ADOPTION AND APPROVAL OF PROPOSED REGULATIONS.
360.0655 AIRPORT ZONING REGULATIONS BASED ON COMMISSIONER'S STANDARDS; SUBMISSION PROCESS.
360.0656 CUSTOM AIRPORT ZONING STANDARDS.
360.066 AIRPORT ZONING; MINIMUM STANDARDS, LAND USES.
360.067 AIRPORT ZONING PERMIT, VARIANCE; ADMINISTRATIVE AGENT.
360.068 APPEAL OF AIRPORT ZONING DECISION.
360.069 AIRPORT ZONING ADMINISTRATION.
360.071 BOARD OF ADJUSTMENT.
360.072 JUDICIAL REVIEW.
360.073 VIOLATIONS, PENALTIES, AND REMEDIES.
360.074 ACQUISITION OF AIR RIGHTS.

AIRCRAFT USE VIOLATIONS

360.075 VIOLATIONS, PENALTIES.
360.0752 AIRCRAFT OPERATOR UNDER INFLUENCE OF ALCOHOL, CONTROLLED SUBSTANCE, OR INTOXICATING SUBSTANCE.
360.0753 TESTING PROCEDURES.

CITATION; AERONAUTICS CODE

360.076 CITATION, AERONAUTICS CODE.

RECIPROCITY

360.201 ACQUISITION BY MUNICIPALITY IN ADJOINING STATE.
360.202 RIGHTS SAME AS MINNESOTA MUNICIPALITY.
360.203 RECIPROCAL PROVISIONS.

AIRPORT SYSTEM EXPENDITURES

360.305 EXPENDITURES FOR AIRPORTS AND NAVIGATION.

AIRCRAFT REGISTRATION AND TAXATION

360.511 DEFINITIONS.
360.521 AIRCRAFT TAX LIMITATION AND ELECTION.
360.531 TAXATION.
360.532 NONRESIDENT COMMERCIAL OPERATION SUBJECT TO TAX.
360.54 PRESUMPTION THAT AIRCRAFT SUBJECT TO TAX.
360.55 EXEMPTIONS.
360.57 FILING SWORN STATEMENT BY MANUFACTURER.
360.58 OPERATION WITHOUT REGISTRATION OR PAYMENT.
360.59 AIRCRAFT REGISTRATION AND LISTING FOR TAXATION.

360.595 TAXES PAID BEFORE REGISTRATION AND LICENSING; RULES.
360.60 REGISTRATION REQUIRED; EXEMPTION; MISDEMEANOR.
360.61 DUE DATE OF TAX; PENALTIES AND FEES.
360.62 TAX REFUND.
360.63 DEALER'S LICENSE.
360.64 AIRCRAFT TAX LIEN; REMEDIES, PROSECUTION.
360.651 MANUFACTURER, LISTING OF AIRCRAFT.
360.653 AIRCRAFT REGISTRATION AND TAX EXEMPTIONS.
360.654 AIRCRAFT DEALER'S COMMERCIAL USE PERMIT.
360.66 STATE AIRPORTS FUND.
360.67 VIOLATIONS AND PENALTIES.
360.675 AVIATION TAX REPORT.
FINANCING LOCAL PUBLIC AIRPORTS
360.68 AIRPORT JOINTLY OWNED; REVENUE CERTIFICATES.
360.69 INSURANCE.
360.70 RENTALS AND EARNINGS.
360.71 REVENUE CERTIFICATE TERMS.
360.72 REFUND CERTIFICATE.
360.73 AUTHORITY SUPERSEDES CONTRARY LAW.
REGULATION OF STRUCTURE HEIGHTS
360.81 PURPOSE: SAFE FLIGHT.
360.82 DEFINITIONS.
360.83 PERMIT, NECESSITY.
360.84 HEIGHT LIMITATIONS; EXCEPTIONS.
360.85 INTEREST OF APPLICANT FOR PERMIT.
360.86 VISUAL OR AURAL IDENTIFICATION.
360.87 INVESTIGATION, DETERMINATION, NOTICE, AND HEARING.
360.88 FAILURE TO FILE FOR PERMIT; COMMISSIONER'S ACTION.
360.89 ENFORCEMENT.
360.90 STRUCTURE HEIGHT RULES; FORMS.
360.91 MISDEMEANOR.
360.915 METEOROLOGICAL TOWERS.
INSURANCE
360.92 LIABILITY INSURANCE REQUIRED; MISDEMEANOR.
360.93 MINIMAL INSURANCE COVERAGE REQUIRED; MISDEMEANOR.

ADMINISTRATION

360.011 DECLARATION OF PURPOSE.

It is hereby declared that the purpose of sections 360.011 to 360.076 is to further the public interest and aeronautical progress by providing for the protection and promotion of safety in aeronautics; by cooperating in effecting a uniformity of the laws relating to the development and regulation of aeronautics in the several states; by revising existing statutes relative to the development and regulation of aeronautics so as to grant to a state agency such powers and impose upon it such duties that the state may properly perform its functions relative to aeronautics and effectively exercise its jurisdiction over persons and property within such jurisdiction, may assist in the promotion of a statewide system of airports, may cooperate with and assist the political subdivisions of this state and others engaged in aeronautics, and may encourage and develop aeronautics; by establishing uniform rules, consistent with federal regulations and those of other states, in order that those engaged in aeronautics of every character may so engage with the least possible restriction, consistent with the safety and the rights of others; and by providing for cooperation with the federal authorities in the development of a national system of civil aviation and for coordination of the aeronautical activities of those authorities and the authorities of this state by assisting in accomplishing the purposes of federal legislation and eliminating costly and unnecessary duplication of functions properly in the province of federal agencies.

History: *1945 c 303 s 2; 1978 c 674 s 58; 1985 c 248 s 70*

360.012 SOVEREIGNTY; LIABILITY; EFFECT OF OTHER LAW.

Subdivision 1. **State.** 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.

Subd. 1a. **Ordinances of political subdivisions.** A political subdivision must: (1) allow the commissioner to review a proposed ordinance affecting the operation of an unmanned aircraft; and (2) notify the commissioner whenever the political subdivision adopts an ordinance affecting the operation of unmanned aircraft.

Subd. 2. **Landowner.** 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 subdivision 3.

Subd. 3. **Lawful flight, generally.** Flight in aircraft over the lands and water of this state is lawful, unless at such low altitude as to interfere with the then-existing use to which the land or water, or the space above the land or water, is put by the owner, or unless so conducted as to be imminently dangerous or damaging to persons or property lawfully in the land or water beneath. The landing of an aircraft on the lands or waters of another, without the other's consent is unlawful, except in the case of a forced landing. For damages caused by the forced landing, however, the owner or lessee of the aircraft or the pilot shall be liable as provided in subdivision 4.

Subd. 4. **Liability for injury to person or property.** The owner of every aircraft which is operated over the lands or waters of this state is absolutely liable for injury or damage 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 or damage is caused in whole or in part by the negligence of the person injured, or of the owner or bailee of the property damaged. If the aircraft is leased at the time of the injury or damage to person or property, both the owner and lessee shall be liable, and they may be sued jointly, or either or both of them may be sued separately. A pilot who is not the owner or lessee shall be liable only for the consequences of the pilot's own negligence. The injured person, or owner or bailee of the damaged property, shall have a lien on the aircraft causing the injury or damage to the extent of such injury or damage caused by the aircraft or objects falling from it.

Subd. 5. **Liability for collision.** The liability of the owner of one aircraft to the owner of another aircraft, or to pilots or passengers or other persons on either aircraft, for damages caused by collision on land or in the air shall be determined by the rules of law applicable to torts occurring on land.

Subd. 6. **Application of state laws.** All crimes, torts, and other wrongs committed by or against a pilot, passenger, or other person 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.

Subd. 7. **Legal effects.** All contractual and other legal relations entered into by pilots, passengers, or other persons while in flight over this state shall have the same effect as if entered into on the land or water beneath.

History: *1943 c 653 s 20; 1986 c 444; 1Sp2021 c 5 art 4 s 108*

360.013 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of laws of this state relating to aeronautics, the following words, terms, and phrases shall have the meanings herein given unless otherwise specifically defined, or unless another intention clearly appears, or the context otherwise requires.

Subd. 2. [Renumbered subd 31]

Subd. 3. [Renumbered subd 37]

Subd. 4. [Renumbered subds 44,54]

Subd. 5. [Renumbered subd 39]

Subd. 6. [Renumbered subd 57]

Subd. 7. [Renumbered subds 46,47,58]

Subd. 8. [Renumbered subd 53]

Subd. 9. [Renumbered subd 34]

Subd. 10. [Renumbered subd 52]

Subd. 11. [Renumbered subd 45]

Subd. 12. [Renumbered subd 38]

Subd. 13. [Renumbered subd 35]

Subd. 14. [Renumbered subd 59]

Subd. 15. [Renumbered subd 51]

Subd. 16. [Renumbered subd 33]

Subd. 17. [Renumbered subd 36]

Subd. 18. [Renumbered subd 48]

Subd. 19. [Renumbered subd 32]

Subd. 20. [Renumbered subd 50]

Subd. 21. [Renumbered subd 49]

Subd. 22. [Renumbered subd 40]

Subd. 23. [Renumbered subd 56]

Subd. 24. [Renumbered subd 42]

Subd. 25. [Renumbered subd 60]

Subd. 26. [Renumbered subd 61]

Subd. 27. **Administrative agency.** "Administrative agency" means either a governing body of a municipality or an administrative agency under its jurisdiction to which any powers have been delegated by such governing body.

Subd. 28. [Renumbered subd 41]

Subd. 29. [Renumbered subd 55]

Subd. 30. [Renumbered subd 43]

Subd. 31. **Aeronautics.** "Aeronautics" means transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants, and accessories; the design, establishment,

construction, extension, operation, improvement, repair, or maintenance of airports, restricted landing areas, or other air navigation facilities, and air instruction.

Subd. 32. **Aeronautics instructor.** "Aeronautics instructor" means any individual engaged in giving instruction, or offering to give instruction, in aeronautics, either in flying or ground subjects, or both, for hire or reward, without advertising such occupation, without calling facilities an "air school," or anything equivalent thereto, and without employing or using other instructors. It does not include any instructor in any public school of this state, the University of Minnesota, or in any institution of higher learning accredited by the North Central Association of Colleges and Secondary Schools and approved for carrying on collegiate work, while engaged in duties as such instructor.

Subd. 33. **Air instruction.** "Air instruction" means the imparting of aeronautical information by any aeronautics instructor or in or by any air school or flying club.

Subd. 34. **Air navigation.** "Air navigation" means the operation or navigation of aircraft in the air space over this state, or upon any airport or restricted landing area within this state.

Subd. 35. **Air navigation facility.** "Air navigation facility" means any facility other than one owned or controlled by the federal government, used in, available for use in, or designed for use in, aid of air navigation, including airports, restricted landing areas, and any structures, mechanisms, lights, beacons, marks, communicating systems, electronic device, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience, to the safe takeoff, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport or restricted landing area, and any combination of any or all of such facilities.

Subd. 36. **Air school.** "Air school" means any person engaged in giving, 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 out as giving or offering to give such instructions. It does not include any public school, the University of Minnesota, or any institution of higher learning accredited by the Higher Learning Commission and approved by it for carrying on collegiate work.

Subd. 37. **Aircraft.** "Aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, but excluding parachutes.

Subd. 38. **Airman.** "Airman" means any individual who engages, as the person in command, or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way and (excepting individuals employed outside the United States, any individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection therewith, and any individual performing inspection or mechanical duties in connection with aircraft owned or operated by that individual) any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, propellers, or appliances; and any individual who serves in the capacity of aircraft dispatcher or air-traffic control tower operator.

Subd. 39. **Airport.** "Airport" means any area of land or water, except a restricted landing area, which is designed for the landing and takeoff of aircraft, whether or not facilities are provided for the shelter, surfacing, or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way, whether heretofore or hereafter established. The operation and maintenance of airports is an essential public service.

Subd. 40. **Airport hazard.** "Airport hazard" means any structure, object of natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking off at any airport or restricted landing area or is otherwise hazardous to such landing or taking off.

Subd. 41. **Airport hazard area.** "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this chapter.

Subd. 42. **Airport protection privileges.** "Airport protection privileges" means easements through or other interest in air space over land or water, interest in airport hazards outside the boundaries of airports or restricted landing areas, and other protection privileges, the acquisition or control of which is necessary to insure safe approaches to the landing areas of airports and restricted landing areas and the safe and efficient operation thereof.

Subd. 43. **Airport purposes.** "Airport purposes" means and includes airport, restricted landing area, and other air navigation facility purposes.

Subd. 44. **Civil aircraft.** "Civil aircraft" means any aircraft other than a public aircraft.

Subd. 45. **Commercial operations.** "Commercial operations" means any operations of an aircraft for compensation or hire; or any services performed incidental to the operation of any aircraft for which a fee is charged or compensation received; including, but not limited to, the servicing, maintaining, and repairing of aircraft, the rental or charter of aircraft, the operation of flight or ground schools, the operation of aircraft for the application or distribution of chemicals or other substances, aerial photography and surveys, air shows or expositions, and the operation of aircraft for fishing. "Commercial operations" also means brokering or selling of any of the aforesaid services but do not include any operations of aircraft as common carriers certificated (certified) by the federal government or the services incidental thereto.

Subd. 46. **Commissioner.** "Commissioner" means the commissioner of transportation of the state of Minnesota.

Subd. 46a. **Comprehensive plan.** "Comprehensive plan" has the meaning given in section 394.22, subdivision 9, or 462.352, subdivision 5.

Subd. 47. **Department.** "Department" means the Minnesota Department of Transportation.

Subd. 48. **Flying club.** "Flying club" means any person other than an individual, which, neither for profit nor reward, owns, leases, or uses one or more aircraft for the purpose of instruction or pleasure, or both.

Subd. 49. **Governing body.** "Governing body" means the council, board of trustees, board of commissioners, board of supervisors, or other body, board, commission, or other authority charged with governing any municipality, and in municipalities in which the board of park commissioners or other body in charge of the park system of the municipality controls airports owned by the municipality includes such board or other body.

Subd. 50. **Municipality.** "Municipality" means a city of any class, including a city organized under a charter framed pursuant to the Constitution of the state of Minnesota, article IV, section 36, article XI, section 4, or article XII, section 5, a county, a town, or a statutory city in this state, the regents of the University of Minnesota, and any other political subdivision, public corporation, authority, or district in this state which is or may be authorized by law to acquire, establish, construct, maintain, improve, and operate airports and other air navigation facilities.

Subd. 51. **Navigable air space.** "Navigable air space" means air space above the minimum altitudes of flight prescribed by the laws of this state or by rules of the commissioner consistent therewith.

Subd. 52. **Operation of aircraft; operate aircraft.** "Operation of aircraft" or "operate aircraft" means the use of aircraft for the purpose of air navigation and includes the navigation or piloting of aircraft. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of the aircraft, shall be deemed to be engaged in the operation of aircraft within the meaning of the statutes of this state.

Subd. 53. **Person.** "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

Subd. 54. **Public aircraft.** "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of any state, territory or possession of the United States, or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes.

Subd. 55. **Public utility class.** When used in this chapter with reference to an airport, the term "public utility class" means available to the general public for private flying or otherwise as a point of arrival or departure by air.

Subd. 56. **Publicly owned.** An airport, restricted landing area, or other air navigation facility is "publicly owned" if owned by the state or a municipality.

Subd. 57. **Restricted landing area.** "Restricted landing area" means any area of land, water, or both, which is used or is made available for the landing and takeoff of aircraft, the use of which shall, except in case of emergency, be only as provided from time to time by the commissioner.

Subd. 57a. **Small unmanned aircraft.** "Small unmanned aircraft" means an aircraft, as defined in subdivision 37, that weighs less than 55 pounds and is operated without the possibility of human intervention from within or on the aircraft.

Subd. 57b. **Small unmanned aircraft system.** "Small unmanned aircraft system" means a small unmanned aircraft and all of its associated elements, including components and communication links, that are required to control and operate the aircraft.

Subd. 57c. **Roadable aircraft.** "Roadable aircraft" has the meaning given in section 169.011, subdivision 67a.

Subd. 58. **State or this state.** "State" or "this state" means the state of Minnesota.

Subd. 59. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

Subd. 60. **Structure.** "Structure" means any object constructed or installed, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

Subd. 61. **Tree.** "Tree" means any object of natural growth.

History: *1943 c 653 s 1; 1945 c 303 s 1; 1947 c 363 s 1; 1953 c 738 s 1,2; 1973 c 123 art 5 s 7; 1974 c 193 s 1-3; 1976 c 166 s 7; 1980 c 488 s 1-3; 1985 c 248 s 70; 1986 c 444; 1991 c 350 art 1 s 20; 1997 c 7 art 4 s 1; 2006 c 261 s 1; 2007 c 138 s 13; 1Sp2019 c 3 art 3 s 89; 1Sp2021 c 5 art 4 s 109,110; 2023 c 25 s 171; 2024 c 104 art 1 s 97; 2025 c 20 s 258*

360.014 Subdivision 1. MS 1974 [Repealed, 1976 c 166 s 119]

Subd. 2. MS 1974 [Repealed, 1976 c 166 s 119]

Subd. 3. MS 1974 [Repealed, 1976 c 166 s 119]

Subd. 4. MS 1974 [Repealed, 1976 c 166 s 119]

Subd. 5. MS 1974 [Repealed, 1976 c 166 s 119]

Subd. 6. MS 1953 [Repealed, 1957 c 146 s 4]

Subd. 7. MS 1974 [Repealed, 1976 c 166 s 119]

Subd. 8. MS 1974 [Repealed, 1976 c 166 s 119]

Subd. 9. MS 1974 [Repealed, 1976 c 166 s 119]

360.015 COMMISSIONER; POWERS AND DUTIES.

Subdivision 1. **General supervision.** The commissioner shall have general supervision over aeronautics within this state. The commissioner is empowered and directed to encourage, foster, and assist in the development of aeronautics in this state and to encourage the establishment of airports and other air navigation facilities.

Subd. 2. **Cooperation with federal and other agencies.** The commissioner shall cooperate with and assist the federal government, the municipalities of this state, and others engaged in aeronautics or the promotion of aeronautics and shall seek to coordinate the aeronautical activities of these bodies. To this end, the commissioner is empowered to confer with or to hold joint hearings with any federal aeronautical agency in connection with any matter arising under sections 360.011 to 360.076, or relating to the sound development of aeronautics, and to take advantage of the cooperation, services, records, and facilities of such federal agencies, as fully as may be practicable, in the administration and enforcement of sections 360.011 to 360.076. The commissioner shall reciprocate by furnishing cooperation, services, records, and facilities, insofar as may be practicable, to the federal agencies. The commissioner may also contract for the presentation of educational and informational programs that promote safety and interest in aeronautics.

Subd. 3. **Rules.** The commissioner may perform such acts, issue and amend such orders, and make, promulgate, and amend such reasonable general or special rules and procedure and establish such minimum standards, consistent with the provisions of sections 360.011 to 360.076, as the commissioner shall deem necessary to carry out the provisions of sections 360.011 to 360.076, and to perform duties thereunder: all commensurate with and for the purpose of protecting and insuring the general public interest and safety, the safety of persons receiving instruction concerning, or operating, using, or traveling in, aircraft, and of persons and property on land or water, and to develop and promote aeronautics in this state. No rule of the commissioner shall apply to airports or other air navigation facilities owned or controlled by the federal government within this state.

Whenever valid rules of the commissioner and rules and regulations of a municipality are inconsistent, the rules of the commissioner shall control and the rules and regulations of the municipality are void insofar as they are inconsistent with the rules of the commissioner. Nothing herein contained shall be construed to limit the right of a metropolitan airports commission created under Laws 1943, chapter 500, as amended, to make its own rules and regulations governing the internal administrative operations of an airport owned or operated by it as distinguished from rules governing flight and flight operations promulgated by the commissioner in the interests of safety.

Subd. 4. **Conformity with federal regulations.** All rules adopted by the commissioner under the authority of sections 360.011 to 360.076, shall be kept in conformity, as nearly as may be, with the then-current federal legislation governing aeronautics and the regulations duly promulgated thereunder and the rules and standards issued from time to time pursuant thereto.

Subd. 5. **Adoption of rules.** Rules provided for under the authority of sections 360.011 to 360.076, shall be adopted in accordance with the procedures of the Administrative Procedure Act.

Subd. 6. **Changes to state airways system.** The commissioner may designate, design, and establish, expand, or modify a state airways system which will best serve the interests of the state. The commissioner may chart such airways system and arrange for publication and distribution of such maps and charts and notices and bulletins relating to such airways as may be required in the public interest. The commissioner may make a charge for these sufficient to cover the cost of printing or reproduction. The system shall be supplementary to and coordinated in design and operation with the federal airways system. It may include all types of air navigation facilities which conform to federal safety standards.

Subd. 7. **Technical services to municipality.** The commissioner may, insofar as is reasonably possible, offer the engineering or other technical services of the department, at mutually agreed terms, to any municipality desiring them in connection with the planning, acquisition, construction, maintenance, zoning, or operation or proposed planning, acquisition, construction, maintenance, zoning, or operation of an airport or restricted landing area.

Subd. 8. **Legislation recommendations.** The commissioner may draft and recommend necessary legislation to advance the interests of the state in aeronautics and represent the state in aeronautical matters before federal agencies and other state agencies.

Subd. 9. **Participation in legal proceeding.** The commissioner may participate as party plaintiff or defendant, or as intervenor, on behalf of the state or any municipality, or resident thereof, in any controversy having to do with any claimed encroachment by the federal government or any foreign state upon any state or individual rights pertaining to aeronautics.

Subd. 10. **Enforcement; police power; deputize airport manager.** It shall be the duty of the commissioner, the commissioner's assistant, and all employees of the Department of Transportation and every state, county, and municipal officer charged with the enforcement of state and municipal laws to enforce and assist in the enforcement of sections 360.011 to 360.076, and of all rules issued pursuant thereto, and of all other laws of this state relating to aeronautics, and, in the aid of such enforcement, general police powers are hereby conferred upon the commissioner, the commissioner's assistant, and such of the employees of the department as may be designated by the commissioner to exercise such powers. The commissioner may also deputize airports managers to enforce on the airports managed by them all rules issued pursuant to the provisions of this section, and general police powers are hereby conferred upon such airport managers for the purposes of such enforcement. The commissioner is further authorized, in the name of this state, to enforce the provisions of sections 360.011 to 360.076, and the rules issued pursuant thereto by injunction in the courts of this state. Municipalities are authorized to cooperate with the commissioner in the development of aeronautics and aeronautics facilities in this state. The commissioner may use the facilities and services of other agencies of the state to the utmost extent possible, and such agencies are authorized and directed to make available such facilities and services.

Subd. 11. **Investigation and hearing.** The commissioner, the commissioner's assistant, or any employee of the department designated by the commissioner shall have the power to hold investigations, inquiries, and hearings concerning matters covered by the provisions of sections 360.011 to 360.076, and orders and

rules of the commissioner and concerning accidents in aeronautics within this state. All hearings so conducted shall be open to the public. The commissioner, the commissioner's assistant, and every employee of the department designated by the commissioner to hold any inquiry, investigations, or hearing shall have power to administer oaths and affirmations, certify to all official acts, issue subpoenas, and compel the attendance and testimony of witnesses and the production of papers, books, and documents. In case of failure to comply with any subpoena or order issued under authority of sections 360.011 to 360.076, the commissioner, or the commissioner's authorized representative, may invoke the aid of any court of this state of general jurisdiction. 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 of the court may be punished by the court as a contempt thereof.

Subd. 11a. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

Subd. 12. **Report of investigation; limitations on use.** In order to facilitate the making of investigations by the commissioner, in the interest of public safety and promotion of aeronautics, the public interest requires, and it is therefor provided, that the reports of investigations or hearings, or any part thereof, shall not be admitted in evidence or used for any purpose in any suit, action, or proceeding growing out of any matter referred to in said investigation, hearing, or report thereof, except in case of criminal or other proceedings instituted in behalf of the commissioner of this state under the provisions of sections 360.011 to 360.076, and other laws of this state relating to aeronautics, nor shall the commissioner, the commissioner's assistant, or any employee of the department be required to testify to any facts ascertained in, or information gained by reason of, official capacity, or be required to testify as an expert witness in any suit, action, or proceeding involving any aircraft. Subject to the foregoing provisions, the commissioner may make available to appropriate federal and state agencies information and material developed in the course of such hearings and investigations.

Subd. 13. **Financial assistance to municipality.** The commissioner may render assistance in the acquisition, construction, improvement, or maintenance of airports and other air navigation facilities owned, controlled, or operated, or to be owned, controlled, or operated, by municipalities in this state, the cost of such assistance to be paid out of the state airports fund provided for by sections 360.011 to 360.076, and from appropriations made by the legislature for that purpose. State funds appropriated or made available for the acquisition, construction, improvement, or maintenance of such airports and other air navigation facilities may be expended only upon projects which are included in the state airways system established by the commissioner. No such state funds shall be available for work upon any project that is not done upon the supervision of the commissioner.

Subd. 14. **Contract.** The commissioner may enter into any contracts necessary to the execution of the powers granted the commissioner by sections 360.011 to 360.076.

Subd. 15. **Exclusive rights forbidden; lease permitted.** The commissioner shall grant no exclusive right for the use of any airway, airport, restricted landing area, or other air navigation facility under the commissioner's jurisdiction. This subdivision shall not prevent the making of leases in accordance with other provisions of sections 360.011 to 360.076.

Subd. 16. MS 2004 [Repealed, 2006 c 234 s 9]

Subd. 17. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

Subd. 18. **Custodian of records; attorney general designated as attorney.** (a) The commissioner shall be the custodian of and preserve the records of the department and of the official acts and determinations made by the commissioner or predecessors in office. All of the files and records of the department shall,

under reasonable rules, be open to public inspection, and copies thereof certified by the commissioner as being true copies shall be received in evidence in any court in this state with the same force and effect as the originals.

(b) The attorney general shall be ex officio attorney for the commissioner and shall give the commissioner such legal counsel, advice, and assistance as the commissioner may require from time to time.

Subd. 19. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

Subd. 20. MS 1986 [Repealed, 1988 c 698 s 7]

History: *1945 c 303 s 3; 1947 c 175 s 1; 1947 c 363 s 2,3; 1955 c 847 s 27; 1969 c 381 s 1; 1971 c 643 s 1; 1973 c 492 s 14; 1974 c 406 s 68; 1975 c 159 s 1; 1976 c 166 s 7; 1978 c 660 s 1; 1978 c 674 s 58; Ex1979 c 1 s 47; 1981 c 253 s 32-34; 1982 c 617 s 23; 1984 c 609 s 24; 1985 c 248 s 70; 1986 c 444; 1997 c 7 art 2 s 51; 1999 c 99 s 19; 2014 c 227 art 1 s 18*

360.0151 AIR SERVICE MARKETING PROGRAM.

Subdivision 1. **Program established.** The commissioner of transportation shall establish an air service marketing program to encourage the preservation and expansion of scheduled passenger air carrier service to greater Minnesota. The commissioner may spend funds appropriated from the state airports fund for (1) air service marketing grants and (2) conducting statewide studies to determine the feasibility of air service initiatives. The commissioner may develop a single, recognizable statewide marketing program to increase visibility of and ridership at airports with scheduled air carrier service.

Subd. 2. **Grants authorized.** (a) The commissioner may make air service marketing grants to political subdivisions that own and operate airports. The commissioner shall make a project agreement with each political subdivision receiving a grant under this section that provides for:

(1) a detailed description of the project for which the grant is provided;

(2) a schedule of the project; and

(3) the division of costs of the project between the state and the recipient.

(b) Payments by the commissioner under a project agreement may only be made to reimburse local costs already incurred.

Subd. 3. **Uses of grant.** (a) Costs for the following activities related to commercial passenger air service at the recipient's airport are eligible for reimbursement under this section:

(1) advertising of service;

(2) public relations activities intended to educate the public on the value of the airport and its commercial passenger air service;

(3) marketing studies; or

(4) service improvement activities such as route analysis, service studies, and other activities intended to preserve or increase service from an existing or new-entry air carrier.

(b) A grant under this section may not be used for:

(1) an activity that promotes an airport within the service area of another airport;

(2) a promotional activity that features one specific air carrier at an airport when more than one air carrier serves the airport;

(3) administrative costs associated with the marketing program or with the routine operation of the airport; or

(4) payments to air carriers as fare subsidies, service subsidies, or seat guarantees.

History: *1997 c 159 art 2 s 46; 1999 c 230 s 28*

360.016 FEDERAL AID.

Subdivision 1. **Cooperation with federal government.** The commissioner is authorized to cooperate with the government of the United States, and any agency or department thereof, in the planning, acquisition, construction, improvement, maintenance, and operation of airports and other air navigation facilities in this state and to comply with the provisions of the laws of the United States and any regulations made thereunder for the expenditure of federal money upon such airports and other air navigation facilities.

Subd. 2. **Acceptance of federal money.** The commissioner is authorized to accept, receive, and receipt for and disburse federal money and other money, either public or private, for and in behalf of this state, or any municipality thereof, for the planning, acquisition, construction, improvement, maintenance, and operation of airports and other air navigation facilities, whether such work is to be done by the state or by such municipalities, or jointly, aided by grants of aid from the United States, upon such terms and conditions as are or may be prescribed by the laws of the United States and any rules or regulations made thereunder. The commissioner is authorized to act as agent of any municipality or municipalities acting jointly, upon the request of such municipality or municipalities, in accepting, receiving, receipting for, and disbursing federal money, and other money public or private, made available to finance, in whole or in part, the planning, acquisition, construction, improvement, maintenance, or operation of a municipal airport or air navigation facility; and if requested by such municipality or municipalities may act as its or their agent in contracting for and supervising such planning, acquisition, construction, improvement, maintenance, or operation; and all municipalities are authorized to designate the commissioner as their agent for the foregoing purposes. The commissioner, as principal on behalf of the state, and any municipality on its own behalf, subject to the provisions of section 360.0161 may enter into any contracts, with each other or with the United States or with any person, which may be required in connection with a grant or loan of federal money for municipal airport or air navigation facility purposes. All federal money accepted under this section shall be accepted and transferred or expended by the commissioner upon such terms and conditions as are prescribed by the United States.

Subd. 3. **Contract authority.** The commissioner may enter into any contracts necessary to the execution of powers granted by this chapter. All contracts for the planning, acquisition, construction, improvement, maintenance, and operation of airports, or other air navigation facilities, made by the commissioner, either as the agent of this state or as the agent of any municipality, shall be made pursuant to the laws of this state governing the making of like contracts; provided, that where the planning, acquisition, construction, improvement, maintenance, and operation of any airport or other air navigation facility is financed wholly or partially with federal money, the commissioner, as agent of the state or of any municipality thereof, may let contracts in the manner prescribed by the federal authorities, acting under the laws of the United States and any rules or regulations made thereunder, notwithstanding any other state law to the contrary.

Subd. 4. **Disposition of federal funds.** All money accepted for disbursement by the commissioner pursuant to subdivision 2 shall be deposited in the state treasury and, unless otherwise prescribed by the authority from which the money is received, kept in separate funds, designated according to the purposes

for which the money was made available, and held by the state in trust for such purposes. All such money is hereby appropriated for the purposes for which the same was made available, to be expended in accordance with federal laws and regulations and with the laws of this state.

History: *1945 c 303 s 4; 1947 c 175 s 2; 1986 c 444*

360.0161 APPLICATION FOR FEDERAL AID; COMMISSIONER AS AGENT.

Subdivision 1. **"Municipality" defined.** As used in this section, the word "municipality" has the meaning ascribed to it by Minnesota Statutes 1945, section 360.013, subdivision 20.

Subd. 2. **Approval of application; Federal Airport Act of 1946.** No municipality in this state, whether acting alone or jointly with another municipality or with the state, shall submit to the administrator of civil aeronautics of the United States any project application under the provisions of Section 9(a) of the Federal Airport Act, Public Law 79-377, or any amendment thereof, unless the project and the project application have been first approved by the commissioner of transportation.

Subd. 3. **Designated agent.** No such municipality shall directly accept, receive, receipt for, or disburse any funds granted by the United States under the Federal Airport Act, but it shall designate the commissioner of transportation as its agent and in its behalf to accept, receive, receipt for, and disburse such funds. It shall enter into an agreement with the commissioner prescribing the terms and conditions of such agency in accordance with federal laws, rules, and regulations and applicable laws of this state.

History: *1947 c 22 s 1-3; 1976 c 166 s 7; 2023 c 25 s 172*

360.017 STATE AIRPORTS FUND.

Subdivision 1. **Creation; authorized disbursements.** (a) There is hereby created a fund to be known as the state airports fund. The fund shall consist of all money appropriated to it, or directed to be paid into it, by the legislature.

(b) The state airports fund shall be paid out on authorization of the commissioner and shall be used:

(1) to acquire, construct, improve, maintain, and operate airports and other air navigation facilities;

(2) to assist municipalities in the planning, acquisition, construction, improvement, and maintenance of airports and other air navigation facilities;

(3) to assist municipalities to initiate, enhance, and market scheduled air service at their airports;

(4) to promote interest and safety in aeronautics through education and information; and

(5) to pay the salaries and expenses of the Department of Transportation related to aeronautic planning, administration, and operation. All allotments of money from the state airports fund for salaries and expenses shall be approved by the commissioner of management and budget.

Subd. 2. **Investment.** Upon request of the commissioner, money in the state airports fund shall be invested by the State Board of Investment in the class of securities specified in section 11A.25 and acts amendatory thereto, except the bonds of any school district, county, city or town of this state. All interest

and profits from such investments shall be credited to the state airports fund. The commissioner of management and budget shall be custodian of all securities purchased under the provisions of this section.

History: *1945 c 303 s 5; 1965 c 167 s 1; 1971 c 25 s 68; 1973 c 123 art 5 s 7; 1976 c 166 s 118; 1980 c 607 art 14 s 46; 1982 c 617 s 24; 1997 c 159 art 2 s 47; 2003 c 112 art 2 s 50; 2006 c 261 s 2; 2009 c 101 art 2 s 109; 1Sp2019 c 3 art 3 s 90*

360.018 REGULATING AIRCRAFT, AIRMEN, AIRPORTS, INSTRUCTORS.

Subdivision 1. **Aircraft registration; operating license; fees and rules.** The general public interest and safety, the safety of persons receiving instruction concerning or operating, using, or traveling in aircraft and of persons and property on the ground, and the interest of aeronautical progress requiring that aircraft operated within this state should be airworthy, that airmen and those engaged in air instruction should be properly qualified, and that airports, restricted landing areas, and air navigation facilities should be suitable for the purposes for which they are designed; the purposes of sections 360.013 to 360.075, requiring that the commissioner should be enabled to exercise the powers of supervision therein granted; and the advantages of uniform regulation making it desirable that aircraft operated within this state should conform with respect to design, construction, and airworthiness to the standards prescribed by the United States government with respect to civil aircraft subject to its jurisdiction and that persons engaging in aeronautics within this state should have the qualifications necessary for obtaining and holding appropriate airman certificates of the United States, the commissioner is authorized:

(1) To require the registration annually of federal licenses, permits, or certificates of civil aircraft engaged in air navigation within this state, and to issue certificates of such registration, which certificates may be the same as the certificates issued pursuant to section 360.59, subdivision 3. The application for registration made pursuant to sections 360.54 to 360.67 shall be considered as the application for registration required by this section. The certificates of registration of aircraft issued pursuant to this section shall constitute licenses of such aircraft for operations within this state to the extent permitted by the federal licenses, certificates, or permits so registered. The application for registration shall contain such information as the commissioner may by rule or order prescribe. The first application for registration made in this state shall be verified by the applicant. The second and succeeding applications for registration need not be verified. Each application for registration of aircraft shall be made as required by sections 360.54 to 360.67.

(2) To license any person engaged in commercial operations in accordance with rules to be adopted by the commissioner and to annually renew such a license. The rules adopted hereunder shall provide for:

(i) compliance with all requirements of the United States government relating to permits or certificates governing aircraft and airmen; and

(ii) compliance with all laws of the state of Minnesota and rules of any state department or agency promulgated thereunder.

The fee for an original license or renewal license is $30.

(3) To approve airport and restricted landing area sites and to license airports, restricted landing areas, or other air navigation facilities, in accordance with rules to be adopted by the commissioner, and to renew such licenses. Licenses granted under this subdivision or under any prior law shall be renewed annually or every three years upon payment of the fee therefor, and licenses shall be granted for airports and restricted landing areas which were being operated under a license on the 1st day of July 1943, without requirements of a certificate of approval, unless the commissioner shall reasonably determine, after a public hearing to be called by the commissioner and held in the same manner and upon the same notice as is provided for

hearings upon certificates of approval or original licenses, that the operation of such airport or restricted landing area is hazardous to persons operating, using, or traveling in aircraft or to persons and property on the ground. The commissioner shall make no charge for approval certificates of proposed property acquisition for airport or restricted landing area purposes. The fee for the issuance of each original license for an airport or restricted landing area is $15 per year and $40 for three years.

(4) To suspend or revoke any license or certificate of registration of an aircraft or licensee of commercial operations issued by the commissioner, or to refuse to issue any such license or certificate of registration, on reasonably determining that any aircraft is not airworthy or that any licensee of commercial operations is not qualified; has engaged in advertising by means of false or deceptive statements; has been found guilty of gross incompetency or gross negligence; has been found guilty of fraud, dishonesty, forgery, or theft; has willfully violated the provisions of sections 360.013 to 360.075, the rules prescribed pursuant thereto, or any other statute of this state relating to aeronautics, or any act of Congress or any rule or regulation promulgated pursuant thereto; is addicted to the use of narcotics or other habit-forming drug or to the excessive use of intoxicating liquor; has made any false statement in any application for registration of a federal license, certificate, or permit; or has been guilty of other conduct, acts, or practices dangerous to the public safety and the safety of those engaged in aeronautics.

Subd. 2. **Unlawful operations.** Except as hereinafter provided, it shall be unlawful for any person to operate or cause or authorize to be operated any civil aircraft within this state unless such aircraft has an appropriate effective license, certificate, or permit issued by the United States government which has been registered with the commissioner and such registration with the commissioner is in full force and effect, and it shall be unlawful for any person to engage in aeronautics as an airman in this state without an appropriate effective airman's license, certificate, or permit issued by the United States government authorizing the person to engage in the particular class of aeronautics in which engaged.

Subd. 3. **Exceptions to registration requirements.** The provisions of subdivision 1, paragraphs (1) and (2), and subdivision 2 shall not apply to:

(1) an aircraft which has been licensed by a foreign country with which the United States has a reciprocal agreement covering the operations of such licensed aircraft;

(2) an aircraft which is owned by a nonresident of this state who is lawfully entitled to operate such aircraft in the state of residence;

(3) an aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;

(4) an aircraft owned by, and used exclusively in the service of, any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

(5) an airman operating an aircraft owned by, and used exclusively in the service of, any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

(6) an airman operating any aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft;

(7) persons operating model aircraft, nor to any person piloting an aircraft which is equipped with fully functioning dual controls when a licensed instructor is in full charge of one set of said controls and such flight is solely for instruction or for the demonstration of said aircraft to a bona fide prospective purchaser;

(8) a nonresident operating aircraft in this state who is lawfully entitled to operate aircraft in the state of residence;

(9) an airman while operating or taking part in the operation of an aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce.

Subd. 4. **Exhibiting license, permit, or certificate.** The federal license, certificate, or permit, and the evidence of registration in this or another state, if any, required for an airman shall be kept in the personal possession of the airman when operating within this state and must be presented for inspection upon the demand of any passenger, any peace officer of this state, or the commissioner, the commissioner's assistant, or any employee of the department, or any official, manager, or person in charge of any airport in this state upon which the airman shall land, or upon the reasonable request of any other person. The federal aircraft license, certificate, or permit, and the evidence of registration in this or another state, if any, required for aircraft must be carried in every aircraft operating in this state at all times and must be conspicuously posted therein where it may readily be seen by passengers or inspectors and must be presented for inspection upon the demand of any passenger, any peace officer of this state, the commissioner, the commissioner's assistant, or any employee of the department, 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 person.

Subd. 5. **Air instruction without license, permit, or certificate.** It shall be unlawful for any person to engage in commercial operations or to act as an aeronautics instructor in this state without having all required licenses, certificates, or permits of the commissioner and of the United States government.

Subd. 6. **Licensing airport or other air navigation facility.** All proposed airports, restricted landing areas, and other air navigation facilities shall be first licensed by the commissioner before they, or any of them, shall be used or operated. Any municipality or person acquiring property for the purpose of constructing or establishing an airport or restricted landing area shall, prior to such acquisition, make application to the commissioner for a certificate of approval of the site selected and the general purpose or purposes for which the property is to be acquired, to insure that the property and its use shall conform to minimum standards of safety and shall serve public interest. It shall be unlawful for any municipality or officer or employee thereof, or for any person, to operate an airport, restricted landing area, or other air navigation facility for which the required annual license has not been issued by the commissioner. Notwithstanding the foregoing, a personal use airport that is more than five miles from a public airport, whether publicly or privately owned, need not obtain a license from the commissioner.

Subd. 7. **Hearing on certificate or license application.** Whenever the commissioner makes an order granting or denying a certificate of approval of an airport or a restricted landing area, or an original license to use or operate an airport, restricted landing area, or other air navigation facility, and the applicant or any interested municipality, within 15 days after notice of such order has been sent the applicant by certified mail, demands a public hearing, or whenever the commissioner desires to hold a public hearing before making an order, such a public hearing in relation thereto shall be held in the municipality applying for the certificate of approval or license or, in case the application was made by anyone other than a municipality, at the county seat of the county in which the proposed airport, restricted landing area, or other air navigation facility is proposed to be situated, at which hearing parties in interest and other persons shall have an opportunity to be heard. Notice of the hearing shall be published by the commissioner in a legal newspaper of general circulation in the county in which the hearing is to be held, at least 15 days prior to the date of

hearing. After a proper and timely demand has been made, the order shall be stayed until after the hearing, when the commissioner may affirm, modify, or reverse it, or make a new order. If no hearing is demanded as herein provided, the order shall become effective upon the expiration of the time permitted for making a demand. Where a certificate of approval of an airport or restricted landing area has been issued by the commissioner, the commissioner may grant a license for operation and use, and no hearing may be demanded thereon; provided, however, and subject to the provisions of section 473.622, as amended, should the airport for which a license is applied lie within the area under the jurisdiction of any corporation organized and existing under sections 473.601 to 473.679, the commissioner, before issuing the first license for the operation of said airport, shall forthwith serve notice in writing of the application, together with a copy thereof to the said corporation. Within 15 days after service of such notice said corporation shall serve written notice upon the commissioner whether or not it regards the acquisition and/or operation of said airport as constituting a hazard to the safe operation of an airport or airports owned or operated by it. If in the opinion of the corporation it does not constitute such a hazard, the commissioner may thereafter proceed in the matter of granting or refusing to grant a license in accordance with and pursuant to the provisions of this chapter. If the corporation, however, be of the opinion that the acquisition and/or operation of such airport would create such a hazard, then the commissioner shall set a time and place for a joint hearing upon the application for license and for consent to or approval by the corporation of the acquisition and/or operation of said airport, which hearing shall be held within 45 days after the service of such notice upon the applicant, the corporation and other interested parties, unless such time shall be extended by consent of all interested parties. At said hearing the corporation shall offer such evidence as it deems material to sustain its contention that the acquisition and/or operation of said airport would create such a hazard. Thereafter other interested parties supporting the view of the corporation shall be heard; and thereafter the applicant and other interested parties supporting applicant's view or their independent views shall be heard, and shall offer such evidence as they deem material to sustain their respective views and contentions. Each party shall have an opportunity of offering rebuttal testimony or rebuttal evidence.

Within ten days after the close of the hearing the corporation shall make its order in writing approving or refusing to approve the acquisition and/or operation of said airport; provided that if the order is one disapproving, it must be based solely upon the grounds that the acquisition and/or operation of said airport would constitute a hazard to the safe operation of an airport or airports owned or operated by it or presently to be constructed or being constructed to be operated by it, and its order shall set forth its findings of fact and its reasons for the conclusion reached. The provisions of this proviso shall apply only to securing the first approval or disapproval of the establishment and operation of said airport or restricted landing area and once the same shall have been approved by the corporation renewal licenses may be issued therefor by the commissioner of transportation without notice to the corporation.

Subd. 8. **Standards for issuing certificate or license.** In determining whether to issue a certificate of approval or license for the use or operation of any proposed airport or restricted landing area, the commissioner shall take into consideration its proposed location, size, and layout, the relationship of the proposed airport or restricted landing area to a comprehensive plan for statewide and nationwide development, whether there are safe areas available for expansion purposes, whether the adjoining area is free from obstructions based on a proper glide ratio, the nature of the terrain, the nature of the uses to which the proposed airport or restricted landing area will be put, and the possibilities for future development.

Subd. 9. **Exceptions; federal use.** The provisions of subdivisions 6, 7, and 8 shall not apply to any airport, restricted landing area, or other air navigation facility owned or operated by the federal government within this state, or by any public corporation created in and for contiguous cities of the first class of this state. No airport, restricted landing area, or other air navigation facility shall be acquired or operated within 25 miles of the city hall of either of two contiguous cities of the first class for which a public corporation is

organized and existing under sections 473.601 to 473.679, without the consent of such corporation, as provided in and limited by section 473.622.

Subd. 10. **Revoking certificate or license.** The commissioner is empowered to suspend or revoke any certificate of approval or license issued by the commissioner upon determining that an airport, restricted landing area, or other air navigation facility is not being maintained or used in accordance with the provisions of sections 360.011 to 360.076, and the rules lawfully promulgated pursuant thereto.

Subd. 11. **Examination of premises.** To carry out the provisions of sections 360.011 to 360.076, the commissioner, the commissioner's assistant, the employees of the department, and any officers, state or municipal, charged with the duty of enforcing sections 360.011 to 360.076, may inspect and examine at reasonable hours any premises, and the buildings and other structures thereon, where airports, restricted landing areas, air schools, flying clubs, or other air navigation facilities or aeronautical activities are operated or carried on.

Subd. 12. **Operating vehicle on airport property.** No person shall operate a motor vehicle off a designated roadway on airport property without the authorization of the airport owner, or operate a motor vehicle anywhere on airport property in a careless or reckless manner with willful disregard for the safety of persons or property. A violation of this subdivision is a misdemeanor.

History: *1945 c 303 s 6; 1947 c 175 s 3,4; 1947 c 363 s 4,5; 1953 c 738 s 3,4; 1959 c 446 s 1; 1965 c 288 s 1; 1967 c 863 s 1; 1974 c 8 s 1-3; 1976 c 166 s 7; 1978 c 674 s 58,60; 1980 c 509 s 65,66; 1983 c 293 s 100; 1985 c 248 s 70; 1Sp1985 c 10 s 89; 1986 c 444; 1987 c 321 s 3,4*

360.019 ORDER OF COMMISSIONER; REVIEW.

Subdivision 1. **Certificate, license, or permit refusal or modification order.** In any case where the commissioner refuses to issue a certificate of approval of or license (or renewal of license) for an airport, restricted landing area, or other air navigation facility, or refuses to permit the registration of any license, certificate, or permit, or refuses to grant a license to an air school or to an aeronautics instructor in ground subjects, or in any case issues any order requiring certain things to be done, or revokes any license or certificate, the commissioner shall set forth the reasons therefor and shall state the requirements to be met before such approval will be given, registration permitted, license granted, or order modified or changed. Any order made by the commissioner pursuant to the provisions of sections 360.011 to 360.076, shall be served upon the interested persons by certified mail or in person.

Subd. 2. **Hearing before commissioner; appeal.** Any person aggrieved by an order of the commissioner or by the granting or denial of any license, permit, certificate, or registration may request a hearing before the commissioner. The commissioner shall hold a public hearing and may stay the order until after the hearing. Orders of the commissioner reached after a public hearing may be reviewed by appeal in accordance with chapter 14.

History: *1945 c 303 s 7; 1957 c 146 s 3; 1959 c 387 s 12; 1978 c 674 s 58,60; 1983 c 247 s 141; 1986 c 444*

360.021 STATE AIRPORT.

Subdivision 1. **Authority to establish.** The commissioner is authorized and empowered, on behalf of and in the name of this state, within the limitation of available appropriations, to acquire, by purchase, gift, devise, lease, condemnation proceedings, or otherwise, property, real or personal, for the purpose of establishing and constructing restricted landing areas and other air navigation facilities and to acquire in like manner, own, control, establish, construct, enlarge, improve, maintain, equip, operate, regulate, and

police such restricted landing areas and other air navigation facilities, either within or without this state; and to make, prior to any such acquisition, investigations, surveys, and plans. The commissioner may maintain, equip, operate, regulate, and police airports, either within or without this state. The operation and maintenance of airports is an essential public service. The commissioner may maintain at such airports facilities for the servicing of aircraft and for the comfort and accommodation of air travelers. The commissioner may dispose of any such property, airport, restricted landing area, or any other air navigation facility, by sale, lease, or otherwise, in accordance with the laws of this state governing the disposition of other like property of the state. The commissioner may not acquire or take over any restricted landing area, or other air navigation facility without the consent of the owner. The commissioner shall not acquire any additional state airports nor establish any additional state-owned airports. The commissioner may erect, equip, operate, and maintain on any airport buildings and equipment necessary and proper to maintain, and conduct such airport and air navigation facilities connected therewith. The commissioner shall not expend money for land acquisition, or for the construction, improvement, or maintenance of airports, or for air navigation facilities for an airport, unless the municipality, county, or joint airport zoning board involved has or is establishing a zoning authority for that airport, and the authority has made a good-faith showing that it is in the process of and will complete with due diligence, an airport zoning ordinance in accordance with sections 360.061 to 360.074. The commissioner may provide funds to support airport safety projects that maintain existing infrastructure, regardless of a zoning authority's efforts to complete a zoning regulation. The commissioner may withhold funding from only the airport subject to the proposed zoning ordinance. Notwithstanding the foregoing prohibition, the commissioner may continue to maintain the state-owned airport at Pine Creek.

Subd. 2. **Airport protection privileges.** Where necessary in order to provide unobstructed air space for the landing and takeoff of aircraft utilizing airports and restricted landing areas acquired or operated under the provisions of sections 360.011 to 360.076, the commissioner is hereby granted authority to acquire, in the same manner as is provided for the acquisition of property for airport purposes, easements through or other interests in air space over land or water, interests in airport hazards outside the boundaries of the airports or restricted landing areas, and such other airport protection privileges as are necessary to insure safe approaches to the landing areas of said airports and restricted landing areas, and the safe and efficient operation thereof. The commissioner is also hereby authorized to acquire, in the same manner, the right of easement, for a term of years or perpetually, to place or maintain suitable marks for the daytime marking and suitable lights for the nighttime marking of airport hazards, including the right of ingress and egress to or from such airport hazards for the purpose of maintaining and repairing such lights and marks. This authority shall not be so construed as to limit the right, power, or authority of the state or any municipality to zone property adjacent to any airport or restricted landing area pursuant to any law of this state. The commissioner shall make maximum use of zoning and easements to eliminate runway and other potential airport hazards rather than land acquisition in fee.

Subd. 3. **Joint operation with other government.** This state, acting through the commissioner, may engage in all such activities jointly with the United States, other states, and with municipalities or other agencies of this state and, subject to the approval of the United States government, jointly with the Dominion of Canada or its governmental subdivisions. Such joint operations may be conducted pursuant to an agreement as described in section 360.042 and other applicable law.

Subd. 4. **Condemnation.** The commissioner may exercise the power of eminent domain, in the name of the state, in the manner provided by the laws of this state for the acquisition of real property for public purposes, for the purpose of acquiring any property which the commissioner is herein authorized to acquire by condemnation. The fact that the property so needed has been acquired by the owner under power of eminent domain shall not prevent its acquisition by the exercise of the power of eminent domain herein conferred. For the purpose of making surveys and examinations relative to any condemnation proceedings,

it shall be lawful to enter upon any land, doing no unnecessary damage. Notwithstanding the provisions of any other statute, or the charter of any municipality, the commissioner may take possession of any such property so to be acquired at any time after the filing of the petition describing the same in condemnation proceedings. The commissioner shall not be precluded from abandoning the condemnation of any such property in any case where possession thereof has not been taken.

Subd. 5. **Lease, sale, assignment, or concession.** The commissioner may lease for a term not exceeding 30 years such airports, or other air navigation facilities or real property acquired or set apart for airport purposes, to private parties, any municipal or state government or the national government, or any department of either thereof, for operation; and may lease or assign for a term not exceeding 30 years to private parties, any municipal or state government or the national government, or any department of either, for operation or use consistent with the purposes of this chapter, space, area, improvements, or equipment on such airports; may sell any part of such airports, other air navigation facilities, or real property to any municipal or state government, or to the United States or any department or instrumentality thereof, for aeronautical purposes or purposes incidental thereto; and may confer the privilege of concessions of supplying upon the airports goods, commodities, things, services, and facilities; provided that in each case in so doing the public is not deprived of its rightful, equal, and uniform use thereof.

Subd. 6. **Charge or rental; lien.** The commissioner shall have the authority to determine the charges or rental for the use of any properties and the charges for any service or accommodations under the commissioner's control and the terms and conditions under which such properties may be used; provided that in all cases the public is not deprived of its rightful, equal, and uniform use of such property. Charges shall be reasonable and uniform for the same class of service and established with due regard to the property and improvements used and the expenses of operation to the state. The state shall have and the commissioner may enforce liens, as provided by law for liens and the enforcement thereof, for repairs to or improvement or storage or care of any personal property, to enforce the payment of any such charges.

Subd. 7. **Contract with owner of existing private airport.** The commissioner may contract with the owners of existing privately owned airports for the use, equipment, improvement, maintenance, management, and operation by the commissioner of such airports, and thereafter use, equip, improve, maintain, manage, operate, regulate, and police them.

History: *1945 c 303 s 8; 1947 c 175 s 5; 1975 c 224 s 1; 1978 c 674 s 58; 1981 c 357 s 100,101; 1986 c 444; 2006 c 214 s 20; 1Sp2019 c 3 art 3 s 91*

360.0215 SERVICE OF PROCESS; LONG-ARM STATUTE; FEE.

The use and operation of an aircraft by a nonresident or the nonresident's agent in the state of Minnesota or by a resident owner or the resident owner's agent who has remained without the state continuously for 30 days prior to the commencement of an action against the nonresident or absentee owner, shall be deemed an appointment by such nonresident or absentee of the commissioner of transportation, to be the true and lawful attorney upon whom may be served all legal processes in any action or proceeding against the nonresident or absentee growing out of such use or operation of an aircraft in the state of Minnesota, resulting in damages or loss to person or property, and said use or operation shall be a signification of agreement that any such process in any action against the nonresident or absentee which is so served shall be of the same legal force and validity as if served upon the nonresident or absentee personally. Service of such process shall be made by serving a copy thereof upon the commissioner or by filing a copy in the commissioner's office, together with the payment of a fee of $2, and such service shall be sufficient service upon said nonresident or absentee; provided that notice of such service and a copy of the process are within ten days

thereafter sent by mail by the plaintiff to the defendant at the defendant's last known address, and that the plaintiff's affidavit of compliance with the provisions of this section are attached to the summons.

The court in which the action is pending may order such continuance as may be necessary to afford the defendant reasonable opportunity to defend any such action, not exceeding 90 days from the day of the filing of the action in such court. The fee of $2 paid by the plaintiff to the commissioner at the time of service of such proceeding shall be taxed in the plaintiff's costs if the plaintiff prevails in the suit. The said commissioner shall keep a record of all such processes so served which shall show the day and hour of such service.

History: *1947 c 46 s 1; 1976 c 166 s 7; 1986 c 444*

360.0216 AIRCRAFT OPERATOR DEEMED OWNER'S AGENT.

When an aircraft is operated within the airspace above this state or upon the ground surface or waters of this state by a person other than the owner, with the consent of the owner, expressed or implied, the operator shall in case of accident be deemed the agent of the owner of the aircraft in its operation.

History: *1976 c 241 s 2*

360.022 MISDEMEANOR.

Any person violating any of the provisions of section 360.018, or any of the rules or orders issued pursuant to the provisions of section 360.015, shall be guilty of a misdemeanor, and each such violation, or in the case of continuing offenses each day's violation, shall constitute a separate offense.

History: *1945 c 303 s 9; 1971 c 23 s 23; 1985 c 248 s 70*

360.023 TRANSFER OF AIR NAVIGATION FACILITY.

The commissioner of transportation of the state of Minnesota, with the approval of the governor, is hereby granted authority to transfer and assign to the United States government or, to any political subdivisions of the state of Minnesota or to loan to private owners of airports licensed for public use all or any part of radio air navigation facilities or other air navigation facilities along with shelters, repair parts, and supplies used in connection therewith, as are now or hereafter owned by the state of Minnesota.

The commissioner of transportation, with the approval of the governor, is authorized to make such loan, transfer, and assignment herein upon the conditions that, and so long as, the United States government, the political subdivision, or the private owner of an airport, as the case may be, will undertake the duty to, and does, maintain, repair, operate, and use such air navigation facilities for the benefit of the public of the state. The commissioner may set additional conditions on a transfer of air navigation facilities.

History: *1963 c 194 s 1; 1967 c 720 s 1; 1976 c 166 s 7*

360.024 AIR TRANSPORTATION SERVICE CHARGE.

Subdivision 1. **Charges.** (a) The commissioner must charge users of air transportation services provided by the commissioner for operating costs as allowed by federal aviation regulations.

(b) The commissioner must charge users for a portion of aircraft acquisition, replacement, or leasing costs.

Subd. 2. **Accounts; appropriation.** (a) An air transportation services account is established in the state airports fund. The account consists of collections under subdivision 1, paragraph (a), and any other money

donated, allotted, transferred, or otherwise provided to the account. Money in the account is annually appropriated to the commissioner to pay air service operating costs.

(b) An aircraft capital account is established in the state airports fund. The account consists of collections under subdivision 1, paragraph (b), proceeds from the sale of aircraft under jurisdiction of the department, and any other money donated, allotted, transferred, or otherwise provided to the account. Money in the account must be used for aircraft acquisition, replacement, or leasing costs. Except as provided by law, the commissioner must not transfer money into or out of the account.

History: *1983 c 293 s 102; 1Sp1985 c 10 s 90; 1Sp1993 c 4 s 1; 1998 c 372 art 1 s 9; 1Sp2019 c 3 art 3 s 92*

360.025 MS 1957 [Repealed, 1959 c 387 s 14]

ESTABLISHING AIRPORTS

360.031 DEFINITION OF MUNICIPALITY.

For the purposes of sections 360.031 to 360.046, and except for section 360.042, "municipality" means any county, city, town, or airport authority of this state.

History: *1945 c 303 s 10; 1973 c 123 art 5 s 7; 2008 c 154 art 2 s 24; 2025 c 20 s 259*

360.032 MUNICIPALITY MAY ACQUIRE AIRPORT.

Subdivision 1. **Acquisition.** Every municipality is hereby authorized, through its governing body, to acquire property, real or personal, for the purpose of establishing, constructing, and enlarging airports and other air navigation facilities and to acquire, establish, construct, enlarge, improve, maintain, equip, operate, and regulate such airports and other air navigation facilities and structures and other property incidental to their operation, either within or without the territorial limits of such municipality and within or without this state; to make, prior to any such acquisition, investigations, surveys, and plans; to construct, install, and maintain airport facilities for the servicing of aircraft, and for the comfort and accommodation of air travelers; and to purchase and sell equipment and supplies as an incident to the operation of its airport properties. It may not acquire, or take over any airport or other air navigation facility owned or controlled by any other municipality of the state without the consent of such municipality. It may use for airport purposes any available property that is now or may at any time hereafter be owned or controlled by it. Such air navigation facilities as are established on airports shall be supplementary to and coordinated in design and operation with those established and operated by the federal and state governments. It may assist other municipalities in the construction of approach roads leading to any airport or restricted landing area owned or controlled by it.

Subd. 1a. **Relocating airport property; reimbursement.** A municipality may exercise the powers set forth in this subdivision solely for the purpose of assisting the relocation of air navigation facilities, structures, and other property incidental to airport operations, which are located at an airport owned or formerly owned by the municipality.

A municipality may acquire air navigation facilities, structures, and other property incidental to airport operations, which are located at an airport owned or formerly owned by the municipality. In lieu of such acquisition, the municipality may move and relocate such property to another public airport. The manner of acquisition of such property shall be in accordance with subdivision 2. The municipality may expend its funds to pay for the costs of such acquisition, moving, and relocation. The commissioner may pay a portion

of such acquisition, moving, and relocation costs in accordance with the provisions of section 360.305, subdivision 4, paragraph (b).

Subd. 2. **Manner of acquisition.** Property needed by a municipality for an airport or restricted landing area, or for the enlargement of either, or for other airport purposes, may be acquired by purchase, gift, devise, lease, or other means if such municipality is able to agree with the owners of said property on the terms of such acquisition, and otherwise by condemnation in the manner provided by the law under which such municipality is authorized to acquire like property for public purposes, full power to exercise the power of eminent domain for such purposes being hereby granted every municipality both within and without its territorial limits. If but one municipality is involved and the charter of such municipality prescribes a method of acquiring property by condemnation, proceedings shall be had pursuant to the provisions of such charter and may be followed as to property within or without its territorial limits. The fact that the property needed has been acquired by the owner under power of eminent domain, or is already devoted to a public use, shall not prevent its acquisition by the municipality by the exercise of the power of eminent domain herein conferred. For the purpose of making surveys and examinations relative to any condemnation proceedings, it shall be lawful to enter upon any land, doing no unnecessary damage. Notwithstanding the provisions of this or any other statute or the provisions of any charter, the municipality may take possession of any such property so to be acquired at any time after the filing of the petition describing the same in condemnation proceedings. It shall not be precluded from abandoning the condemnation of any such property in any case where possession thereof has not been taken.

Subd. 3. **Property and easements.** Where necessary, in order to provide unobstructed air space for the landing and takeoff of aircraft utilizing airports or restricted landing areas acquired or operated under the provisions of this chapter, every municipality is authorized to acquire, in the same manner as is provided for the acquisition of property for airport purposes, easements through or other interests in air space over land or water, interests in airport hazards outside the boundaries of the airports or restricted landing areas, and such other airport protection privileges as are necessary to insure safe approaches to the landing areas of said airports or restricted landing areas and the safe and efficient operation thereof. It is also hereby authorized to acquire, in the same manner, the right or easement, for a term of years or perpetually, to place or maintain suitable marks for the daytime marking and suitable lights for the nighttime marking of airport hazards, including the right of ingress and egress to or from such airport hazards, for the purpose of maintaining and repairing such lights and marks. This authority shall not be so construed as to limit any right, power, or authority to zone property adjacent to airports and restricted landing areas under the provisions of any law of this state.

Subd. 4. **Regulating buildings and trees on adjoining property.** It shall be unlawful for anyone to build, rebuild, create, or cause to be built, rebuilt, or created, any object, or plant, cause to be planted, or permit to grow higher any tree or trees or other vegetation, which shall encroach upon any airport protection privileges acquired pursuant to the provisions of this section. Any such encroachment is declared to be a public nuisance and may be abated in the manner prescribed by law for the abatement of public nuisances, or the municipality in charge of the airport or restricted landing area for which airport protection privileges have been acquired as in this section provided may go upon the land of others and remove any such encroachment without being liable for damages in so doing.

History: *1945 c 303 s 11; 1957 c 615 s 1; 1978 c 660 s 2; 1991 c 350 art 1 s 21; 1999 c 230 s 29; 2006 c 214 s 20; 2007 c 138 s 14; 2025 c 20 s 260*

360.033 SOVEREIGN RIGHTS.

Subdivision 1. **Public necessity.** The acquisition of any lands for the purpose of establishing airports or other air navigation facilities; the acquisition of airport protection privileges; the acquisition, establishment, construction, enlargement, improvement, maintenance, equipment, and operation of airports and other air navigation facilities, and the exercise of any other powers herein granted to the state or to municipalities are hereby declared to be public, governmental, and municipal functions, exercised for a public purpose, and matters of public necessity, and such lands and other property, easements, and privileges acquired and used by the state and such municipalities in the manner and for the purposes enumerated in sections 360.011 to 360.076, shall and are hereby declared to be acquired and used for public, governmental, and municipal purposes and as a matter of public necessity.

Subd. 2. MS 1961 [Repealed, 1963 c 798 s 16]

History: *1945 c 303 s 12; 1978 c 674 s 58*

360.034 PRIOR ACQUISITION OF PROPERTY VALIDATED.

Any acquisition of property within or without the limits of any municipality for airports and other air navigation facilities, or of airport protection privileges, heretofore made by any such municipality in any manner, together with the conveyance and acceptance thereof, is hereby legalized and made valid and effective.

History: *1945 c 303 s 13*

360.035 EXEMPTION FROM TAXATION.

Any properties, real or personal, acquired, owned, leased, controlled, used, or occupied by a municipality for any of the purposes of sections 360.011 to 360.076, are declared to be acquired, owned, leased, controlled, used, or occupied for public, governmental, and municipal purposes, and shall be exempt from taxation by the state or any of its political subdivisions, except to the extent that the property is subject to the sales and use tax under chapter 297A. Nothing contained in sections 360.011 to 360.076 shall be construed as exempting properties, real or personal, leased from the municipality to a tenant or lessee who is a private person, association, or corporation from assessments or taxes. Leased municipal airport property that is not located at the airport operated by the metropolitan airports commission shall not be subject to payment of any portion of rentals under section 272.68, subdivision 3.

History: *1945 c 303 s 14; 1978 c 674 s 58; 1979 c 303 art 2 s 35; 1Sp1981 c 1 art 2 s 23; 2000 c 418 art 2 s 3*

360.036 FINANCING AIRPORT AND IMPROVEMENTS.

Subdivision 1. **Proportion; "cost" includes awards and rentals.** The cost of investigating, surveying, planning, acquiring, establishing, constructing, enlarging, or improving or equipping airports and other air navigation facilities, and the sites therefor, including structures and other property incidental to their operation, in accordance with the provisions of sections 360.011 to 360.076, may be paid for by appropriation of money available therefor, or wholly or partly from the proceeds of bonds of the municipality, as the governing body of the municipality shall determine. The word "cost" includes awards in condemnation proceedings and rentals where an acquisition is by lease.

Subd. 2. **Issuance of bonds.** (a) Bonds to be issued by a municipality under sections 360.011 to 360.076, shall be authorized and issued in the manner and within the limitation prescribed by laws or the charter of

the municipality for the issuance and authorization of bonds for public purposes generally, except as provided in paragraphs (b) and (c).

(b) No election is required to authorize the issuance of the bonds if:

(1) a board organized under section 360.042 recommends by a resolution adopted by a vote of not less than 60 percent of its members the issuance of bonds, and the bonds are authorized by a resolution of the governing body of each of the municipalities acting jointly pursuant to section 360.042, adopted by a vote of not less than 60 percent of its members;

(2) the bonds are authorized by a resolution of the governing body of the municipality, adopted by a vote of not less than 60 percent of its members; or

(3) the bonds are being issued for the purpose of financing the costs of constructing, enlarging, or improving airports and other air navigation facilities; and

(i) the governing body estimates that passenger facility charges and other revenues pledged to the payment thereof will be at least 20 percent of the debt service payable on the bonds in any year;

(ii) the project will be funded in part by a state or federal grant for airport development; and

(iii) the principal amount of the bonds issued under this clause does not exceed 25 percent of the amount of the state or federal grant.

(c) If the bonds are general obligations of the municipality, the levy of taxes required by section 475.61 to pay principal and interest on the bonds is not included in computing or applying any levy limitation applicable to the municipality.

Subd. 3. **Issuing bonds in excess of tax limitation.** Irrespective of any limitation, by general or special law or charter, as to the amount of bonds which may be issued, a municipality may issue bonds for the purposes defined by sections 360.011 to 360.076, in excess of such limitation, in such amount as may be authorized by the governing body of the municipality as provided in subdivision 2.

Subd. 4. **Bonds heretofore issued.** The amount of all bonds heretofore or hereafter issued by any municipality for the purposes defined in sections 360.011 to 360.076 shall not be counted or included in the net indebtedness of the municipality or in any computation of the outstanding indebtedness of the municipality for the purpose of determining the limit of net indebtedness thereof.

Subd. 5. **Bonds for preliminary purpose.** In all cases where a municipality has heretofore issued any bonds for the purpose of investigating, surveying, planning, acquiring, establishing, constructing, enlarging, equipping, or improving any airport, or other air navigation facility, or site therefor, or to meet the cost of structures or other property incidental to their operation, whether such airport or other air navigation facility was termed under the law existing at the time of the issuance of such bonds an airport, a landing field, a landing strip, an aviation field, or a flying field, or has incurred any other indebtedness, or entered into any lease or other contract in connection with the acquisition, establishment, construction, ownership, enlargement, control, leasing, equipment, improvement, maintenance, operation, or regulation of any such airport or other air navigation facility, or site therefor, or structure or other property incidental to its operation, the proceedings heretofore taken in all such cases are hereby in all respects validated and confirmed; any bonds already issued thereunder are validated and made legal obligations of such municipality, and such municipality is hereby authorized and empowered, pursuant to such proceedings, to issue further bonds for such purposes up to the limit fixed in the original authorization thereof, without limitation of the general power herein

granted to all municipalities in this state, which bonds when issued shall be legal obligations of such municipality according to their terms.

Subd. 6. **Expenditure in excess of limitation.** The governing body of any municipality may expend money for the purpose of acquiring property, real or personal, to establish, construct, or enlarge an airport or other air navigation facility by purchase, lease, or condemnation, irrespective of any limitation by general or special law or charter as to the amount that may be so expended by such governing body; provided state or federal funds or funds received by gift have been allocated or otherwise made available to such municipality to reimburse it for the entire amount of such expenditure in excess of the amount authorized by such general or special law or charter; or, provided such municipality has obtained funds from the sale of an existing airport, the funds obtained from such sale may be used to acquire land and establish and construct an airport on another site. The acquisition by any such municipality of any airport or airport property heretofore acquired by gift, purchase, lease, or condemnation is hereby validated and confirmed irrespective of any limitation by general or special law or charter provision to the contrary notwithstanding.

History: *1945 c 303 s 15; 1951 c 163 s 1; 1978 c 674 s 58; 1994 c 587 art 5 s 17,18; 2000 c 493 s 2; 2009 c 88 art 6 s 5*

360.037 GENERAL POWER TO TAX; REVENUE PRIORITIES.

Subdivision 1. **Local authority to appropriate money.** The governing bodies having power to appropriate money within the municipalities in this state acquiring, establishing, constructing, enlarging, improving, maintaining, equipping, or operating airports and other air navigation facilities under the provisions of sections 360.011 to 360.076, are hereby authorized to appropriate and cause to be raised, by taxation or otherwise in such municipalities, money sufficient to carry out therein the provisions of sections 360.011 to 360.076. Expenditures by counties shall be made out of the general revenue fund only.

Subd. 2. **Levy in excess of tax limitation.** A municipality may levy taxes for the purposes authorized by sections 360.011 to 360.076, in such amount as may be authorized by an ordinance or resolution referred to and approved by the voters of such municipality by popular vote or as may be required to pay principal of or interest on general obligation bonds of the municipality issued under section 360.036.

Subd. 3. **Use of revenues.** The revenues obtained from the ownership, control, and operation of any such airport or other air navigation facility shall be used, first, to finance the maintenance and operating expenses thereof and, second, to make payments of interest on and current principal requirements of any outstanding bonds or certificates issued for the acquisition or improvement thereof, and to make payment of interest on any mortgage heretofore made. Revenues in excess of the foregoing requirements shall be applied to finance the extension or improvement of the airport or other air navigation facilities.

History: *1945 c 303 s 16; 1978 c 674 s 58; 1981 c 209 s 13; 1Sp1981 c 4 art 1 s 166; 1984 c 593 s 37; 1Sp1989 c 1 art 5 s 26; 1994 c 587 art 5 s 19*

360.038 SPECIFIC POWERS OF MUNICIPALITY.

Subdivision 1. **Acquisition of property.** In addition to the general powers in sections 360.011 to 360.076, conferred, and without limitation thereof, a municipality which has established or may hereafter establish airports, restricted landing areas, or other air navigation facilities, or which has acquired or set apart, or may hereafter acquire or set apart, real property for such purpose or purposes is hereby authorized:

Subd. 2. **Construction or improvement.** To vest authority for the construction, enlargement, improvement, maintenance, equipment, operation, and regulation thereof in an officer, a board or body of such municipality, now existing or hereafter provided for pursuant to law or charter, by ordinance or resolution

which shall prescribe the powers and duties of such officer, board, or body. The expense of such construction, enlargement, improvement, maintenance, equipment, operation, and regulation shall be a responsibility of the municipality.

Subd. 3. **Adopt rules, regulations, and ordinances.** To adopt and amend all needful rules, regulations, and ordinances for the management, government, and use of any properties under its control, whether within or without the territorial limits of the municipality; to appoint airport guards or police, with full police powers; to fix by ordinance or resolution, as may be appropriate, penalties for the violation of said rules, regulations, and ordinances and enforce said penalties in the same manner in which penalties prescribed by other rules, regulations, and ordinances of the municipality are enforced. For the purposes of such management and government and direction of public use, such part of all highways, roads, streets, avenues, boulevards, and territory as adjoins or lies within one mile of the limits of any airport or restricted landing area acquired or maintained under the provisions of sections 360.011 to 360.076, shall be under like control and management of the municipality. It may also adopt and enact rules, regulations, and ordinances designed to safeguard the public upon or beyond the limits of private airports or landing strips within such municipality or its police jurisdiction against the perils and hazards of instrumentalities used in aerial navigation. Rules, regulations, and ordinances shall be published as provided by general law or the charter of the municipality for the publication of similar rules, regulations, and ordinances. They must conform to and be consistent with the laws of this state and the rules of the commissioner and shall be kept in conformity, as nearly as may be, with the then current federal legislation governing aeronautics and the regulations duly promulgated thereunder and rules and standards issued from time to time pursuant thereto.

Subd. 4. **Leased property.** To lease for a term not exceeding 30 years such airports or other air navigation facilities or real property acquired or set apart for airport purposes, to private parties, any municipal or state government or the national government, or any department of either thereof, for operation; to lease or assign for a term not exceeding 99 years to private parties, any municipal or state government, or the national government, or any department of either thereof, for operation or use consistent with the purposes of sections 360.011 to 360.076, space, area, improvements, or equipment on such airports; notwithstanding any other provisions in this subdivision, to lease ground area for a term not exceeding 99 years to private persons for the construction of structures which in its opinion are essential and necessary to serve aircraft, persons, and things engaged in or incidental to aeronautics, including but not limited to shops, hangars, offices, restaurants, hotels, motels, factories, storage space, and any and all other structures necessary or essential to and consistent with the purposes of sections 360.011 to 360.076, to sell any part of such airports, other air navigation facilities, or real property to any municipal or state government, or to the United States or any department or instrumentality thereof, for aeronautical purposes incidental thereto, and to confer the privileges of concessions of supplying upon its airports goods, commodities, things, services, and facilities; provided that in each case in so doing the public is not deprived of its rightful, equal, and uniform use thereof.

Subd. 5. **Sell or lease property.** (1) To sell or lease any property, real or personal, acquired for airport purposes and belonging to the municipality, which, in the judgment of its governing body, may not be required for aeronautic purposes, in accordance with the laws of this state, or the provisions of the charter of the municipality, governing the sale or leasing of similar municipally owned property.

(2) The proceeds of sale of any property the purchase price of which was obtained by the sale of bonds shall be deposited in the sinking fund from which funds have been authorized to be taken to finance such bonds. In the event all the proceeds of such sale are not needed to pay the principal of said bonds remaining unpaid, the remainder shall be paid into the general fund of the municipality. The proceeds of sales of property the purchase price of which was paid from appropriations shall be paid into the general fund of the municipality.

Subd. 6. **Determine rental charge.** To determine the charges or rental for the use of any properties under its control and the charges for any services or accommodations and the terms and conditions under which such properties may be used; provided that in all cases the public is not deprived of its rightful, equal, and uniform use of such property. Charges shall be reasonable and uniform for the same class of service and established with due regard to the property and improvements used and the expense of operation to the municipality. The municipality shall have and may enforce liens, as provided by law for liens and enforcement thereof, for repairs to or improvement or storage or care of any personal property, to enforce the payment of any such charges.

Subd. 7. **Exercise general and special powers.** To exercise all powers necessarily incidental to the exercise of the general and special powers herein granted.

History: *1945 c 303 s 17; 1957 c 380 s 1; 1978 c 674 s 58; 1985 c 248 s 70; 1991 c 350 art 1 s 22; 2007 c 138 s 15*

360.039 FEDERAL AID.

Subdivision 1. **Acceptance by municipality.** Every municipality is authorized, subject to the provisions of section 360.0161, to accept, receive, receipt for, disburse, and expend federal and state money and other money, public or private, made available by grant or loan or both to accomplish, in whole or in part, any of the purposes of this act. All federal money accepted under this section shall be accepted and expended by the municipality upon such terms and conditions as are prescribed by the United States and as are consistent with state law; and all state money accepted under this section shall be accepted and expended by the municipality upon such terms and conditions as are prescribed by the state. Unless otherwise prescribed by the agency from which such money was received, the chief financial officer of the municipality shall, on its behalf deposit all money received pursuant to this section and shall keep it, in separate funds designated according to the purposes for which the money was made available, in trust for such purposes.

Subd. 2. **Commissioner as financial agent.** A municipality is authorized to designate the commissioner as its agent to accept, receive, receipt for, and disburse federal and state money and other money, public or private, made available by grant or loan or both to accomplish, in whole or in part, any of the purposes of this act; and to designate the commissioner as its agent in contracting for and supervising the planning, acquisition, development, construction, improvement, maintenance, equipment, or operation of any airports or other air navigation facility. Such municipality may enter into an agreement with the commissioner prescribing the terms and conditions of the agency in accordance with such terms and conditions as are prescribed by the United States, if federal money is involved, and in accordance with the applicable laws of this state. All federal money accepted under this section by the commissioner shall be accepted and transferred or expended by the commissioner upon such terms and conditions as are prescribed by the United States.

Subd. 3. **Contract.** All contracts for the planning, acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of airports or other air navigation facilities, made by the municipality itself or through the agency of the commissioner, shall be made pursuant to the laws of this state governing the making of like contracts; provided, however, that where such planning, acquisition, construction, improvement, enlargement, maintenance, equipment, or operation is financed wholly or partly with federal money, the municipality, or the commissioner as its agent, may let contracts in the manner prescribed by the federal authorities, acting under the laws of the United States, and any rules or regulations made thereunder, notwithstanding any other state law to the contrary.

History: *1945 c 303 s 18; 1947 c 175 s 6*

360.041 AIRPORT ON WATER AND RECLAIMED LAND.

Subdivision 1. **Acquisition.** The powers herein granted to a municipality to establish and maintain airports shall include the power to establish and maintain such airports in, over, and upon any public waters of this state within the limits or jurisdiction of or bordering on the municipality, any submerged land under such public waters, and any artificial or reclaimed land which before the artificial making or reclamation thereof constituted a portion of the submerged land under such public waters, and as well the power to construct and maintain terminal buildings, landing floats, causeways, roadways, and bridges for approaches to or connecting with the airport, and landing floats and breakwaters for the protection of any such airport.

Subd. 2. **Incidental powers.** All the other powers herein granted municipalities with reference to airports on land are granted to them with reference to such airports in, over, and upon public waters, submerged land under public waters, and artificial or reclaimed land.

History: *1945 c 303 s 19*

360.042 JOINT OPERATION; JOINT POWERS BOARD.

Subdivision 1. **Municipalities may act jointly.** All powers, rights, and authority granted to any municipality in sections 360.011 to 360.076, may be exercised and enjoyed by two or more municipalities, or by this state and one or more municipalities therein, acting jointly, either within or without the territorial limits of either or any of said municipalities and within or without this state or any municipality therein acting jointly with any other state or municipality therein, either within or without this state; provided the laws of such other state permit such joint action. If the United States government approves, such joint action may be taken by this state and the Dominion of Canada or its governmental subdivisions.

Subd. 2. **State may act as municipality.** For the purposes of this section only, unless another intention clearly appears or the context otherwise requires, this state shall be included in the term "municipality," and all the powers conferred upon municipalities in sections 360.011 to 360.076, if not otherwise conferred by law, are hereby conferred upon this state when acting jointly with any municipality or municipalities. Where reference is made to the "governing body" of a municipality, that term shall mean, as to the state, the commissioner.

Subd. 3. **Concurrent action.** Any two or more municipalities may enter into agreements with each other, duly authorized by ordinance or resolution, as may be appropriate, for joint action pursuant to the provisions of this section. Concurrent action by the governing bodies of the municipalities involved shall constitute joint action.

Subd. 4. **Provisions of joint agreements.** Each such agreement shall specify its term; the proportionate interest which each municipality shall have in the property, facilities, and privileges involved; and the proportion of preliminary costs, of costs of acquisition, establishment, construction, enlargement, improvement, and equipment, and of expenses of maintenance, operation, and regulation to be borne by each; and make such other provisions as may be necessary to carry out the provisions of this section. It shall provide for amendments thereof and for conditions and methods of termination, for the disposition of all or any part of the property, facilities, and privileges jointly owned if said property, facilities, and privileges, or any part thereof, shall cease to be used for the purposes herein provided or if the agreement shall be terminated, and for the distribution of the proceeds received upon any such disposition, and of any funds or other property jointly owned and undisposed of, and the assumption or payment of any indebtedness arising from the joint venture which remains unpaid, upon any such disposition or upon a termination of the agreement.

Subd. 5. **Establishment of board.** Municipalities acting jointly as herein authorized shall create a board from the inhabitants of such municipalities for the purpose of acquiring property for establishing, constructing, enlarging, improving, maintaining, equipping, operating, and regulating the airports and other air navigation facilities and airport protection privileges to be jointly acquired, controlled, and operated. Such board shall consist of members to be appointed by the governing body of each municipality involved, the number to be appointed by each to be provided for by the agreement for the joint venture. Each member shall serve for such time and upon such terms as to compensation, if any, as may be provided for in the agreement.

Subd. 6. **Organization of board.** Each such board shall organize, select officers for terms to be fixed by the agreement, and adopt and from time to time amend rules of procedure.

Subd. 7. **Powers of board.** Such board may exercise, on behalf of the municipalities acting jointly by which it is appointed, all the powers of each of such municipalities granted by sections 360.011 to 360.076, except as herein provided. Real property, airports, restricted landing areas, air protection privileges, or personal property costing in excess of a sum to be fixed by the joint agreement may be acquired, and condemnation proceedings may be instituted, only by authority of the governing bodies of each of the municipalities involved. The total amount of expenditures to be made by the board for any purpose in any calendar year shall be determined by the municipalities involved by the approval by each on or before the preceding December 1st of a budget for the ensuing calendar year. Rules provided for by section 360.038, subdivision 3, shall become effective only upon approval of each of the appointing governing bodies. No real property and no airport, other air navigation facility, or air protection privilege, owned jointly, shall be disposed of by the board, by sale, lease, or otherwise, except by authority of all the appointing governing bodies, but the board may lease space, area, or improvements and grant concessions on airports for aeronautical purposes or purposes incidental thereto, subject to the provisions of section 360.038, subdivision 4.

Subd. 8. **Enacting ordinances.** Each municipality, acting jointly with another, pursuant to the provisions of this section, is authorized and empowered to enact, concurrently with the other municipalities involved, such ordinances as are provided for by section 360.038, subdivision 3, and to fix by such ordinances penalties for the violation thereof, which ordinances, when so concurrently adopted, shall have the same force and effect within the municipalities and on any property jointly controlled by them or adjacent thereto, whether within or without the territorial limits of either or any of them, as ordinances of each municipality involved, and may be enforced in any one of said municipalities in like manner as are its individual ordinances. The consent of the commissioner to any such ordinance, where the state is a party to the joint venture, shall be equivalent to the enactment of the ordinance by a municipality. The publication provided for in section 360.038, subdivision 3, shall be made in each municipality involved in the manner provided by law or charter for publication of its individual ordinances.

Subd. 9. **Condemnation proceeding.** Condemnation proceedings shall be instituted in the names of the municipalities jointly, and the property acquired shall be held by the municipalities as tenants in common. The provisions of section 360.032, subdivision 2, shall apply to such proceedings.

Subd. 10. **Joint fund.** For the purpose of providing funds for necessary expenditures in carrying out the provisions of this section, a joint fund shall be created and maintained, into which each of the municipalities involved shall deposit its proportionate share as provided by the joint agreement. Funds to be deposited shall be provided for by bond issues, tax levies, and appropriations made by each municipality in the same manner as though it were acting separately under the authority of sections 360.011 to 360.076. However, a municipality may issue bonds on behalf of other parties to the joint agreement, which shall be treated as being issued by each of the parties in proportion to their respective proportionate share as provided by the joint agreement. Each municipality shall also pay into the fund the revenues obtained from the ownership, control, and operation of the airports and other air navigation facilities jointly controlled, to be expended as

provided in section 360.037, subdivision 3. Revenues in excess of cost of maintenance and operating expenses of the joint properties shall be divided as may be provided in the original agreement for the joint venture. When a county and a city are parties to a joint agreement as provided in subdivision 1 and the city is located in whole or in part within the geographic boundaries of the county, then the county's proportionate share shall be based on the net tax capacity of all property within the county, excepting the net tax capacity of that property located within the city, and any levy for airport purposes by the county shall not be levied against taxable property in the city, other than a levy under section 475.61 to pay debt service on general obligation bonds of the county.

Subd. 11. **Disbursements.** All disbursements from such fund shall be made by order of the board in accordance with such rules and regulations and for such purposes as the appointing governing bodies, acting jointly, shall prescribe.

Subd. 12. **Specific performance.** Specific performance of the provisions of any joint agreement entered into as provided for in this section may be enforced as against any party thereto by the other party or parties thereto.

Subd. 13. **Joint operation in Canada.** Subject to approval by the United States government, the powers set forth herein shall also apply to any joint airport agreement between the state of Minnesota and the Dominion of Canada or its governmental subdivisions.

Subd. 14. **Airports out of state; application of state law.** Any airport located outside this state shall be treated under this chapter as an airport located within this state if that airport is acquired, constructed, operated, or maintained pursuant to a joint agreement between a municipality in this state and an adjoining state or municipality therein. The commissioner shall not expend state money to pay the cost of any project at any such airport except to assist a municipality in this state to pay its share of the costs of the project as set forth in a joint agreement.

History: *1945 c 303 s 20; 1975 c 224 s 2,3; 1977 c 211 s 1; 1978 c 674 s 58; 1985 c 248 s 70; 1994 c 587 art 5 s 20*

360.0425 GENERAL POWERS OF AUTHORITY.

An airport authority created under section 360.0426 has all the powers granted a municipality under sections 360.032 to 360.046.

History: *2008 c 154 art 2 s 25*

360.0426 CREATION OF AN AIRPORT AUTHORITY; DISSOLUTION.

Subdivision 1. **Members; definition.** A city together with another city, county, town, or an Indian Tribe may create an airport authority. For purposes of this chapter, "airport authority" means a governmental entity created pursuant to this section for the purpose of acquiring, establishing, constructing, maintaining, improving, and operating airports and other air navigation facilities.

Subd. 2. **Process to establish authority.** A city that owns an airport by joint resolution together with other willing governmental units may create an airport authority that is authorized to exercise its functions upon passage of a joint resolution by each of their governing bodies, including a proposed date for the first meeting of the authority.

Subd. 3. **Airport authority commission.** The powers of the airport authority shall be vested in the airport authority commissioners. The commission shall consist of at least five commissioners. Each

governmental unit that is a member of the authority shall be represented by at least one commissioner. If fewer than five governmental units are members of the authority, there must be two commissioners appointed from each member unit of government. The terms of each commissioner are three years, provided that the length of the initial appointments must be staggered so that the terms of approximately one-third of the commissioners expire each calendar year.

Subd. 4. **Appointment of commissioners.** The governmental body of each member governmental unit shall appoint a resident of that governmental unit to be a commissioner of the airport authority. Upon vacancy of a commissioner prior to the end of a normal term, the appropriate governmental body shall appoint a commissioner to fill the unexpired term.

Subd. 5. **Compensation; meetings; officers.** Commissioners shall receive no compensation for services, but are entitled to payment for necessary expenses, including travel expenses, incurred in the discharge of the commissioners' duties.

The commission shall establish a regular meeting schedule. A majority of the commissioners of the authority constitutes a quorum for purposes of conducting business of the authority. Action may be taken by a vote of not less than a majority of the commissioners present, providing there is a quorum.

The commission shall elect a chair, a vice-chair, a secretary, and a treasurer at its organizational meeting. The authority may hire an executive director, a legal advisor, technical experts, and other employees, permanent and temporary, as it may require.

Subd. 6. **Process to increase size of authority.** An airport authority may be increased in size by adding additional governmental entities if each of the additional entities and each of the governmental entities currently included in the existing authority adopt a resolution agreeing to the size increase.

Subd. 7. **Process to decrease size of authority.** An airport authority may be decreased in size if each of the governmental entities that are members of the authority and the current commissioners consent to change and make provisions for the retention or disposition of its assets and liabilities.

Subd. 8. **Process to dissolve authority.** An airport authority may be dissolved after payment of all debts and adoption of a joint resolution of the governing bodies of all of the participating units of government. Before dissolution, the property of the airport authority must be sold, transferred, or distributed as agreed to by the participating units of government. Any remaining funds must be distributed to the general funds of the participating units of government in proportion to their relative shares of the most recent levy under section 360.0427.

History: *2008 c 154 art 2 s 26; 2009 c 86 art 1 s 66*

360.0427 TAX LEVY MAY BE CERTIFIED BY AIRPORT AUTHORITY.

Imposition of a property tax levy under sections 275.065 to 275.07 requires an affirmative vote of at least two-thirds of the members of the authority.

History: *2008 c 154 art 2 s 27; 2008 c 366 art 6 s 45*

360.043 ASSISTANCE TO OTHER MUNICIPALITY.

Whenever the governing body of any municipality determines that the public interest and the interests of the municipality will be served by assisting any other municipality in exercising the powers and authority granted by sections 360.011 to 360.076, such first-mentioned municipality is expressly authorized and empowered to furnish such assistance by gift, or lease with or without rental, of real property, by the donation,

lease with or without rental, or loan of personal property, and by the appropriation of money, which may be provided for by taxation or the issuance of bonds in the same manner as funds might be provided for the same purposes if the municipality were exercising the powers heretofore granted in its own behalf.

History: *1945 c 303 s 21; 1978 c 674 s 58*

360.044 COUNTY AUTHORITY.

Subdivision 1. **Public purpose.** The purposes of sections 360.011 to 360.076 are specifically declared to be county purposes as well as generally public, governmental, and municipal.

Subd. 2. **County powers.** The powers therein granted to all municipalities are specifically declared to be granted to counties in this state, any other statute to the contrary notwithstanding.

History: *1945 c 303 s 22; 1978 c 674 s 58*

360.045 JURISDICTION EXCLUSIVE.

Every airport and other air navigation facility controlled and operated by any municipality, or jointly controlled and operated pursuant to the provisions of sections 360.011 to 360.076, shall, subject to federal and state laws, rules, and regulations, be under the exclusive jurisdiction and control of the municipality or municipalities controlling and operating it, and no other municipality in which such airport or air navigation facility is situated shall have any police jurisdiction of the same or any authority to charge or exact any license fees or occupation taxes for the operations thereon. Such municipality or municipalities shall have concurrent jurisdiction over the adjacent territory described in section 360.038, subdivision 3.

History: *1945 c 303 s 23; 1978 c 674 s 58*

360.046 REQUIREMENTS FOR CLOSURE OF MUNICIPAL AIRPORT.

Subdivision 1. **Definition of municipal airport.** For the purposes of this section, "municipal airport" is an airport owned by a county, city, town, or joint powers board within the meaning of section 360.042, exclusive of an airport formed and operated by the Metropolitan Airports Commission pursuant to sections 473.601 to 473.679.

Subd. 2. **Notice of intent to close provided to commissioner.** The owner of a municipal airport shall provide written notice to the commissioner of intent to close the airport. Notice must be provided to the commissioner before or immediately upon cessation of operations at the airport.

Subd. 3. **Preservation of airport property; penalty.** For 180 days following receipt by the commissioner of the notice described in subdivision 2, the municipality may not abandon, significantly alter, demolish, or convey airport property. The commissioner must assess a municipality that is in violation a civil penalty of $1,000 for each day of the 180-day period that it remains in violation. Proceeds of the penalty must be deposited in the state airports fund.

Subd. 4. **Public notice and hearing.** The owner of a municipal airport shall schedule a public hearing to take place within 90 days following the giving of notice to the commissioner of intent to close. The owner of the airport shall provide public notice within the municipality served by the airport a minimum of 30 days before the hearing. At the hearing, the municipality shall present information concerning the airport closing, and the public must have the opportunity to comment.

Subd. 5. **Impact evaluation.** Before the public hearing, the commissioner shall prepare a written evaluation of the impact on the airport system of the closure of the municipal airport. The commissioner shall make the evaluation available to the municipality and to the public in advance of the hearing.

History: *2004 c 250 s 1; 2013 c 125 art 1 s 67*

AIRPORT ZONING

360.061 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 360.061 to 360.074 the terms in this section have the meanings given.

Subd. 2. **Airport.** The term "airport" includes a restricted landing area.

Subd. 3. **Municipality.** "Municipality" does not include a county unless the county owns or controls an airport, in which case such county may exercise all the powers granted by said sections to other municipalities. It specifically includes a town, an airport authority, the Metropolitan Airports Commission established and operated pursuant to chapter 473, and the state of Minnesota.

Subd. 4. **County.** "County" includes "counties."

History: *1945 c 303 s 24; 1951 c 116 s 1; 1979 c 302 s 1; 2010 c 351 s 59; 2023 c 25 s 173*

360.062 AIRPORT HAZARD PREVENTION; PROTECTING EXISTING LAND USES.

(a) It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity, and may reduce the size of the area available for the landing, takeoff, and maneuvering of aircraft, thereby impairing the utility of the airport and the public investment therein. It is also found that the social and financial costs of disrupting existing land uses around airports often outweigh the benefits of a reduction in airport hazards that might result from the elimination or removal of those uses.

(b) Accordingly, it is hereby declared: (1) the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question; (2) it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented and that this should be accomplished to the extent legally possible, by exercise of the police power, without compensation; and (3) the elimination or removal of existing land uses or their designation as nonconforming uses is not in the public interest and should be avoided whenever possible consistent with reasonable standards of safety.

(c) It is further declared that the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are essential public services for which political subdivisions may raise and expend public funds and acquire land or property interests therein.

History: *1945 c 303 s 25; 1978 c 654 s 1; 1Sp2019 c 3 art 3 s 93*

360.063 AIRPORT ZONING; AUTHORITY, PROCEDURE.

Subdivision 1. **Enforcement under police power.** (a) In order to prevent the creation or establishment of airport hazards, every municipality having an airport hazard area within its territorial limits may, unless a joint airport zoning board is permitted under subdivision 3, adopt, amend from time to time, administer,

and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations for such airport hazard area, which regulations may divide such area into zones, and, within such zones, specify the land uses permitted and regulate and restrict the height to which structures and trees may be erected or allowed to grow.

(b) In order to promote health, safety, order, convenience, prosperity, and general welfare and to conserve property values and encourage the most appropriate use of land, the municipality may regulate in airport hazard areas: (1) land use; (2) height restrictions; (3) the location, size, and use of buildings; and (4) the density of population.

(c) The powers granted by this subdivision may be exercised by metropolitan airports commissions in contiguous cities of the first class in and for which they have been created.

(d) In the case of airports owned or operated by the state of Minnesota such powers shall be exercised by the state airport zoning boards or by the commissioner of transportation as authorized herein.

Subd. 2. MS 1974 [Repealed, 1976 c 255 s 6]

Subd. 3. **Joint airport zoning board.** (a) Where an airport is owned or controlled by a municipality and an airport hazard area appertaining to the airport is located within the territorial limits of another county or municipality, the municipality owning or controlling the airport may request a county or municipality in which an airport hazard area is located:

(1) to adopt and enforce airport zoning regulations for the area in question under sections 360.0655 and 360.0656; or

(2) to join in creating a joint airport zoning board pursuant to paragraph (b). The owning or controlling municipality shall determine which of these actions it shall request, except as provided in paragraph (e) for the Metropolitan Airports Commission. The request shall be made by certified mail to the governing body of each county and municipality in which an airport hazard area is located.

(b) Where an airport is owned or controlled by a municipality and an airport hazard area appertaining to the airport is located within the territorial limits of another county or municipality, the municipality owning or controlling the airport and the county or other municipality within which the airport hazard area is located may, by ordinance or resolution duly adopted, create a joint airport zoning board, which board shall have the same power to adopt, administer, and enforce airport zoning regulations applicable to the airport hazard area in question as that vested by subdivision 1 in the municipality within which the area is located. A joint board shall have as members two representatives appointed by the municipality owning or controlling the airport and two from the county or municipality, or in case more than one county or municipality is involved two from each county or municipality, in which the airport hazard is located, and in addition a chair elected by a majority of the members so appointed. All members shall serve at the pleasure of their respective appointing authority. Notwithstanding any other provision of law to the contrary, if the owning and controlling municipality is a city of the first class it shall appoint four members to the board, and the chair of the board shall be elected from the membership of the board.

(c) If a county or municipality, within 60 days of receiving a request from an owning or controlling municipality pursuant to paragraph (a), fails to adopt, or thereafter fails to enforce, the zoning regulations or fails to join in creating a joint airport zoning board, the owning or controlling municipality, or a joint airport zoning board created without participation by the subdivisions which fail to join the board, may itself adopt, administer, and enforce airport zoning regulations for the airport hazard area in question. In the event

of conflict between the regulations and airport zoning regulations adopted by the county or municipality within which the airport hazard area is located, section 360.064, subdivision 2, applies.

(d) "Owning or controlling municipality," as used in this subdivision, includes:

(1) a joint airport operating board created pursuant to section 360.042 that has been granted all the powers of a municipality in zoning matters under the agreement creating the board;

(2) a joint airport operating board created pursuant to section 360.042 that has not been granted zoning powers under the agreement creating the board; provided that the board shall not itself adopt zoning regulations nor shall a joint airport zoning board created at its request adopt zoning regulations unless all municipalities that created the joint operating board join to create the joint zoning board; and

(3) the Metropolitan Airports Commission established and operated pursuant to chapter 473.

(e) The Metropolitan Airports Commission shall request creation of one joint airport zoning board for each airport operated under its authority.

Subd. 4. MS 2018 [Repealed, 1Sp2019 c 3 art 3 s 140]

Subd. 5. MS 1974 [Repealed, 1976 c 255 s 6]

Subd. 6. **Procedure when zoning board fails to act.** If a municipality, county, or joint airport zoning board fails to adopt within a reasonable time airport zoning regulations in accordance with the provisions of sections 360.011 to 360.076, or adopts regulations or amendments which do not conform to the standard prescribed by the commissioner, the commissioner may, for the protection of the public safety, adopt or supplement and from time to time as may be necessary amend, supplement, or repeal the regulations for the municipality or county until airport zoning rules provided for in sections 360.011 to 360.076, are adopted by the municipality, county, or joint airport zoning board. The commissioner shall have the same powers with reference to the airport zoning regulations as are granted in sections 360.011 to 360.076, to municipalities, administrative boards, and boards of adjustment. An action of the commissioner taken under this subdivision is subject to review by the courts as provided in section 360.072.

Subd. 6a. **Review of variance when board of adjustment fails to act.** On receiving notice that an airport zoning variance has been granted by reason of the failure of a board of adjustment to act on the variance as provided in section 360.067, subdivision 2, the commissioner shall review the application and may amend or rescind the variance on finding that this action is required to protect the public safety. No action of the commissioner pursuant to this subdivision shall be effective unless the commissioner notifies the applicant of that action within 60 days after receiving notice that the variance was granted. Any action taken by the commissioner pursuant to this subdivision shall be subject to review by the courts as provided in section 360.072.

Subd. 7. **Airport zoning board for each airport.** (a) Where an airport is owned or operated by the state of Minnesota, a state airport zoning board shall be created for each airport, which board shall have the same power to adopt, administer, and enforce airport zoning rules applicable to the airport hazard area of such airport as that vested by subdivision 1 in the municipality. Each board shall consist of the commissioner of transportation, or a member of staff appointed by the commissioner, who shall be chair; one member appointed by the county board who may be a member of the county board, of each county in which an airport hazard area is located; and one member appointed by the governing body of each municipality located within the area to be zoned. If the area to be zoned is located entirely within one county and no municipality is located within the area to be zoned, then the duly designated members shall select a third member who shall be a

resident of the county. The members of such board shall serve for a period of three years beginning January 1 following their appointment and until their successors are appointed and qualified.

(b) The zoning rules shall be adopted by an order of the board signed by a majority of its members. Such order shall be published once in a legal newspaper in the county in which the airport is located and shall become effective ten days following the date of its publication. A copy of such order shall be filed in the office of the commissioner of transportation and with the county recorder in each county in which a zoned area is located.

(c) Any person appointed to serve on a state airport zoning board shall be entitled to reimbursement for travel and other necessary expenses incurred in performance of duties on such board which shall be paid from the appropriations made to the Department of Transportation.

Subd. 8. **Airport zoning board authority after failure to appoint member.** If any county board or municipality fails to appoint the member to be appointed by it in the creation of a state airport zoning board within 30 days after requested to do so by the commissioner of transportation, the state airport zoning board, consisting of the remaining members in case more than one county is involved, or the commissioner of transportation in case no board is created, shall have the same power to adopt, administer, and enforce airport zoning rules applicable to an airport hazard area in such county as that conferred upon the commissioner in subdivision 6.

History: *1945 c 303 s 26; 1951 c 116 s 2-4; 1957 c 610 s 1; 1976 c 166 s 7; 1976 c 181 s 2; 1976 c 255 s 1,2; 1977 c 236 s 1; 1978 c 674 s 58; 1979 c 302 s 2; 1983 c 326 s 4-6; 1985 c 248 s 70; 1986 c 444; 1Sp2019 c 3 art 3 s 94,95*

360.064 AIRPORT ZONING; COMPREHENSIVE ORDINANCE, CONFLICT.

Subdivision 1. **Comprehensive regulations.** In the event that a municipality has adopted, or hereafter adopts, a comprehensive zoning ordinance regulating, among other things the height of buildings, any airport zoning regulations applicable to the same area or portion thereof must be incorporated by reference or incorporated in and made a part of such comprehensive zoning regulations and be administered and enforced in connection therewith.

Subd. 2. **Effect when regulations conflict.** In the event of conflict between any airport zoning regulations adopted under sections 360.011 to 360.076, and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, and whether such other regulations were adopted by the municipality which adopted the airport zoning regulations or by some other municipality, the more stringent limitation or requirement shall govern and prevail.

History: *1945 c 303 s 27; 1978 c 674 s 58; 1Sp2019 c 3 art 3 s 96*

360.065 AIRPORT ZONING; ADOPTION AND APPROVAL OF PROPOSED REGULATIONS.

Subdivision 1. **Notice of proposed zoning regulations, hearing.** (a) No airport zoning regulations shall be adopted, amended, or changed under sections 360.011 to 360.076, except by action of the governing body of the municipality, county, or joint airport zoning board under section 360.0655 or 360.0656, or the boards provided for in section 360.063, subdivisions 3 and 7, or by the commissioner as provided in section 360.063, subdivisions 6 and 8.

(b) A public hearing must be held on the airport zoning regulations proposed by a municipality, county, or joint airport zoning board before they are submitted to the commissioner for approval. If any changes that alter the regulations placed on a parcel of land are made to the proposed airport zoning regulations after

the initial public hearing, the municipality, county, or joint airport zoning board must hold a second public hearing before final adoption of the regulation. The commissioner may require a second hearing as determined necessary.

(c) Notice of a hearing must be published by the municipality, county, or joint airport zoning board at least three times during the period between 15 days and five days before the hearing in an official newspaper and in a second newspaper designated by that authority which has a wide general circulation in the area affected by the proposed regulations and posted on the municipality's, county's, or joint airport zoning board's website. If there is not a second newspaper of wide general circulation in the area that the municipality, county, or joint airport zoning board can designate for the notice, the municipality, county, or joint airport zoning board is only required to publish the notice once in the official newspaper of the jurisdiction. The notice shall not be published in the legal notice section of a newspaper. The notice must specify the time, location, and purpose of the hearing, and must identify any additional location and time the proposed regulations will be available for public inspection. A copy of the published notice must be added to the record of the proceedings.

(d) Notice of a hearing must be given by mail at least ten days before each hearing to persons and landowners where the location or size of a building, or the density of population, will be regulated. Mailed notice must also be provided at least ten days before each hearing to persons or municipalities that have previously requested such notice from the municipality, county, or joint airport zoning board. The notice must specify the time, location, and purpose of the hearing, and must identify any additional location and time the proposed regulations will be made available for public inspection. Mailed notice must also identify the property affected by the regulations. For the purpose of providing mailed notice, the municipality, county, or joint airport zoning board may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent must be added to the records of the proceedings. Failure to provide mailed notice to individual property owners or a defect in the notice does not invalidate the proceedings if a bona fide attempt to comply with this subdivision was made.

Subd. 2. MS 2018 [Repealed, 1Sp2019 c 3 art 3 s 140]

Subd. 3. MS 2006 [Repealed, 2007 c 64 s 3]

History: *1945 c 303 s 28; 1951 c 116 s 5; 1957 c 272 s 1,2; 1976 c 181 s 2; 1978 c 674 s 58; 1979 c 302 s 3; 1983 c 326 s 7; 1986 c 444; 2006 c 261 s 3; 1Sp2019 c 3 art 3 s 97; 2022 c 55 art 1 s 157*

360.0655 AIRPORT ZONING REGULATIONS BASED ON COMMISSIONER'S STANDARDS; SUBMISSION PROCESS.

Subdivision 1. **Submission to commissioner; review.** (a) Except as provided in section 360.0656, prior to adopting zoning regulations, the municipality, county, or joint airport zoning board must submit the proposed regulations to the commissioner for the commissioner to determine whether the regulations conform to the standards prescribed by the commissioner. The municipality, county, or joint airport zoning board may elect to complete custom airport zoning under section 360.0656 instead of using the commissioner's standard, but only after providing written notice to the commissioner.

(b) Notwithstanding section 15.99, the commissioner must examine the proposed regulations within 90 days of receipt of the regulations and report to the municipality, county, or joint airport zoning board the commissioner's approval or objections, if any. Failure to respond within 90 days is deemed an approval. The commissioner may request additional information from the municipality, county, or joint airport zoning

board within the 90-day review period. If the commissioner requests additional information, the 90-day review period is tolled until the commissioner receives information and deems the information satisfactory.

(c) If the commissioner objects on the grounds that the regulations do not conform to the standards prescribed by the commissioner, the municipality, county, or joint airport zoning board must make amendments necessary to resolve the objections or provide written notice to the commissioner that the municipality, county, or joint airport zoning board will proceed with zoning under section 360.0656.

(d) If the municipality, county, or joint airport zoning board makes revisions to the proposed regulations after its initial public hearing, the municipality, county, or joint airport zoning board must conduct a second public hearing on the revisions and resubmit the revised proposed regulations to the commissioner for review. The commissioner must examine the revised proposed regulations within 90 days of receipt to determine whether the revised proposed regulations conform to the standards prescribed by the commissioner.

(e) If, after a second review period, the commissioner determines that the municipality, county, or joint airport zoning board failed to submit proposed regulations that conform to the commissioner's standards, the commissioner must provide a final written decision to the municipality, county, or joint airport zoning board.

(f) The municipality, county, or joint airport zoning board must not adopt regulations or take other action until the proposed regulations are approved by the commissioner.

(g) The commissioner may approve local zoning ordinances that are more stringent than the commissioner's standards.

(h) If the commissioner approves the proposed regulations, the municipality, county, or joint airport zoning board may adopt the regulations.

(i) A copy of the adopted regulations must be filed with the county recorder in each county that contains a zoned area subject to the regulations.

(j) Substantive rights that existed and had been exercised prior to August 1, 2019, are not affected by the filing of the regulations.

Subd. 2. **Protection of existing land uses.** (a) In order to ensure minimum disruption of existing land uses, the commissioner's airport zoning standards and local airport zoning ordinances or regulations adopted under this section must distinguish between the creation or establishment of a use and the elimination of an existing use, and must avoid the elimination, removal, or reclassification of existing uses to the extent consistent with reasonable safety standards. The commissioner's standards must include criteria for determining when an existing land use may constitute an airport hazard so severe that public safety considerations outweigh the public interest in preventing disruption to that land use.

(b) Airport zoning regulations that classify as a nonconforming use or require nonconforming use classification with respect to any existing low-density structure or existing isolated low-density building lots must be adopted under sections 360.061 to 360.074.

(c) A local airport zoning authority may classify a land use described in paragraph (b) as an airport hazard if the authority finds that the classification is justified by public safety considerations and is consistent with the commissioner's airport zoning standards. Any land use described in paragraph (b) that is classified as an airport hazard must be acquired, altered, or removed at public expense.

(d) This subdivision must not be construed to affect the classification of any land use under any zoning ordinances or regulations not adopted under sections 360.061 to 360.074.

History: *1Sp2019 c 3 art 3 s 98*

360.0656 CUSTOM AIRPORT ZONING STANDARDS.

Subdivision 1. **Custom airport zoning standards; factors.** (a) Notwithstanding section 360.0655, a municipality, county, or joint airport zoning board must provide notice to the commissioner when the municipality, county, or joint airport zoning board intends to establish and adopt custom airport zoning regulations under this section.

(b) Airport zoning regulations submitted to the commissioner under this subdivision are not subject to the commissioner's zoning regulations under section 360.0655 or Minnesota Rules, part 8800.2400.

(c) When developing and adopting custom airport zoning regulations under this section, the municipality, county, or joint airport zoning board must include in the record a detailed analysis that explains how the proposed custom airport zoning regulations addressed the following factors to ensure a reasonable level of safety:

(1) the location of the airport, the surrounding land uses, and the character of neighborhoods in the vicinity of the airport, including:

(i) the location of vulnerable populations, including schools, hospitals, and nursing homes, in the airport hazard area;

(ii) the location of land uses that attract large assemblies of people in the airport hazard area;

(iii) the availability of contiguous open spaces in the airport hazard area;

(iv) the location of wildlife attractants in the airport hazard area;

(v) airport ownership or control of the federal Runway Protection Zone and the department's Clear Zone;

(vi) land uses that create or cause interference with the operation of radio or electronic facilities used by the airport or aircraft;

(vii) land uses that make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, or impair visibility in the vicinity of the airport;

(viii) land uses that otherwise inhibit a pilot's ability to land, take off, or maneuver the aircraft;

(ix) airspace protection to prevent the creation of air navigation hazards in the airport hazard area; and

(x) the social and economic costs of restricting land uses;

(2) the airport's type of operations and how the operations affect safety surrounding the airport;

(3) the accident rate at the airport compared to a statistically significant sample, including an analysis of accident distribution based on the rate with a higher accident incidence;

(4) the planned land uses within an airport hazard area, including any applicable platting, zoning, comprehensive plan, or transportation plan; and

(5) any other information relevant to safety or the airport.

Subd. 2. **Submission to commissioner; review.** (a) Except as provided in section 360.0655, prior to adopting zoning regulations, the municipality, county, or joint airport zoning board must submit its proposed regulations and the supporting record to the commissioner for review. The commissioner must determine whether the proposed custom airport zoning regulations and supporting record (1) evaluate the criteria under subdivision 1, and (2) provide a reasonable level of safety.

(b) Notwithstanding section 15.99, the commissioner must examine the proposed regulations within 90 days of receipt of the regulations and report to the municipality, county, or joint airport zoning board the commissioner's approval or objections, if any. Failure to respond within 90 days is deemed an approval. The commissioner may request additional information from the municipality, county, or joint airport zoning board within the 90-day review period.

(c) If the commissioner objects on the grounds that the regulations do not provide a reasonable level of safety, the municipality, county, or joint airport zoning board must review, consider, and provide a detailed explanation demonstrating how it evaluated the objections and what action it took or did not take in response to the objections. If the municipality, county, or joint airport zoning board submits amended regulations after its initial public hearing, the municipality, county, or joint airport zoning board must conduct a second public hearing on the revisions and resubmit the revised proposed regulations to the commissioner for review. The commissioner must examine the revised proposed regulations within 90 days of receipt of the regulations. If the commissioner requests additional information, the 90-day review period is tolled until satisfactory information is received by the commissioner. Failure to respond within 90 days is deemed an approval.

(d) If, after the second review period, the commissioner determines that the municipality, county, or joint airport zoning board failed to submit proposed regulations that provide a reasonable level of safety, the commissioner must provide a final written decision to the municipality, county, or joint airport zoning board.

(e) A municipality, county, or joint airport zoning board is prohibited from adopting custom regulations or taking other action until the proposed regulations are approved by the commissioner.

(f) If the commissioner approves the proposed regulations, the municipality, county, or joint airport zoning board may adopt the regulations.

(g) A copy of the adopted regulations must be filed with the county recorder in each county that contains a zoned area subject to the regulations.

(h) Substantive rights that existed and had been exercised prior to August 1, 2019, are not affected by the filing of the regulations.

History: *1Sp2019 c 3 art 3 s 99*

360.066 AIRPORT ZONING; MINIMUM STANDARDS, LAND USES.

Subdivision 1. **Reasonableness.** Zoning standards defining airport hazard areas and the categories of uses permitted and airport zoning regulations adopted under sections 360.011 to 360.076, shall be reasonable, and none shall impose a requirement or restriction which is not reasonably necessary to effectuate the purposes of sections 360.011 to 360.076.

Subd. 1a. MS 2018 [Repealed, 1Sp2019 c 3 art 3 s 140]

Subd. 1b. MS 2018 [Repealed, 1Sp2019 c 3 art 3 s 140]

Subd. 2. **Nonconforming use.** No airport zoning regulations adopted under sections 360.011 to 360.076 shall require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any nonconforming use, except as provided in section 360.067.

History: *1945 c 303 s 29; 1978 c 654 s 2-4; 1978 c 674 s 58; 1983 c 326 s 8; 1Sp2019 c 3 art 3 s 100*

360.067 AIRPORT ZONING PERMIT, VARIANCE; ADMINISTRATIVE AGENT.

Subdivision 1. **Permits.** (a) Airport zoning regulations adopted under sections 360.011 to 360.076 may require that a permit be obtained before a new structure or use may be constructed or established and before an existing use or structure may be substantially changed or substantially altered or repaired. In any event, all regulations shall provide that before a nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the administrative agency authorized to administer and enforce the regulations, authorizing the replacement, change, or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made.

(b) Whenever the administrative agency determines that a nonconforming use or nonconforming structure or tree has been abandoned or more than 80 percent torn down, deteriorated, or decayed: (1) no permit shall be granted that would allow the structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations; and (2), whether application is made for a permit under this subdivision or not, the agency may by appropriate action compel the owner of the nonconforming structure or tree, at the owner's expense, to lower, remove, reconstruct, or equip the object as may be necessary to conform to the regulations. If the owner of the nonconforming structure or tree neglects or refuses to comply with the order for ten days after notice of the order, the agency may proceed to have the object lowered, removed, reconstructed, or equipped and assess the cost and expense upon the object of the land where it is or was located. Unless an assessment is paid within 90 days from the service of notice on the agent or owner of the object or land, the sum will bear interest at the rate of eight percent per annum until paid, and shall be collected in the same manner as are general taxes.

(c) Except as provided in this subdivision, all applications for permits shall be granted.

Subd. 2. **Variance.** Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use the person's property in violation of airport zoning regulations adopted under this chapter, may apply to the board of adjustment, hereinafter provided for, for a variance from the zoning regulations in question. If a person submits an application for a variance by certified mail to the members of the board and the board fails to grant or deny the variance within four months after the last member receives the application, the variance shall be deemed to be granted by the board. When the variance is granted by reason of the failure of the board to act on the variance, the person receiving the variance shall notify the board and the commissioner of transportation by certified mail that the variance has been granted. The applicant shall include a copy of the original application for the variance with this notice to the commissioner. The variance shall be effective 60 days after this notice is received by the commissioner subject to any action taken by the commissioner pursuant to section 360.063, subdivision 6. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this chapter;

provided, any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of Laws 1945, chapter 303.

Subd. 3. **Hazard marking and lighting.** In granting any permit or variance under this section, the administrative agency or board of adjustment may, if it deems such action advisable to effectuate the purposes of sections 360.011 to 360.076, and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the municipality, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

Subd. 4. **Administrative agent, appointment.** In the case of an airport owned or operated by the state, the state airport zoning board adopting the zoning regulations for such airport, or the commissioner of transportation in case the zoning regulations are adopted by the commissioner as provided herein, shall appoint a local governmental official of a governmental unit in which the airport hazard area is located as the administrative agent. The governmental official so appointed is hereby authorized and directed as part of official duties to exercise the powers and duties of the administrative agency as described in this section and section 360.069.

Subd. 5. **Federal no hazard determination.** (a) Notwithstanding subdivisions 1 and 2, a municipality, county, or joint airport zoning board may include in its custom airport zoning regulations adopted under section 360.0656 an option to permit construction of a structure, an increase or alteration of the height of a structure, or the growth of an existing tree without a variance from height restrictions if the Federal Aviation Administration has analyzed the proposed construction, alteration, or growth under Code of Federal Regulations, title 14, part 77, and has determined the proposed construction, alteration, or growth does not:

(1) pose a hazard to air navigation;

(2) require changes to airport or aircraft operations; or

(3) require any mitigation conditions by the Federal Aviation Administration that cannot be satisfied by the landowner.

(b) A municipality, county, or joint airport zoning board that permits an exception to height restrictions under this subdivision must require the applicant to file the Federal Aviation Administration's no hazard determination with the applicable zoning administrator. The applicant must obtain written approval of the zoning administrator before construction, alteration, or growth may occur. Failure of the administrator to respond within 60 days to a filing under this subdivision is deemed a denial. The Federal Aviation Administration's no hazard determination does not apply to requests for variation from land use, density, or any other requirement unrelated to the height of structures or the growth of trees.

History: *1945 c 303 s 30; 1951 c 116 s 6; 1976 c 166 s 7; 1976 c 255 s 3; 1977 c 236 s 2; 1978 c 674 s 58; 1983 c 326 s 9; 1986 c 444; 1Sp2019 c 3 art 3 s 101; 2023 c 25 s 174*

360.068 APPEAL OF AIRPORT ZONING DECISION.

Subdivision 1. **When granted.** Any person aggrieved, or taxpayer affected, by any decision of an administrative agency made in its administration of airport zoning regulations adopted under sections 360.011 to 360.076, or any governing body of a municipality or county, or any joint airport zoning board, which is of the opinion that a decision of such an administrative agency is an improper application of airport zoning regulations of concern to such governing body or board, may appeal to the board of adjustment authorized to hear and decide appeals from the decisions of such administrative agency.

Subd. 2. **Within reasonable time.** All appeals taken under this section must be taken within a reasonable time, as provided by the rules of the board, by filing with the agency from which the appeal is taken and with the board, a notice of appeal specifying the grounds thereof. The agency from which the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

Subd. 3. **Stay.** An appeal shall stay all proceedings in furtherance of the action appealed from, unless the agency from which the appeal is taken certifies to the board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such cases proceedings shall not be stayed otherwise than by order of the board on notice to the agency from which the appeal is taken and on due cause shown.

Subd. 4. **Hearing; notice.** The board shall fix a reasonable time for the hearing of appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

Subd. 5. **Decision and order.** The board may, in conformity with the provisions of sections 360.011 to 360.076, reverse or affirm wholly or partly, or modify, the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the administrative agency from which the appeal is taken.

History: *1945 c 303 s 31; 1978 c 674 s 58*

360.069 AIRPORT ZONING ADMINISTRATION.

All airport zoning regulations adopted under sections 360.011 to 360.076 shall provide for the administration and enforcement of such regulations by an appropriate permit-issuing agency, which may be an agency created by such regulations or any official, board, or other existing agency of the municipality or county adopting the regulations, or of one of the municipalities or counties which participated in the creation of the joint airport zoning board adopting the regulations if satisfactory to the other municipalities and counties, or in case of a Metropolitan Airports Commission a committee appointed by the commission with equal representation from each of the counties in and for which it is created; but in no case shall such agency be or include any member of the board of adjustment. The duties of any administrative agency designated pursuant to sections 360.011 to 360.076 shall include that of hearing and deciding all permits under section 360.067, subdivision 1, but such agency shall not have or exercise any of the powers herein delegated to the board of adjustment.

History: *1945 c 303 s 32; 1976 c 255 s 4; 1978 c 674 s 58*

360.071 BOARD OF ADJUSTMENT.

Subdivision 1. **Powers.** All airport zoning regulations adopted under sections 360.011 to 360.076 shall provide for a board of adjustment to have and exercise the following powers:

(1) to hear and decide appeals from any order, requirement, decision, or determination made by the administrative agency in the enforcement of the airport zoning regulations, as provided in section 360.068;

(2) to hear and decide any special exceptions to the terms of the airport zoning regulations upon which such board may be required to pass under such regulations; and

(3) to hear and decide specific variances under section 360.067, subdivision 2.

Subd. 2. **Membership.** (a) Where a zoning board of appeals or adjustment already exists, it may be appointed as the board of adjustment. Otherwise, the board of adjustment shall consist of five members, each to be appointed for a term of three years by the authority adopting the regulations and to be removable by the appointing authority for cause, upon written charges and after public hearing. The length of initial appointments may be staggered.

(b) In the case of a Metropolitan Airports Commission, five members shall be appointed by the commission chair from the area in and for which the commission was created, any of whom may be members of the commission. In the case of an airport owned or operated by the state of Minnesota, the board of commissioners of the county, or counties, in which the airport hazard area is located shall constitute the airport board of adjustment and shall exercise the powers and duties of such board as provided herein.

Subd. 3. **Majority control.** The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the administrative agency, or to decide in favor of the applicant on any matter upon which it is required to pass under the airport zoning regulations, or to effect any variation in such regulations.

Subd. 4. **Rules and procedures.** The board shall adopt rules in accordance with the provisions of the ordinance or resolution by which it was created. Meetings of the board shall be held at the call of the chair and at such other times as the board may determine. The chair, or if absent, the acting chair, may administer oaths and compel the attendance of witnesses. All hearings of the board shall be public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the board and shall be a public record. Upon their appointment the members of any board of adjustment shall select a chair to act at the pleasure of the board.

History: *1945 c 303 s 33; 1951 c 116 s 7; 1976 c 255 s 5; 1978 c 674 s 58; 1986 c 444; 1Sp2019 c 3 art 3 s 102*

360.072 JUDICIAL REVIEW.

Subdivision 1. **Appeal.** Any person aggrieved, or taxpayer affected, by any decision of a board of adjustment, or of any action of the commissioner taken under section 360.063, subdivisions 6 or 6a, or any governing body of a municipality or county, or any joint airport zoning board, which believes that a decision of a board of adjustment or action of the commissioner is illegal may appeal in accordance with chapter 14.

Subd. 2. MS 1982 [Repealed, 1983 c 247 s 219]

Subd. 3. MS 1982 [Repealed, 1983 c 247 s 219]

Subd. 4. MS 1982 [Repealed, 1983 c 247 s 219]

Subd. 5. MS 1982 [Repealed, 1983 c 247 s 219]

Subd. 6. **Allowance of costs.** Costs shall not be allowed against the board of adjustment or the commissioner unless it appears to the court that the board or the commissioner acted with gross negligence, in bad faith, or with malice, in making the decision appealed from.

Subd. 7. **Unconstitutional taking; application to other real property.** In any case in which airport zoning regulations adopted under sections 360.011 to 360.076, although generally reasonable, are held by a court to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation

of that property in violation of the constitution of this state or the Constitution of the United States, such holding shall not affect the application of such regulations as to other structures and parcels of land.

History: *1945 c 303 s 34; 1977 c 236 s 3; 1978 c 674 s 58; 1983 c 247 s 142; 1986 c 444*

360.073 VIOLATIONS, PENALTIES, AND REMEDIES.

Every person who shall construct, establish, substantially change, or substantially alter or repair any existing structure or use, or permit the growth of any tree, without having complied with the provisions of section 360.067 or who, having been granted a permit or variance under the provisions of section 360.067, shall construct, establish, substantially change, or substantially alter or repair any existing growth or structure, or permit the growth of any tree, except as permitted by such permit or variance, or who shall violate any of the ordinances, regulations, orders, or rulings promulgated or made pursuant to section 360.063 shall be guilty of a misdemeanor, and each day a violation continues to exist shall constitute a separate offense. In addition, the municipality, county, or commissioner adopting zoning regulations under sections 360.011 to 360.076, may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of sections 360.011 to 360.076, or of airport zoning regulations adopted under sections 360.011 to 360.076, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of sections 360.011 to 360.076, and of the regulations adopted and orders and rulings made pursuant thereto.

History: *1945 c 303 s 35; 1971 c 23 s 24; 1978 c 674 s 58*

360.074 ACQUISITION OF AIR RIGHTS.

In any case in which (1) it is desired to remove, lower, or otherwise terminate a nonconforming structure or use, or (2) the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under sections 360.011 to 360.076, or (3) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the municipality within which the property or nonconforming use is located or the municipality owning the airport or served by it may proceed under section 360.032, subdivision 3, to acquire such easements through or other interest in air spaces over land or water, interests in airport hazards outside the boundaries of the airport, and such other airport protection privileges as are necessary to effectuate the purposes of sections 360.011 to 360.076.

History: *1945 c 303 s 36; 1978 c 674 s 58*

AIRCRAFT USE VIOLATIONS

360.075 VIOLATIONS, PENALTIES.

Subdivision 1. **Misdemeanor.** Every person who:

(1) operates an aircraft either on or over land or water in this state without the consent of the owner of such aircraft;

(2) operates aircraft while in the possession of any federal license, certificate, or permit or any certificate of registration issued by the Transportation Department of this state, or displays, or causes or permits to be displayed, such federal license, certificate, or permit or such state certificate of registration, knowing either to have been canceled, revoked, suspended, or altered;

(3) lends to, or knowingly permits the use of by, one not entitled thereto of any federal airman's or aircraft license, certificate, or permit, or any state airman's or aircraft certificate of registration issued to that person;

(4) displays or represents as the person's own any federal airman's or aircraft license, certificate, or permit or any state airman's or aircraft certificate of registration not issued to that person;

(5) tampers with, climbs upon or into, makes use of, or navigates any aircraft without the knowledge or consent of the owner or person having control thereof, whether while the same is in motion or at rest, or hurls stones or any other missiles at aircraft, or the occupants thereof, or otherwise damages or interferes with the same, or places upon any portion of any airport any object, obstruction, or other device tending to injure aircraft or parts thereof;

(6) uses a false or fictitious name, gives a false or fictitious address, knowingly makes any false statement or report, or knowingly conceals a material fact, or otherwise commits a fraud in any application or form required under the provisions of sections 360.011 to 360.076, or by any rules or orders of the commissioner;

(7) operates any aircraft in such a manner as to indicate either a willful or a wanton disregard for the safety of persons or property;

(8) carries on or over land or water in this state in an aircraft other than a public aircraft any explosive substance except as permitted by the Federal Explosives Act, as amended by Public Law 77-775;

(9) discharges a gun, pistol, or other weapon in or from any aircraft in this state except as the hunting of certain wild animals from aircraft may be permitted by other laws of this state, or unless the person is the pilot or officer in command of the aircraft or a peace officer or a member of the military or naval forces of the United States, engaged in the performance of duty;

(10) carries in any aircraft, other than a public aircraft, any shotgun, rifle, pistol, or small arms ammunition except in the manner in which such articles may be lawfully carried in motor vehicles in this state, or is a person excepted from the provisions of clause (9);

(11) engages in acrobatic or stunt flying without being equipped with a parachute and without providing any other occupants of the aircraft with parachutes and requiring that they be worn;

(12) while in flying over a thickly inhabited area or over a public gathering in this state, engages in trick or acrobatic flying or in any acrobatic feat;

(13) except while in landing or taking off, flies at such low levels as to endanger persons on the surface beneath, or engages in advertising through the playing of music or transcribed or oral announcements, or makes any noise with any siren, horn, whistle, or other audible device which is not necessary for the normal operation of the aircraft, except that sound amplifying devices may be used in aircraft when operated by or under the authority of any agency of the state or federal government for the purpose of giving warning or instructions to persons on the ground;

(14) drops any object, except loose water, loose fuel, or loose sand ballast, without the prior written consent of the commissioner of transportation and the prior written consent of the municipality or property owner where objects may land; drops objects from an aircraft that endanger person or property on the ground, or drops leaflets for any purpose whatsoever; or

(15) while in flight in an aircraft, whether as a pilot, passenger, or otherwise, endangers, kills, or attempts to kill any birds or animals or uses any aircraft for the purpose of concentrating, driving, rallying, or stirring up migratory waterfowl;

except as may be permitted by other laws of this state, shall be guilty of a misdemeanor.

Subd. 2. **Gross misdemeanor.** Every person who shall commit any of the acts specified in subdivision 1 for a second or other subsequent time shall be guilty of a gross misdemeanor.

Subd. 3. MS 1961 [Repealed, 1963 c 753 art 2 s 17]

Subd. 4. MS 1961 [Repealed, 1965 c 45 s 73]

Subd. 5. **Careless or reckless operation.** Every person who operates an aircraft in the air or on the ground or water, in a careless or reckless manner so as to endanger the life or property of another shall be guilty of a misdemeanor.

Subd. 6. **Additional penalties for certain violations.** For any violation of subdivisions 1 and 5, section 360.0752, or of any rule issued pursuant to section 360.015, in addition to the penalties provided in this section or section 360.0752, or as a condition to the suspension of a sentence which may be imposed pursuant thereto, the court in its discretion may prohibit the violator from operating an aircraft within the state for such period as it may determine, but not to exceed one year. Violation of the duly imposed prohibition of the court may be punished as a contempt of court. Upon a plea of guilty or conviction under said sections, in any case involving an airman, the court shall issue an order prohibiting the airman from exercising, in the state of Minnesota, the privileges granted to the airman by federal certificate for a period, in the discretion of the court, not to exceed one year, and shall notify the commissioner of any action involving a violation under this section or section 360.0752 by mailing a report to the commissioner showing the name and address of the violator, the offense charged, the time and place of violation, the plea, the finding of the court or jury, and the penalty imposed.

Subd. 7. MS 1988 [Repealed, 1990 c 602 art 6 s 6]

History: *1945 c 303 s 37; 1947 c 175 s 7; 1951 c 115 s 1,2; 1963 c 138 s 1; 1971 c 165 s 2; 1974 c 8 s 4; 1976 c 166 s 7; 1978 c 674 s 58; 1985 c 248 s 70; 1986 c 444; 1990 c 602 art 6 s 2,3; 2022 c 55 art 1 s 158*

360.0751 MS 1988 [Repealed, 1990 c 602 art 6 s 6]

360.0752 AIRCRAFT OPERATOR UNDER INFLUENCE OF ALCOHOL, CONTROLLED SUBSTANCE, OR INTOXICATING SUBSTANCE.

Subdivision 1. **Definitions.** As used in this section and section 360.0753:

(1) "operate" includes the acts of all crew members with responsibility to operate the aircraft;

(2) "controlled substance" has the meaning given in section 152.01, subdivision 4; and

(3) "intoxicating substance" has the meaning given in section 169A.03, subdivision 11a.

Subd. 2. **Crime; acts prohibited.** (a) It is a crime for any person to operate or attempt to operate an aircraft on or over land or water within this state or over any boundary water of this state under any of the following conditions:

(1) when the person is under the influence of alcohol;

(2) when the person is under the influence of a controlled substance;

(3) when the person is under the influence of a combination of any two or more of the elements named in clauses (1), (2), (6), and (9);

(4) when the person's alcohol concentration is 0.04 or more;

(5) when the person's alcohol concentration as measured within two hours of the time of operation or attempted operation is 0.04 or more;

(6) when the person is under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment;

(7) when the person's body contains any amount of a controlled substance listed in Schedule I or II, other than marijuana or tetrahydrocannabinols;

(8) within eight hours of having consumed any alcoholic beverage or used any controlled substance; or

(9) when the person is under the influence of cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, an artificially derived cannabinoid, or tetrahydrocannabinols, as those terms are defined in section 342.01.

(b) If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of paragraph (a), clause (7), that the defendant used the controlled substance according to the terms of a prescription issued for the defendant in accordance with sections 152.11 and 152.12.

Subd. 2a. **Refusal to submit to testing; crime.** It is a crime for any person to refuse to submit to a chemical test of the person's blood, breath, or urine under section 360.0753.

Subd. 3. **Allowing operation by violator.** It is a crime for any person to knowingly permit any individual who is in violation of subdivision 2 to operate any aircraft owned by or in the custody or control of the person.

Subd. 4. **Arrest.** A peace officer may lawfully arrest a person for violation of subdivision 2 without a warrant upon probable cause, without regard to whether the violation was committed in the officer's presence. The express grant of arrest powers in this subdivision does not limit the arrest powers of peace officers pursuant to sections 626.65 to 626.70 or section 629.40 in cases of arrests for violation of subdivision 2 or any other provision of law.

Subd. 5. **Evidence.** Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for operating or attempting to operate an aircraft in violation of subdivision 2, the court may admit evidence of the presence or amount of alcohol, controlled substances, or intoxicating substances in the person's blood, breath, or urine as shown by an analysis of those items.

Evidence of the refusal to take a test is admissible into evidence in a prosecution under this section.

If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of subdivision 2, paragraph (a), clause (5), that the defendant consumed a sufficient quantity of alcohol after the time of the violation and before the administration of the evidentiary test to cause the defendant's alcohol concentration to exceed 0.04; provided, that this evidence may not be admitted unless notice is given to the prosecution prior to the omnibus or pretrial hearing in the matter.

The foregoing provisions do not limit the introduction of any other competent evidence bearing upon the question whether or not the person violated this section, including tests obtained more than two hours after the alleged violation and results obtained from partial tests on an infrared breath-testing instrument. A result from a partial test is the measurement obtained by analyzing one adequate breath sample, as defined in section 360.0753, subdivision 4, paragraph (b).

Subd. 6. **Criminal penalties.** (a) A person who violates subdivision 2, paragraph (a), clause (8), or subdivision 3, is guilty of a misdemeanor.

(b) A person who violates subdivision 2, paragraph (a), clauses (1) to (7), or subdivision 2a, is guilty of a gross misdemeanor.

(c) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations shall also be responsible for prosecution of gross misdemeanor violations of this section.

Subd. 7. **Preliminary screening test.** When a peace officer has reason to believe that a person may be violating or has violated subdivision 2, the officer may require the person to provide a sample of the person's breath for a preliminary screening test using a device approved by the commissioner of public safety or the commissioner of transportation for this purpose. The results of this preliminary screening test shall be used for the purpose of deciding whether to require the tests authorized in section 360.0753, but shall not be used in any court action except to prove that a test was properly required of a person pursuant to section 360.0753. Following the screening test, additional tests may be required of the person pursuant to the provisions of section 360.0753.

A person who refuses to furnish a sample of the person's breath is subject to the provisions of section 360.0753 unless, in compliance with section 360.0753, the person submits to a blood, breath, or urine test to determine the presence or amount of alcohol, controlled substances, or intoxicating substances.

History: *1990 c 602 art 6 s 4; 1992 c 570 art 4 s 1,2; 1996 c 442 s 25-29; 2018 c 195 art 3 s 11-14; 2019 c 50 art 1 s 118; 2023 c 63 art 4 s 36*

360.0753 TESTING PROCEDURES.

Subdivision 1. **Peace officer defined.** For purposes of this section, the term "peace officer" means an employee of a political subdivision or state law enforcement agency who is licensed by the Minnesota Board of Peace Officers Standards and Training, who is charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state, and who has full power of arrest, and shall also include the Minnesota State Patrol and Metropolitan Airports Commission peace officers, but does not include employees of the Department of Natural Resources.

Subd. 2. **Implied consent; conditions; election of test.** (a) Any person who operates or attempts to operate an aircraft in or over this state or over any boundary water of this state consents, subject to the provisions of this section and section 360.0752, to a chemical test of that person's blood, breath, or urine for the purpose of determining the presence or amount of alcohol, controlled substances, or intoxicating substances. The test shall be administered at the direction of a peace officer.

(b) A test of the person's breath may be required when an officer has probable cause to believe the person was operating or attempting to operate an aircraft in violation of section 360.0752 and one of the following conditions exists:

(1) the person has been lawfully placed under arrest for violation of section 360.0752;

(2) the person has been involved in an aircraft accident or collision resulting in property damage, personal injury, or death;

(3) the person has refused to take the screening test provided for by section 360.0752;

(4) the screening test was administered and recorded an alcohol concentration of 0.04 or more or the presence of a controlled substance listed in Schedule I or II other than marijuana or tetrahydrocannabinols; or

(5) the officer had probable cause to believe that the person was operating or attempting to operate an aircraft with any amount of alcohol present in the person's body.

(c) A test of the person's blood or urine may be required by an officer under the conditions described in paragraph (b) if the officer is acting pursuant to a search warrant under sections 626.04 to 626.18.

(d) At the time a test is requested, the person shall be informed:

(1) that Minnesota law requires the person to take a test to determine the presence or amount of alcohol or a controlled substance listed in Schedule I or II other than marijuana or tetrahydrocannabinols, or to determine if the person is under the influence of alcohol, controlled substances, or intoxicating substances;

(2) that whether a test is taken or refused, the person may be subject to criminal prosecution for an alcohol, controlled substance, or intoxicating substance-related offense relating to the operation of an aircraft;

(3) that if testing is refused, the person may be subject to criminal prosecution because the person refused testing and the person will be disqualified from operating an aircraft for a minimum period of one year;

(4) if the peace officer has probable cause to believe the person has violated the criminal vehicular homicide and injury laws, that pursuant to a search warrant a test will be taken with or without the person's consent; and

(5) that, in the case of a breath test, the person has the right to consult with an attorney, but that this right is limited to the extent that it cannot unreasonably delay administration of the test.

Subd. 2a. **Blood or urine test; search warrant required.** Notwithstanding any contrary provision in this section, a blood or urine test may be conducted only pursuant to a search warrant under sections 626.04 to 626.18, or a judicially recognized exception to the search warrant requirement. When, under the provisions of this section, a search warrant is required for a blood or urine test, that requirement is met if a judicially recognized exception to the search warrant is applicable.

Subd. 3. **Type of test.** (a) A peace officer who directs a test pursuant to this section may direct a breath test.

(b) A peace officer, acting pursuant to a search warrant, may direct a blood or urine test as provided in the warrant. If the warrant authorizes either a blood or urine test, the officer may direct whether the test is of blood or urine. If the person to whom the test is directed objects to the test, the officer shall offer the person an alternative test of either blood or urine.

(c) A blood or urine test may be required pursuant to a search warrant even after a breath test has been administered if there is probable cause to believe that: (1) there is impairment by a controlled substance or an intoxicating substance that is not subject to testing by a breath test; or (2) a controlled substance listed in Schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body.

(d) Action under this section may be taken against a person who refuses to take a blood test only if an alternative test was offered and action may be taken against a person who refuses to take a urine test only if an alternative test was offered.

Subd. 4. **Breath test using infrared breath-testing instrument.** (a) In the case of a breath test administered using an infrared or other approved breath-testing instrument, as defined in section 169A.03, subdivision 11, the test shall consist of analyses in the following sequence: one adequate breath sample analysis, one control analysis, and a second, adequate breath sample analysis.

(b) In the case of a test administered using an infrared or other approved breath-testing instrument, a sample is adequate if the instrument analyzes the sample and does not indicate the sample is deficient.

(c) For purposes of this section, when a test is administered using an infrared or other approved breath-testing instrument, failure of a person to provide two separate, adequate breath samples in the proper sequence constitutes a refusal.

Subd. 5. **Consent of person incapable of refusal not withdrawn.** A person who is unconscious or who is otherwise in a condition rendering the person incapable of refusal is deemed not to have withdrawn the consent provided by subdivision 2 and the test may be given.

Subd. 6. **Manner of making test; additional test.** (a) Only a physician, medical technician, physician's trained mobile intensive care paramedic, registered nurse, medical technologist, or laboratory assistant acting at the request of a peace officer may withdraw blood for the purpose of determining the presence or amount of alcohol, controlled substances, or intoxicating substances. This limitation does not apply to the taking of a breath or urine sample. The person tested has the right to have someone of the person's own choosing administer a chemical test or tests in addition to any administered at the direction of a peace officer; provided, that the additional test sample on behalf of the person is obtained at the place where the person is in custody, after the test administered at the direction of a peace officer, and at no expense to the state.

(b) The failure or inability to obtain an additional test or tests by a person shall not preclude the admission in evidence of the test taken at the direction of a peace officer unless the additional test was prevented or denied by the peace officer.

(c) The physician, medical technician, physician's trained mobile intensive care paramedic, medical technologist, laboratory assistant, or registered nurse drawing blood at the request of a peace officer for the purpose of determining the presence or concentration of alcohol, controlled substances, or intoxicating substances shall in no manner be liable in any civil or criminal action except for negligence in drawing the blood. The person administering a breath test shall be fully trained in the administration of breath tests pursuant to training given by the commissioner of public safety or the commissioner of transportation.

Subd. 7. **Refusal to permit test; cease and desist order.** If a person under arrest refuses to permit chemical testing, none shall be given, but the commissioner of transportation, upon the receipt of a certificate of the peace officer that the officer had reasonable and probable grounds to believe the arrested person had been operating or attempting to operate an aircraft in violation of section 360.0752, that in the case of a blood or urine test the officer was acting pursuant to a search warrant, and that the person had refused to permit the test, shall issue a cease and desist order prohibiting the operation of an aircraft for a period of one year. However, if a peace officer has probable cause to believe that the person has violated section 609.2112, 609.2113, or 609.2114, a test may be required and obtained despite the person's refusal. When a test is obtained pursuant to this section after the person refused to submit to testing, the commissioner of transportation shall issue a cease and desist order under this section based on the person's refusal. However,

if the test is of the person's blood or urine, the test must have been taken pursuant to a search warrant in order for a cease and desist order to be issued.

Subd. 8. **Notice of cease and desist order; request for hearing.** No cease and desist order under subdivision 7 shall be made until the commissioner notifies the person by certified mail of intention to issue a cease and desist order and allows the person a 20-day period after the date of receiving the notice to request of the commissioner, in writing, a hearing as herein provided. If no request is filed within the 20-day period, the commissioner may then issue a cease and desist order. However, if a request for hearing is filed, no cease and desist order shall be made until final judicial determination resulting in an adverse decision to the person.

Subd. 9. **Hearing.** The hearing shall be before a district court in the county where the arrest occurred, unless there is agreement that the hearing may be held in some other county. The hearing shall be recorded and proceed as in a criminal matter, without the right of trial by jury, and its scope shall cover the issues of whether the peace officer had reasonable and probable grounds to believe the person was operating or attempting to operate an aircraft in violation of section 360.0752; whether the person was lawfully placed under arrest; if the test involved blood or urine, whether a licensed peace officer applied for a search warrant in accordance with the requirements set forth in sections 626.04 to 626.18, and, if so, whether a neutral magistrate reviewed the application for the search warrant and determined there was probable cause to believe that the person violated section 360.0752, and whether the warrant and the process by which it was obtained was valid; whether the person refused to permit the test, and if the person refused whether the person had reasonable grounds for refusing to permit the test; and whether at the time of request for the test the peace officer informed the person that the right to fly will be denied if the person refused to permit the test and of the right to have additional tests made by someone of the person's own choosing. The court shall order either that the denial be rescinded or sustained and refer the order to the commissioner of transportation for further action.

Subd. 10. **Notice of action to other governments.** When it has been finally determined that a nonresident's privilege to operate an aircraft in this state has been denied, the commissioner shall give information in writing of the action taken to the appropriate federal authorities and any state in which the nonresident operates an aircraft or has a license to operate an aircraft.

History: *1990 c 602 art 6 s 5; 1992 c 570 art 4 s 3-5; 1996 c 442 s 30-32; 2003 c 96 s 5; 2014 c 180 s 9; 2017 c 83 art 3 s 8-12; 2018 c 195 art 3 s 15-17*

CITATION; AERONAUTICS CODE

360.076 CITATION, AERONAUTICS CODE.

Sections 360.011 to 360.076 may be cited as the "Aeronautics Code."

History: *1943 c 653 s 23*

360.101 MS 1974 [Repealed, 1975 c 13 s 147]

360.102 Subdivision 1. MS 1974 [Repealed, 1975 c 13 s 147]

Subd. 2. MS 1974 [Repealed, 1975 c 13 s 147]

Subd. 3. MS 1974 [Repealed, 1975 c 13 s 147]

Subd. 4. MS 1974 [Repealed, 1975 c 13 s 147]

Subd. 5. MS 1974 [Repealed, 1975 c 13 s 147]

Subd. 6. MS 1974 [Repealed, 1975 c 13 s 147]

Subd. 7. MS 1974 [Repealed, 1975 c 13 s 147]

Subd. 8. MS 1974 [Repealed, 1975 c 13 s 147]

Subd. 9. MS 1974 [Repealed, 1975 c 13 s 147]

Subd. 10. MS 1949 [Repealed, 1953 c 734 s 4]

Subd. 11. MS 1974 [Repealed, 1975 c 13 s 147]

360.103 MS 1974 [Repealed, 1975 c 13 s 147]

360.104 Subdivision 1. MS 1974 [Repealed, 1975 c 13 s 147]

Subd. 2. MS 1974 [Repealed, 1975 c 13 s 147]

Subd. 3. MS 1974 [Repealed, 1975 c 13 s 147]

Subd. 4. MS 1974 [Repealed, 1975 c 13 s 147]

Subd. 5. MS 1971 [Repealed, 1974 c 455 s 34]

Subd. 5a. MS 1974 [Repealed, 1975 c 13 s 147]

Subd. 6. MS 1971 [Repealed, 1974 c 455 s 34]

360.105 Subdivision 1. MS 1974 [Repealed, 1975 c 13 s 147]

Subd. 2. MS 1971 [Repealed, 1974 c 455 s 34]

Subd. 2a. MS 1974 [Repealed, 1975 c 13 s 147]

Subd. 3. MS 1971 [Repealed, 1974 c 455 s 34]

Subd. 4. MS 1974 [Repealed, 1975 c 13 s 147]

360.106 MS 1974 [Repealed, 1975 c 13 s 147]

360.107 MS 1974 [Repealed, 1975 c 13 s 147]

360.1071 MS 1974 [Repealed, 1975 c 13 s 147]

360.108 MS 1974 [Repealed, 1975 c 13 s 147]

360.109 MS 1974 [Repealed, 1975 c 13 s 147]

360.111 MS 1974 [Repealed, 1975 c 13 s 147]

360.112 MS 1974 [Repealed, 1975 c 13 s 147]

360.113 Subdivision 1. MS 1974 [Repealed, 1975 c 13 s 147]

Subd. 2. MS 1971 [Repealed, 1974 c 455 s 34]

Subd. 3. MS 1971 [Repealed, 1974 c 455 s 34]

Subd. 4. MS 1967 [Repealed, 1969 c 9 s 103]

Subd. 5. MS 1971 [Repealed, 1974 c 455 s 34]

360.114 MS 1974 [Repealed, 1975 c 13 s 147]

360.115 MS 1974 [Repealed, 1975 c 13 s 147]

360.116 MS 1974 [Repealed, 1975 c 13 s 147]

360.1161 MS 1974 [Repealed, 1975 c 13 s 147]

360.117 MS 1974 [Repealed, 1975 c 13 s 147]

360.118 MS 1974 [Repealed, 1975 c 13 s 147]

360.119 MS 1971 [Repealed, 1974 c 455 s 34]

360.1191 MS 1974 [Repealed, 1975 c 13 s 147]

360.121 MS 1974 [Repealed, 1975 c 13 s 147]

360.122 MS 1974 [Repealed, 1975 c 13 s 147]

360.123 MS 1974 [Repealed, 1975 c 13 s 147]

360.124 MS 1974 [Repealed, 1975 c 13 s 147]

360.125 MS 1974 [Repealed, 1975 c 13 s 147]

360.126 MS 1974 [Repealed, 1975 c 13 s 147]

360.127 MS 1974 [Repealed, 1975 c 13 s 147]

360.128 MS 1974 [Repealed, 1975 c 13 s 147]

360.129 MS 1974 [Repealed, 1975 c 13 s 147]

360.131 MS 1974 [Repealed, 1975 c 13 s 147]

360.132 MS 1974 [Repealed, 1975 c 13 s 147]

360.133 Subdivision 1. MS 1974 [Repealed, 1975 c 13 s 147]

Subd. 2. MS 1974 [Repealed, 1975 c 13 s 147]

Subd. 3. MS 1971 [Repealed, 1973 c 683 s 30]

Subd. 4. MS 1974 [Repealed, 1975 c 13 s 147]

Subd. 5. MS 1974 [Repealed, 1975 c 13 s 147]

Subd. 6. MS 1974 [Repealed, 1975 c 13 s 147]

360.135 MS 1974 [Repealed, 1975 c 13 s 147]

360.141 MS 1974 [Repealed, 1975 c 13 s 147]

360.142 MS 1974 [Repealed, 1975 c 13 s 147]

360.143 MS 1974 [Repealed, 1975 c 13 s 147]

360.144 MS 1974 [Repealed, 1975 c 13 s 147]

RECIPROCITY

360.201 ACQUISITION BY MUNICIPALITY IN ADJOINING STATE.

The governing body of any county, city, town, or other municipality or political subdivision of an adjoining state, whose laws permit, is hereby authorized to acquire, establish, construct, own, control, lease, equip, improve, maintain, and operate airports, or restricted landing areas, or other air navigation facilities in this state, subject to all laws and rules of this state applicable to its municipalities and other political subdivisions in such aeronautical projects, but subject to the laws of its own state in all matters relating to financing such projects.

History: *1945 c 175 s 1 subd 1; 1973 c 123 art 5 s 7; 1985 c 248 s 70*

360.202 RIGHTS SAME AS MINNESOTA MUNICIPALITY.

Such municipality or other political subdivision of an adjoining state shall have all the rights, privileges, and duties of like municipalities and political subdivisions of this state, including the right to exercise the power of eminent domain.

History: *1945 c 175 s 1 subd 2; 2006 c 214 s 20*

360.203 RECIPROCAL PROVISIONS.

Sections 360.201 to 360.203 shall not apply unless the laws of such adjoining state shall permit municipalities and other political subdivisions of this state to acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and otherwise control such airports, restricted landing areas, or other air navigation facilities therein, with all privileges, rights, and duties applicable to the municipalities and other political subdivisions of such adjoining state in such aeronautical projects.

History: *1945 c 175 s 1 subd 3*

AIRPORT SYSTEM EXPENDITURES

360.301 MS 1984 [Repealed, 1Sp1985 c 13 s 376 subd 1]

360.302 MS 1984 [Repealed, 1Sp1985 c 13 s 376 subd 1]

360.303 MS 1978 [Repealed, 1980 c 607 art 14 s 48]

360.304 MS 1984 [Repealed, 1Sp1985 c 13 s 376 subd 1]

360.305 EXPENDITURES FOR AIRPORTS AND NAVIGATION.

Subdivision 1. **Limitations.** The money appropriated to the commissioner of transportation as contemplated by this section shall be used in accordance with this chapter, in amounts not exceeding the sums specified for individual purposes in the acts making such appropriations. Unless otherwise provided in any such act, the governor may on the governor's own initiative or upon application by the commissioner of transportation order a change in the provisional limitations on the amounts to be expended for the individual purposes specified.

Subd. 2. **Commissioner's order; federal essential air service program.** (a) Before any expenditure of any of the money appropriated pursuant to this section to assist political subdivisions, municipalities, and public corporations in acquiring, constructing, improving, maintaining, and operating airports and other air navigation facilities may be authorized, the commissioner of transportation shall have made, with the approval of the governor, an order designating the municipalities and airports which are a part of the key airport system, the intermediate airport system, the landing strip system, and the state system of radio and navigational aids, in accordance with the definitions and limitations stated in subdivision 3.

(b) The commissioner may use state airports fund money to provide the state's matching portion required to participate in the federal essential air service program under United States Code, title 49, sections 41731 to 41748.

Subd. 3. **Types of airport systems.** (a) Key system airports are those used or intended to be used by aircraft of all sizes up to and including large multiengine and jet aircraft, not exceeding 40.

(b) Intermediate system airports shall be those used or intended for use by single engine or light to medium multiengine aircraft and shall include vertical takeoff and landing areas and short takeoff and landing areas not exceeding 90.

(c) The landing strip system shall consist of those small airports which may be unattended, sod or hard surfaced and which are used or intended for use by single or multiengine light aircraft, and not exceeding 65.

(d) The commissioner may amend such order from time to time to expand or modify the airport system to serve best the interest of the state, subject to the approval of the governor.

Subd. 4. **Costs allocated; local contribution; hangar construction account.** (a) Annually by June 1, the commissioner of transportation shall establish local contribution rates which will apply to a political subdivision, municipality, or public corporation when applying for state or federal funding assistance to construct, improve, maintain, or operate an airport, or to acquire land for airport facilities or clear zones. If the commissioner does not establish local contribution rates by June 1, the previous rates apply.

(b) The commissioner may pay all costs beyond the local contribution. Local contribution rates shall not be less than five percent of the total cost of the activity or acquisition, except that the commissioner may require less than five percent for research projects, radio or navigational aids, activities, or acquisitions for which federal funds are available to cover more than 90 percent of the total cost, or as otherwise necessary to respond to an emergency.

(c) The commissioner's establishment of local contribution rates is not subject to the rulemaking requirements of chapter 14.

(d) To receive aid under this section, 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 the municipality receives any state funds for construction or improvement costs; and

(2) for 99 years after the date the municipality receives any state funds for land acquisition costs. 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.

(e) 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 shall transfer up to $4,400,000 from the state airports fund to the hangar construction revolving account.

(f) The commissioner may contribute to costs incurred by any municipality for airport maintenance and operations, safety equipment, and airport snow removal.

Subd. 5. **Commissioner's powers.** The commissioner of transportation shall cause to be prepared or supervise the preparation of plans and specifications for the construction, improvement, and maintenance of all airports and air navigation facilities upon which expenditures are made pursuant to this section; approve such plans and specifications; supervise and inspect all work; approve all lawful changes in plans and specifications; approve estimates for payments; and approve the construction when completed according to such plans and specifications.

Subd. 6. **Zoning required.** The commissioner must not expend money for planning or land acquisition, for the construction, improvement, or maintenance of airports, or for air navigation facilities for an airport, unless the municipality, county, or joint airport zoning board involved has or is establishing a zoning authority for that airport, and the authority has made a good-faith showing that it is in the process of and will complete with due diligence, an airport zoning ordinance in accordance with sections 360.061 to 360.074. The commissioner may provide funds to support airport safety projects that maintain existing infrastructure, regardless of a zoning authority's efforts to complete a zoning regulation. The commissioner must make maximum use of zoning and easements to eliminate runway and other potential airport hazards rather than land acquisition in fee.

Subd. 7. **Reimbursements to state airports fund.** Reimbursements from municipalities for striping runways shall be deposited in the state airports fund.

History: *1945 c 469 s 5; 1947 c 548 s 1; 1963 c 791 s 5; 1965 c 606 s 1; 1967 c 791 s 1-3; 1969 c 786 s 1,2; 1971 c 706 s 1; 1973 c 760 s 1-3; 1974 c 373 s 1; 1976 c 166 s 7; 1978 c 660 s 3,4; 1981 c 209 s 14; 1981 c 357 s 102,103; 1986 c 444; 1989 c 272 s 1; 1994 c 640 s 2; 1995 c 186 s 72-74; 1999 c 230 s 30; 2002 c 364 s 27; 2004 c 136 s 1; 2005 c 41 s 1; 2015 c 75 art 2 s 45; 1Sp2019 c 3 art 3 s 103; 2022 c 55 art 1 s 159,160*

360.306 MS 1984 [Repealed, 1Sp1985 c 13 s 376 subd 1]

360.311 MS 1961 [Repealed, 1963 c 791 s 10]

360.321 MS 1961 [Repealed, 1963 c 791 s 10]

360.331 MS 1961 [Repealed, 1963 c 791 s 10]

360.34 [Obsolete]

360.341 MS 1961 [Repealed, 1963 c 791 s 10]

360.351 MS 1961 [Repealed, 1963 c 791 s 10]

360.361 [Obsolete]

360.371 MS 1965 [Expired]

360.381 MS 1965 [Expired]

360.382 MS 1965 [Expired]

360.383 MS 1965 [Expired]

360.384 MS 1965 [Expired]

360.385 MS 1976 [Expired]

360.386 MS 1976 [Expired]

360.3861 MS 1976 [Expired]

360.387 MS 1961 [Repealed, 1963 c 791 s 10]

360.388 MS 1984 [Repealed, 1Sp1985 c 13 s 376 subd 1]

360.389 MS 1984 [Repealed, 1Sp1985 c 13 s 376 subd 1]

AIRCRAFT REGISTRATION AND TAXATION

360.511 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 360.521 to 360.675, the following words, terms, and phrases shall have the meanings herein given, unless otherwise specifically defined or unless another intention clearly appears or the context otherwise requires.

Subd. 2. [Renumbered subd 27]

Subd. 3. [Renumbered subd 16]

Subd. 4. **Air commerce.** "Air commerce" means the transportation by aircraft of persons or property for hire in interstate, intrastate, or international transportation on regularly scheduled flights by airline companies operating under a certificate of convenience and necessity issued by the United States Department of Transportation.

Subd. 5. [Renumbered subd 20]

Subd. 6. [Renumbered subd 22]

Subd. 7. [Renumbered subd 26]

Subd. 8. [Renumbered subd 23]

Subd. 9. [Renumbered subd 21]

Subd. 10. [Renumbered subd 25]

Subd. 11. [Renumbered subd 18]

Subd. 12. [Renumbered subd 28]

Subd. 13. [Renumbered subd 19]

Subd. 14. [Renumbered subd 17]

Subd. 15. [Renumbered subd 24]

Subd. 16. **Aircraft.** "Aircraft" means any contrivance, now known or hereafter invented, used or designed for navigation of or flight in the air.

Subd. 17. **Aircraft being manufactured or rebuilt.** An aircraft being manufactured or rebuilt is completed as of the date of the initial airworthiness certificate issued thereon by proper federal authorities.

Subd. 18. **Aircraft manufacturer.** "Aircraft manufacturer" means a person, firm, or corporation engaged in the business of constructing aircraft of a particular design and model for the purpose of selling the finished product.

Subd. 19. **Aircraft refitter.** "Aircraft refitter" means a person, firm, or corporation engaged in the business of refitting and modifying aircraft.

Subd. 20. **Airline company.** "Airline company" means any person who undertakes directly or indirectly to engage in the business of air commerce.

Subd. 21. **Airports thereof.** "Airports thereof" (referring to airports of the state of Minnesota) includes all airports located in this state owned by the state, by any political subdivision or municipality thereof, or by any person.

Subd. 22. **Commissioner.** "Commissioner" means the commissioner of transportation of this state.

Subd. 22a. **Coordinated unmanned aircraft event.** "Coordinated unmanned aircraft event" means a one-day event involving a group of small unmanned aircraft systems that fly together as a unified and coordinated entity to accomplish a shared entertainment objective, which may include but is not limited to choreographed flight patterns, synchronized lighting, and music for visual displays.

Subd. 23. **Dealer.** "Dealer" means any person regularly engaged in the business of manufacturing or selling, purchasing, and generally dealing in new or used aircraft, having an established place of business for the trade, sale, and display thereof and having in possession new or used aircraft for the purpose of sale or trade.

Subd. 23a. **Electronic attestation.** "Electronic attestation" means a statement of fact or confirmation, submitted by the owner in digital form, regarding the ownership and status of an aircraft, including a small unmanned aircraft system, and its compliance with applicable regulations.

Subd. 24. **Fiscal year.** "Fiscal year" starts July 1 and ends June 30.

Subd. 25. **Municipality.** "Municipality" means a city, a county, or a town in this state and includes metropolitan airports commissions organized pursuant to the provisions of Laws 1943, chapter 500.

Subd. 26. **Owner.** "Owner" means any person owning or renting an aircraft, or having the exclusive use thereof, under a lease or otherwise, for a period greater than 30 days.

Subd. 27. **Person.** "Person" means any individual, corporation, firm, copartnership, company, or association, and includes any guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity therefor.

Subd. 28. **Rebuilt aircraft.** "Rebuilt aircraft" means airworthy aircraft constructed from aircraft damaged to an extent that prior to the rebuilding process they were unairworthy.

History: *1945 c 411 s 1; 1955 c 113 s 1-5; 1959 c 446 s 2; 1965 c 161 s 1; 1973 c 123 art 5 s 7; 1974 c 195 s 1; 1976 c 166 s 7; 1986 c 444; 2014 c 227 art 1 s 19; 2022 c 55 art 1 s 161; 2023 c 25 s 175; 1Sp2025 c 8 art 2 s 85,86*

360.521 AIRCRAFT TAX LIMITATION AND ELECTION.

(a) None of the provisions of sections 360.531 to 360.67 apply to aircraft or airline companies used in air commerce which have a certificate of convenience and necessity issued by the United States Civil Aeronautics Board.

(b) All aircraft of an airline company operating without a certificate of convenience and necessity issued by the United States Civil Aeronautics Board and with at least three regularly scheduled interstate flights per week shall be registered annually in the manner prescribed in sections 360.511 to 360.67 or if the airline company so elects, thereafter, or until an election otherwise, all of its air flight property shall be assessed annually by the commissioner of revenue in a manner prescribed by sections 270.071 to 270.079 unless prior to July 1 in the year of election the airline company has registered and paid a tax under sections 360.511 to 360.67.

(c) If pursuant to paragraph (b) an airline company being taxed pursuant to sections 270.071 to 270.079 registers pursuant to sections 360.511 to 360.67 prior to July 1, then such airline company will be required to pay one-half of the registration tax which would have been due July 1 in the year of election for an airline company not already being taxed pursuant to sections 270.071 to 270.079, such one-half to be allocable to the last six months of the registration period.

(d) If an airline company registered pursuant to sections 360.511 to 360.67 elects to be taxed in the manner prescribed by sections 270.071 to 270.079, then such airline company will be required to pay one-half of the registration tax which would have been due July 1 of the year of election if the airline company would not have elected to be taxed in the manner prescribed by sections 270.071 to 270.079, such one-half to be allocable to the first six months of the registration period.

(e) Written notice of such election shall be given to the commissioner of transportation and the commissioner of revenue prior to July 1 in the year of election. If an airline company not already taxed under sections 270.071 to 270.079 fails to make an election, then such airline company shall register its aircraft and pay a tax under sections 360.511 to 360.67.

History: *1945 c 411 s 2; 1969 c 791 s 1; 1973 c 582 s 3; 1976 c 166 s 7*

360.531 TAXATION.

Subdivision 1. **In lieu tax.** All aircraft using the air space overlying the state of Minnesota or the airports thereof, except as set forth in section 360.55, shall be taxed in lieu of all other taxes thereon, on the basis and at the rate for each fiscal year as follows.

Subd. 2. **Rate.** The tax shall be as follows:

Base Price	Tax
Not over $500,000	$100

over $500,000 but not over $1,000,000	$200
over $1,000,000 but not over $2,500,000	$2,000
over $2,500,000 but not over $5,000,000	$4,000
over $5,000,000 but not over $7,500,000	$7,500
over $7,500,000 but not over $10,000,000	$10,000
over $10,000,000 but not over $12,500,000	$12,500
over $12,500,000 but not over $15,000,000	$15,000
over $15,000,000 but not over $17,500,000	$17,500
over $17,500,000 but not over $20,000,000	$20,000
over $20,000,000 but not over $22,500,000	$22,500
over $22,500,000 but not over $25,000,000	$25,000
over $25,000,000 but not over $27,500,000	$27,500
over $27,500,000 but not over $30,000,000	$30,000
over $30,000,000 but not over $40,000,000	$50,000
over $40,000,000	$75,000

Subd. 3. **First year of life.** "First year of life" means the year the aircraft was manufactured.

Subd. 4. **Base price for taxation.** For the purpose of fixing a base price for taxation, the base price is defined as follows:

(a) The base price for taxation of an aircraft shall be the manufacturer's list price.

(b) The commissioner shall have authority to fix the base value for taxation purposes of any aircraft of which no such similar or corresponding model has been manufactured, and of any rebuilt or foreign aircraft, any aircraft on which a record of the list price is not available, or any military aircraft converted for civilian use, using as a basis for valuation the list price of aircraft with comparable performance characteristics, and taking into consideration the age and condition of the aircraft.

Subd. 5. **Similarity of corresponding model.** Models shall be deemed similar if substantially alike and of the same make. Models shall be deemed to be corresponding models for the purpose of taxation under sections 360.54 to 360.67 if of the same make and having approximately the same weight and type of frame and the same style and size of motor.

Subd. 6. MS 2012 [Repealed by amendment, 2013 c 143 art 5 s 22]

Subd. 7. **Prorating tax.** When an aircraft first becomes subject to taxation during the period for which the tax is to be paid, the tax on it shall be for the remainder of that period, prorated on a monthly basis of 1/12 of the annual tax for each calendar month counting the month during which it becomes subject to the tax as the first month of such period.

Subd. 8. **Tax, fiscal year.** Every aircraft subject to the provisions of sections 360.511 to 360.67 which has at any time since April 19, 1945, used the air space overlying the state of Minnesota or the airports thereof shall be taxed for each fiscal year in which it is so used. Any aircraft which does not use the air space overlying the state of Minnesota or the airports thereof at any time during any fiscal year shall not be subject to the tax provided by sections 360.511 to 360.67 for such period. Rebuilt aircraft shall be subject to the tax provided by sections 360.511 to 360.67 for that portion of the fiscal year remaining after the aircraft has been rebuilt, prorated on a monthly basis.

Subd. 9. **Assessed as personal property in certain cases.** Aircraft subject to taxation under the provisions of sections 360.54 to 360.67 shall not be assessed as personal property and shall be subject to no tax except as provided for by these sections. Aircraft not subject to taxation as provided in these sections, but subject to taxation as personal property within the state of Minnesota shall be assessed and valued at 33-1/3 percent of the market value thereof and taxed at the rate and in the manner provided by law for the taxation of ordinary personal property. If the person against whom any tax has been levied on the ad valorem basis because of any aircraft shall, during the calendar year for which such ad valorem tax is levied, be also taxed under provisions of these sections, then and in that event, upon proper showing, the commissioner of revenue shall grant to the person against whom said ad valorem tax was levied, such reduction or abatement of net tax capacity or taxes as was occasioned by the so-called ad valorem tax imposed. If the ad valorem tax upon any aircraft has been assessed against a dealer in new and used aircraft, and the tax imposed by these sections for the required period is thereafter paid by the owner, then and in that event, upon proper showing, the commissioner of revenue, upon the application of said dealer, shall grant to such dealer against whom said ad valorem tax was levied such reduction or abatement of net tax capacity or taxes as was occasioned by the so-called ad valorem tax imposed.

History: *1945 c 411 s 3; 1949 c 161 s 1-4; 1955 c 113 s 6; 1959 c 446 s 3; 1965 c 161 s 2-6; 1973 c 582 s 3; 1975 c 339 s 8; 1983 c 326 s 10; 1985 c 248 s 55; 1987 c 268 art 14 s 24; 1988 c 719 art 5 s 84; 1989 c 329 art 13 s 20; 1999 c 238 art 2 s 70; 2013 c 143 art 5 s 22; 2014 c 308 art 3 s 20; 2022 c 55 art 1 s 162,163*

360.532 NONRESIDENT COMMERCIAL OPERATION SUBJECT TO TAX.

Any aircraft of which a nonresident has the right to possession and which is used for commercial operations in this state shall be registered in this state before said aircraft is used for such commercial operations, except that aircraft used for charter which a nonresident has the right to possession need not be so registered if while in the state the nonresident does not advertise, represent, or hold out as giving or offering to provide such service with such aircraft. Aircraft registered under this section shall not be entitled to a refund under 360.62 except if destroyed or for errors in computing the tax or fees and for the error on the part of an owner who may have registered an aircraft that was not before or at the time of such registration, or at any time thereafter during the current past year, subject to such tax in this state, or the aircraft is sold to a nonresident who is not engaged in a commercial operation in this state.

History: *1963 c 113 s 1; 1986 c 444*

360.54 PRESUMPTION THAT AIRCRAFT SUBJECT TO TAX.

Every aircraft shall be presumed to be one using the air space overlying the state of Minnesota or the airports thereof, and thence subject to taxation under sections 360.511 to 360.67, if such aircraft has prior to April 20, 1945, used such air space or airports, or shall actually use them or if it shall come into the possession of an owner in this state, other than a manufacturer, dealer, warehouse operator, mortgagee, or pledgee and it shall be the burden of the owner thereof to prove that said aircraft has not in fact used the air

space overlying the state of Minnesota or the airports thereof in order to avoid the payment of the tax as required herein.

History: *1945 c 411 s 4; 1949 c 161 s 5; 1955 c 113 s 7; 1965 c 161 s 7; 1986 c 444; 2022 c 55 art 1 s 164*

360.55 EXEMPTIONS.

Subdivision 1. **Nonresident, noncommercial operator.** Subject to the exceptions set forth in section 360.532, any aircraft owned by a nonresident of this state and transiently or temporarily using the air space overlying this state or the airports thereof shall be exempt from taxation under the provisions of sections 360.511 to 360.67 unless it uses the air space overlying this state or the airports thereof for more than 60 days in any fiscal year. The operation of an aircraft in the air space overlying this state or the use of airports within this state for any purpose at any time during one day shall be considered as use for one complete day. Aircraft owned by nonresidents, on the ground at an airport in this state for major repairs, shall not be considered as using the airports of this state while being repaired and while awaiting return to the nonresident owner; provided however, such waiting period shall not exceed 60 days from completion of the repairs.

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 under United States Code, title 36, chapter 403, 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 postwar 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 must list it for taxation and registration and execute an electronic attestation or sworn affidavit stating:

(1) the name and address of the owner;

(2) the name and address of the seller;

(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 electronic attestation or sworn affidavit must be submitted to the commissioner along with a fee of $25.

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

(d) If an antique or classic aircraft is operated other than as a collector's item, the registration certificate becomes void and the owner must list the aircraft for taxation and registration under 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, under sections 360.511 to 360.67, whichever is applicable.

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 is owned and operated solely for recreational purposes may be listed for taxation and registration by executing an electronic attestation or sworn affidavit stating:

(1) the name and address of the owner;

(2) the name and address of the seller;

(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 electronic attestation or sworn affidavit must be submitted to the commissioner along with an annual $25 fee.

(b) Upon satisfaction that the electronic attestation or sworn affidavit is true and correct, the commissioner must issue a registration certificate to the applicant.

(c) If the aircraft is operated other than as a recreational aircraft, the owner must 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 must 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.

Subd. 5. **Substitute aircraft.** If an aircraft registered with the state of Minnesota is temporarily removed from service for a period not to exceed 30 days for maintenance and repair, and a like or similar aircraft is substituted for it, the substituted aircraft is exempt from the Minnesota aircraft registration tax during the period of substitution. The exemption is only permitted if the principal aircraft is removed from the state for maintenance and repair. The exemption is not permitted if the principal aircraft is removed from service in the state for scheduling or other purposes.

The owner of the principal aircraft shall notify the commissioner of transportation of the identity of the principal aircraft being removed from the state, the date of removal, and the date that the principal aircraft

being removed is returned to service in the state of Minnesota. Similar information shall be reported to the commissioner regarding the substituted aircraft. The information shall be delivered to the commissioner within five days after removal of the principal aircraft and within five days after the substitution of the substitute aircraft, as the case may be. No refunds of aircraft registration taxes shall be made for principal aircraft removed from the state in accordance with this subdivision.

Subd. 6. **Hot air balloon.** Any hot air balloon shall be registered for an annual registration fee of $25. The registration fee is in lieu of the taxes provided for in sections 360.511 to 360.67. For the purpose of this subdivision, hot air balloon means any lighter-than-air aircraft that is not engine driven.

Subd. 7. MS 2012 [Repealed, 2014 c 227 art 1 s 23]

Subd. 8. **Agricultural aircraft.** Aircraft registered with the Federal Aviation Administration as restricted category aircraft used for agricultural purposes must be listed for taxation and registration. The owner must execute and submit an annual electronic attestation or sworn affidavit to the commissioner. The electronic attestation or sworn affidavit must state:

(1) the name and address of the owner;

(2) the name and address of the seller;

(3) the aircraft's make, year, model number, federal registration number, and manufacturer's identification number; and

(4) that the aircraft is owned and operated solely for agricultural operations and purposes.

The owner must submit an electronic attestation or a sworn affidavit to the commissioner and pay an annual fee established under sections 360.511 to 360.67, which must not exceed $500. If the aircraft is operated other than for agricultural purposes, the owner must list the aircraft for taxation and registration under sections 360.511 to 360.67. If the aircraft is sold, the new owner must list the aircraft for taxation and registration under this subdivision or under sections 360.511 to 360.67, as applicable.

Subd. 9. **Small unmanned aircraft systems.** (a) Any small unmanned aircraft system in which the unmanned aircraft weighs less than 55 pounds at takeoff, including payload and anything affixed to the aircraft, either:

(1) must be registered in the state for an annual fee of $25; or

(2) is not subject to registration or an annual fee if the unmanned aircraft system is owned and operated solely for recreational purposes.

(b) An unmanned aircraft system that meets the requirements under paragraph (a) is exempt from aircraft registration tax under sections 360.511 to 360.67.

Subd. 10. **Coordinated unmanned aircraft system fleets.** (a) An operator planning to conduct a coordinated unmanned aircraft event must register the fleet of small unmanned aircraft systems at least 15 days before the event. Registration under this subdivision must be in the manner specified by the commissioner.

(b) The registration must include:

(1) the name and contact information of the event organizer;

(2) the date, time, and location of the event;

(3) the number of small unmanned aircraft systems to be used;

(4) proof of liability insurance for the small unmanned aircraft systems;

(5) a copy of the operator's small unmanned aircraft system pilot's license; and

(6) a copy of the commercial operator's license.

(c) A daily registration fee of $2 per small unmanned aircraft system used in the fleet applies to fleets registered under this subdivision. The fee is in lieu of the registration fee in subdivision 9. A fleet registered under this subdivision is exempt from the aircraft registration tax under sections 360.511 to 360.67.

History: *1945 c 411 s 5; 1949 c 161 s 6; 1955 c 100 s 1; 1957 c 465 s 1; 1963 c 113 s 2; 1965 c 161 s 8; 1965 c 429 s 1; 1978 c 501 s 2; 1980 c 422 s 1; 1981 c 209 s 15; 1986 c 444; 1989 c 272 s 2; 1999 c 238 art 2 s 71; 1999 c 243 art 16 s 23; 2005 c 41 s 2-5; 2014 c 227 art 1 s 20; 1Sp2021 c 5 art 4 s 111; 2022 c 55 art 1 s 165,166; 1Sp2025 c 8 art 2 s 87-90*

360.56 MS 1953 [Repealed, 1957 c 218 s 1]

360.57 FILING SWORN STATEMENT BY MANUFACTURER.

Every manufacturer of an aircraft sold or offered for sale within this state, either by the manufacturer, distributor, dealer, or any other person, shall, on or before the first day in August of each year, file in the office of the commissioner a sworn statement showing the various models manufactured by the manufacturer and the retail list price of each model being manufactured August 1 of that year, and shall also file with the commissioner, in such form as manufacturers usually use for advertising, complete specifications of the construction of each model that has been manufactured by the manufacturer. Upon each change in such price and upon the manufacture of each new model thereafter such manufacturer shall in like manner file a new statement setting forth such change.

History: *1945 c 411 s 7; 1986 c 444*

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: *1945 c 411 s 8; 1965 c 161 s 9; 1986 c 444; 2005 c 41 s 6*

360.59 AIRCRAFT REGISTRATION AND LISTING FOR TAXATION.

Subdivision 1. **Date of listing and application; form.** Every owner of aircraft in this state, except as exempted by sections 360.54 and 360.55, shall, before July 1, in each fiscal year thereafter, or as soon after such date of becoming the owner thereof, file with the commissioner, on a blank provided by the commissioner, a listing for taxation and application for the registration of such aircraft, in such form and stating such information as the commissioner may require. The said owner shall certify that the statements made are correct and true, and any false statement willfully and knowingly made in regard thereto shall be deemed a perjury and punished accordingly. The listing and application for registration by dealers or manufacturers' agents within the state of aircraft received for sale or use within the state shall be accepted as compliance with the requirements of sections 360.54 to 360.67 imposed upon the manufacturer.

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.

Subd. 3. **Issuance of certificate.** The commissioner shall file such application and upon approval thereof and upon payment of the aircraft tax as provided in sections 360.54 to 360.67, together with all arrears and penalties, if any, and upon the delivery to the commissioner of the duly endorsed registration certificate of the former owner, if any, or proof of loss provided in lieu thereof, shall assign to it a distinctive number and issue to the owner a registration certificate which shall contain the name, place of residence, with street and number, if in a city, and post office address of the owner, a specific description of the aircraft, and the number assigned, together with a place on the face of the certificate in which the owner shall immediately upon receipt thereof place the owner's signature and on the reverse side thereof, an assignment and notice of sale or termination of ownership with places for the signature of both seller and purchaser, and a place for assignment of the tax that has been paid. The registration certificate shall be retained by the owner until surrender as herein provided. In the case of listing and registration by manufacturers' agents or dealers of aircraft not using the air space overlying the state of Minnesota and the airports thereof no registration certificate shall be issued, but a duplicate of such list may be retained by the dealer or manufacturer as the registration certificate.

Subd. 4. MS 2004 [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.

Subd. 6. **Expiration of registration certificate.** The registered owner's right to the registration certificate provided for herein and the right to use the number plates issued therewith shall expire upon the termination of ownership of any person in the aircraft for which the same was issued, and in any event at midnight on June 30 of the fiscal year for which the registration certificate was issued.

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.

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. MS 2004 [Repealed, 2005 c 41 s 21]

Subd. 10. **Certificate of insurance.** (a) Every owner of aircraft in this state when applying for registration, reregistration, or transfer of ownership shall supply any information the commissioner reasonably requires to determine that the aircraft during the period of its contemplated operation is covered by an insurance policy with limits of not less than $100,000 per passenger seat liability both for passenger bodily injury or death and for property damage; not less than $100,000 for bodily injury or death to each nonpassenger in any one accident; and not less than $300,000 per occurrence for bodily injury or death to nonpassengers in any one accident. The insurance must comply with section 60A.081, unless that section is inapplicable under section 60A.081, subdivision 3.

The information supplied to the commissioner must include but is not limited to the name and address of the owner, the period of contemplated use or operation, if any, and, if insurance coverage is then presently required, the name of the insurer, the insurance policy number, the term of the coverage, policy limits, and any other data the commissioner requires. No certificate of registration shall be issued pursuant to subdivision 3 in the absence of the information required by this subdivision.

(b) In the event of cancellation of aircraft insurance by the insurer, the insurer shall notify the Department of Transportation at least ten days prior to the date on which the insurance coverage is to be terminated. Unless proof of a new policy of insurance is filed with the department meeting the requirements of this subdivision during the period of the aircraft's contemplated use or operation, the registration certificate for the aircraft shall be revoked forthwith.

(c) Nothing in this subdivision shall be construed to require an owner of aircraft to maintain passenger seat liability coverage on aircraft for which an experimental certificate has been issued by the administrator of the Federal Aviation Administration pursuant to Code of Federal Regulations, title 14, sections 21.191 to 21.195 and 91.319, whereunder persons operating the aircraft are prohibited from carrying passengers in the aircraft or for an unmanned aircraft. Whenever the aircraft becomes certificated to carry passengers, passenger seat liability coverage shall be required as provided in this subdivision.

(d) The requirements of this subdivision shall not apply to any aircraft built by the original manufacturer prior to December 31, 1939, and owned and operated solely as a collector's item, if the owner files an affidavit with the commissioner. The affidavit shall state the owner's name and address, the name and address of the person from whom the aircraft was purchased, the make, year, and model number of the aircraft, the federal aircraft registration number, the manufacturer's identification number, and that the aircraft is owned and operated solely as a collector's item and not for general transportation purposes.

(e) A small unmanned aircraft system that meets the requirements of section 360.55, subdivision 9, is not subject to the requirements under paragraphs (a) and (b). Owners of small unmanned aircraft systems that meet the requirements of section 360.55, subdivision 9, must, at the time of registration, provide proof

of insurability in a form acceptable to the commissioner. Additionally, such operators must maintain records and proof that each flight was insured for the limits established in paragraph (a).

History: *1945 c 411 s 9; 1949 c 161 s 7-9; 1957 c 146 s 2; 1957 c 147 s 1,2; 1965 c 161 s 10,11; 1969 c 929 s 1; 1969 c 1077 s 1; 1976 c 166 s 7; 1976 c 241 s 3; 1977 c 365 s 3; 1978 c 501 s 1; 1986 c 444; 2005 c 41 s 7-10; 2007 c 79 s 1; 2008 c 182 s 2; 2014 c 227 art 1 s 21; 1Sp2021 c 5 art 4 s 112*

360.595 TAXES PAID BEFORE REGISTRATION AND LICENSING; RULES.

Subdivision 1. **Sales and use tax.** No aircraft shall be registered or licensed in this state unless the applicant presents proof that the sales and use tax imposed by chapter 297A has been paid or that the aircraft is exempt from the imposition of the sales tax pursuant to that chapter.

Subd. 2. **Payment to dealer.** In the case of aircraft purchased from a dealer holding a valid sales and use tax permit provided for by chapter 297A, the applicant shall present proof that the sales tax has been paid to such dealer.

Subd. 3. **Payment to others.** In the case of an aircraft purchased from a person who is not the holder of a valid sales and use tax permit as provided in subdivision 2, the applicant shall present a certificate from the commissioner of revenue that the sales and use tax has been paid.

Subd. 4. **Exemptions.** In the case of transactions which are exempt under the provisions of chapter 297A, the applicant shall present a certificate from the commissioner of revenue that no sales or use tax is due and owing.

Subd. 5. **Rules.** The commissioner of transportation in conjunction with the commissioner of revenue may adopt rules for the implementation of this section.

History: *1973 c 476 s 2; 1973 c 582 s 3; 1976 c 166 s 7; 1985 c 248 s 70*

360.60 REGISTRATION REQUIRED; EXEMPTION; MISDEMEANOR.

Subdivision 1. **Registration required; exemption; perjury.** Every aircraft not exempted by sections 360.54 and 360.55 shall be registered as required by this act whether or not said aircraft is being used in the air space overlying the state of Minnesota or on the airports thereof. Aircraft which have become damaged, are unairworthy and not in flying condition, and which have not in fact used the air space overlying the state of Minnesota or the airports thereof during any fiscal year, shall not be subject to the tax provided by this act for such tax periods; provided the owner of such aircraft shall with the application for registration file with the commissioner a signed statement describing the aircraft, its condition, and the reason for such aircraft not being in operating condition, and furnish such other information as may be necessary for the commissioner to determine that the aircraft is not in fact using the air space overlying the state of Minnesota or the airports thereof. Any false statement willfully and knowingly made in regard thereto shall be deemed a perjury and punished accordingly. Upon receipt of such application together with the statement required herein, the commissioner shall issue to such owner a certificate which shall state thereon that the tax has not been paid and that the aircraft shall not use the air space overlying the state of Minnesota or the airports thereof until the tax required by this act has been paid.

Subd. 2. **Misdemeanor.** Every aircraft owner who fails or neglects to register the aircraft as required by this act shall be guilty of a misdemeanor.

History: *1945 c 411 s 10; 1949 c 161 s 10,11; 1965 c 161 s 12; 1969 c 929 s 2; 1986 c 444; 2022 c 55 art 1 s 167*

360.61 DUE DATE OF TAX; PENALTIES AND FEES.

Subdivision 1. **First registration.** The tax required under sections 360.54 to 360.67 to be paid upon an aircraft is due as soon as the aircraft first uses the air space overlying the state of Minnesota or the airports within the state, in accordance with section 360.54, and a penalty shall be assessed upon the expiration of 20 days after the aircraft first uses the air space or the airports, unless paid.

Subd. 2. **Renewal registration.** The tax for each fiscal year shall be due and payable July 1, and a penalty shall be assessed upon the expiration of ten days after July 1 of that fiscal year, unless paid.

Subd. 3. **Penalty fees.** An owner or person charged with the duty to register an aircraft or pay a tax payable under the provisions of sections 360.511 to 360.67 who fails or delays to register the aircraft and pay the tax as required by the provisions of sections 360.511 to 360.67 shall pay to the commissioner as an added fee for failure or delay after the due date in registering and paying the tax a penalty fee of $2.50 for the calendar month in which the due date falls plus a monthly penalty of five percent of the tax due and payable for the tax period for which the penalty is charged, the monthly penalty to be paid for the first calendar month or a part of that calendar month, after the month in which the due date falls and for each additional month or a part of that additional month in which the failure or delay continues; but in no event shall the total added fees and penalties for the failure or the delay exceed the sum of $200 for the tax period for which the added fee or penalty is charged. When the last day for payment without penalty of taxes shall fall upon Sunday or a legal holiday, the taxes may be paid without a penalty on the next succeeding business day.

History: *1945 c 411 s 11; 1957 c 146 s 1; 1963 c 97 s 1; 1963 c 112 s 1; 1965 c 161 s 13; 1980 c 422 s 2; 2022 c 55 art 1 s 168*

360.62 TAX REFUND.

(a) Except as provided herein the tax upon any aircraft which has been paid for any year, shall be refunded only for errors made in computing the tax or fees or for the error on the part of an owner who may in error have registered an aircraft that was not before, nor at the time of such registration, nor at any time thereafter during the tax period, subject to such tax in this state; provided that after more than 24 months after such tax was paid no refund shall be made for any tax paid on any aircraft. Refunds as provided by sections 360.511 to 360.67 shall be made in the manner provided by section 16A.48. The former owner of a transferred aircraft by an assignment in writing endorsed upon the former owner's registration certificate and delivered to the commissioner within the time provided herein may sell and assign to the new owner thereof the right to have the tax paid by the former owner accredited to such new owner who duly registers such aircraft. Any owner whose aircraft shall be destroyed or permanently removed from the state shall be entitled to a refund for the unused portion of the tax paid upon the aircraft so destroyed or removed from the state, such refund to be computed pro rata by the month, and to be equal to the monthly tax rate multiplied by the number of full calendar months remaining in the fiscal year.

(b) In order to secure such refund, the aircraft owner shall submit a signed statement that such aircraft has either been sold out of state or destroyed, the date of such sale or destruction, and such other information as the commissioner may require. Any false statement willfully and knowingly made in regard thereto shall be deemed a perjury and punished accordingly. No refund shall be made if application is not made within 12 months after the date the aircraft was sold out of state or destroyed.

History: *1945 c 411 s 12; 1949 c 161 s 12; 1963 c 188 s 1; 1965 c 161 s 14; 1969 c 929 s 3; 1986 c 444; 2022 c 55 art 1 s 169; 2025 c 20 s 261*

360.63 DEALER'S LICENSE.

Subdivision 1. **Qualifications.** Any person engaged in the business of selling, purchasing, or dealing in aircraft, new or used, and who desires to withhold aircraft owned by that person from tax as provided in sections 360.511 to 360.67, may apply to the commissioner for an aircraft dealer's license. In order to qualify for an aircraft dealer's license the applicant shall show that the applicant has an established place of business approved by the commissioner that has the necessary buildings, facilities, and equipment for the proper storage and maintenance of aircraft in accordance with such rules as may be established by the commissioner. The commissioner may charge a fee of $10 for each license, which license shall be effective for one year from the date of its issuance, or may authorize an aircraft dealer to operate under a flight operator's license as otherwise provided by this chapter. The commissioner is empowered to suspend or revoke any license issued by the commissioner on determining that the holder thereof has violated any of the provisions of sections 360.511 to 360.67 or has failed to maintain any of the requirements necessary to obtain such license.

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: *1945 c 411 s 13; 1949 c 161 s 13; 1955 c 113 s 8; 1983 c 293 s 103; 1985 c 248 s 70; 1986 c 444; 1987 c 321 s 6; 2005 c 41 s 11*

360.64 AIRCRAFT TAX LIEN; REMEDIES, PROSECUTION.

All taxes imposed under the provisions of this act shall be deemed the personal obligation of the aircraft owner and the amount of such tax, including added penalties for the nonpayment thereof, shall be a first lien upon the aircraft taxed, paramount and superior to all other liens thereon whether previously or subsequently accruing thereon; and, in addition to any other remedy herein prescribed, the state shall have a right of action against the owner for the recovery of the amount of any delinquent tax thereon, including the penalties accruing because of the nonpayment thereof, or for the enforcement of the tax lien thereon hereby declared, or both, in any court of competent jurisdiction. The county attorney of the county in which such aircraft is owned shall perform such service in the matter of the commencement and prosecution of such suit or in the prosecution of any other remedy for the enforcement of such tax as the attorney general may require.

History: *1945 c 411 s 14; 1949 c 161 s 14*

360.65 MS 1953 [Repealed, 1955 c 113 s 11]

360.651 MANUFACTURER, LISTING OF AIRCRAFT.

Subdivision 1. MS 1978 [Expired]

Subd. 2. **Information required.** (a) On the first day of January, April, July, and October in each year, every manufacturer of aircraft in the state of Minnesota shall complete and file with the commissioner of transportation not later than 15 days thereafter, a listing of all aircraft manufactured since the last report, showing for each such aircraft:

(1) the United States registration number, model, and horsepower;

(2) its date of completion;

(3) if it has been sold, the name and address of the purchaser and the date of the sale.

(b) In addition, the listing shall include by United States registration number:

(1) aircraft which were manufactured in a previous quarter and are still in the possession of the manufacturer; and

(2) aircraft sold that were reported as completed aircraft in the possession of the manufacturer on the manufacturer's listing for the last quarter, and the name and address of the person to whom the aircraft was sold.

History: *1955 c 113 s 10; 1976 c 166 s 7; 1986 c 444*

360.653 AIRCRAFT REGISTRATION AND TAX EXEMPTIONS.

The following aircraft, under the conditions specified, shall be exempt from the registration and the tax provided by sections 360.511 to 360.67.

(1) Any aircraft held by a dealer listed and used as provided in section 360.63, except that aircraft held by dealers on October 1, of each year, shall be registered and the entire tax provided by sections 360.511 to 360.67 shall be paid for the portion of the fiscal year, prorated on a monthly basis remaining after the aircraft came into the possession of the dealer. It is further provided that a dealer who has previously had aircraft on withholding may register such aircraft in September of each fiscal year by payment of an amount equal to one-third of the annual tax, which tax shall be applicable for the months of September through December and in January the dealer may again list these aircraft on the dealer's withholding form.

(2) Aircraft remaining in the possession of aircraft manufacturers ten months after completion shall become subject to the tax provided by sections 360.511 to 360.67. The tax shall be computed from the expiration of the ten months period and shall be prorated on a monthly basis.

(3) Aircraft while in the hands of aircraft refitters for the purpose of being refitted or modified or both, and while being refitted or modified or both.

(4) Aircraft licensed under section 144E.12 and used exclusively to provide air ambulance service.

History: *1955 c 113 s 9; 1965 c 161 s 15; 1965 c 429 s 2; 1986 c 444; 1998 c 372 art 1 s 10*

360.654 AIRCRAFT DEALER'S COMMERCIAL USE PERMIT.

Upon written application by a dealer licensed in accordance with section 360.63 and payment of a fee of $20 for each aircraft identified in the application, the commissioner of revenue shall issue a commercial use permit which shall entitle the dealer to use the aircraft for commercial purposes for a period of 12 months or until the aircraft is sold, whichever first occurs. The dealer shall pay the tax imposed by section 297A.63 on all consideration received for use of the aircraft for commercial purposes during the period the dealer holds the commercial use permit. Commercial purposes as used herein does not include rental or lease of the aircraft for which the aircraft dealers normally collect the sales tax from their customers. Applications shall be on forms prescribed and furnished by the commissioner of revenue and shall include the federal aircraft registration number of each aircraft for which a permit is to be issued. A permit shall be affixed to the dealer's license and shall be conspicuously displayed in the aircraft for which it was issued, which aircraft shall remain in the possession of or under the control of the licensed dealer to whom the permit was issued. The permit shall expire and the tax imposed by section 297A.62 or 297A.63 shall become due upon either sale of the aircraft by the dealer or expiration of the 12-month period. If the aircraft has not been sold within the 12-month period the tax is due on the purchase price of the aircraft and its auxiliary equipment to the dealer and the tax imposed by section 297A.62 shall become due on the eventual sale of the aircraft. This

section and section 297A.82, subdivision 4, paragraph (c), shall in no way apply to registration or taxation pursuant to sections 360.511 to 360.67.

History: *1971 c 740 s 1; 1973 c 582 s 3; 1987 c 268 art 4 s 24; 2000 c 418 art 1 s 44; 2025 c 20 s 262*

360.66 STATE AIRPORTS FUND.

Subdivision 1. **Tax credited to fund.** The proceeds of the tax imposed on aircraft under sections 360.531 to 360.67 and all fees and penalties provided for therein shall be collected by the commissioner and paid into the state treasury and credited to the state airports fund created by other statutes of this state.

Subd. 2. **Reimbursement for expenses.** There shall be transferred by the commissioner of management and budget each year from the state airports fund to the general fund in the state treasury the amount expended from the latter fund for expenses of administering the provisions of sections 360.531 to 360.67.

History: *1945 c 411 s 16; 1969 c 399 s 49; 1973 c 492 s 14; 2009 c 101 art 2 s 109; 2013 c 143 art 5 s 23*

360.67 VIOLATIONS AND PENALTIES.

Subdivision 1. **Tax evasion.** Any person who, with intent to escape payment of any tax on an aircraft as provided in sections 360.54 to 360.67, delays or neglects to properly list and apply to register the same, or, with intent to prevent the payment or collection of the proper tax, fee, or lien thereon, violates or neglects to comply with any of the provisions thereof shall be guilty of a gross misdemeanor.

Subd. 2. **Unlawful operation.** Any person who uses, or causes to be used or operated, any aircraft in violation of the provisions of sections 360.54 to 360.67, or while a certificate of registration of an aircraft issued to the person is suspended or revoked, or knowingly delivers an aircraft to another to be used or operated in violation of sections 360.54 to 360.67, or violates any of the provisions thereof, shall be guilty of a misdemeanor.

Subd. 3. **Sale of unregistered aircraft.** Any person who sells, delivers, or otherwise transfers ownership of an aircraft required to be registered as provided by sections 360.511 to 360.67 without having registered said aircraft as required by sections 360.511 to 360.67 shall be guilty of a misdemeanor.

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: *1945 c 411 s 17; 1949 c 161 s 15; 1986 c 444; 2005 c 41 s 12*

360.675 AVIATION TAX REPORT.

On or before June 30, 2016, and every four years thereafter, the commissioner of transportation, in consultation with the commissioner of revenue, shall prepare and submit to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation policy and budget, a report that identifies the amount and sources of annual revenues attributable to each type of aviation tax, along with annual expenditures from the state airports fund, and any other transfers out of the fund, during the previous four years. The report must include draft legislation for any recommended statutory changes to ensure the future adequacy of the state airports fund.

History: *2013 c 143 art 5 s 24*

FINANCING LOCAL PUBLIC AIRPORTS

360.68 AIRPORT JOINTLY OWNED; REVENUE CERTIFICATES.

Any city of the second, third, or fourth class, statutory city, or county which now or hereafter owns a public airport licensed as such by the Minnesota Department of Transportation or any city of such class and a county acting jointly in the ownership of a public airport so licensed may issue and sell revenue certificates to provide the money for the construction or purchase of hangars, repair shops, and other buildings on the airport site designed for the repair, reconstruction, servicing, and storage of aeroplanes when authorized to do so by an ordinance or resolution adopted by a vote of 60 percent of the members of the governing body of the municipality and in the case of joint ownership of a public airport by a city and county then by an ordinance or resolution adopted by a vote of 60 percent of the governing body of each. At or before the time that any such revenue certificates are issued, the governing body or bodies as the case may be shall by ordinance or resolution establish an airport building revenue certificate fund into which the proceeds from the sale of such certificates shall be placed and any revenue certificates issued under the provisions of sections 360.68 to 360.73 shall be payable solely from and constitute an obligation only of such fund and shall not constitute an indebtedness of the issuing city or county under any applicable law or charter provision, but shall confer on the holder all other rights of a holder of a negotiable instrument. In any case where a municipality has a commission or board or where a county and city have entered into an agreement for joint ownership and maintenance of a public airport and have created a commission or board having any control over the public airport where such hangar, shop, or other building is to be erected, no airport building revenue certificate fund shall be established and no revenue certificates issued under sections 360.68 to 360.73 unless such commission or board shall also by resolution adopted by a vote of three-fourths of the membership of such commission or board also approve such establishment and issuance.

History: *1949 c 590 s 1; 1973 c 123 art 5 s 7; 1976 c 166 s 7*

360.69 INSURANCE.

Any hangar, shop, or other building constructed or purchased with funds received from the sale of such revenue certificates shall be kept insured against loss by fire and windstorm in stock insurance companies licensed to write insurance in Minnesota to the amount of the outstanding revenue certificates if such amount is obtainable and if not obtainable then to the full amount obtainable. The premiums for such insurance and the cost of repairing and maintaining such hangar, shop, and other building may be paid from such fund and such fund shall be used to pay the interest on and the principal of such airport building revenue certificates and for no other purpose. In case of loss covered by such insurance the proceeds received from insurers named in the policies shall be paid into the airport building revenue certificate fund and may be used either to rebuild the building destroyed or to repair the same or to pay and retire such certificates and for no other purpose as long as there are any unpaid certificates.

History: *1949 c 590 s 2*

360.70 RENTALS AND EARNINGS.

All rentals received for the use of such hangar, shop, or other building and all earnings realized by the municipality or municipality and county as the case may be by reason of operations carried on in such hangar, shop, or other building shall be paid into the airport building revenue fund. In determining earnings realized no deduction shall be made by reason of the salary paid to the manager of the airport and no airport maintenance or operational expense shall be deducted from the income received from operations carried on in such hangar, shop, or other building. In addition all net income realized by the municipality or the municipality and the county from the business of selling aviation gasoline and oil at the airport and all gross

income received by reason of granting to others the right to sell aviation gasoline and oil to the public at the airport shall be paid into the airport building revenue fund as long as there are any revenue certificates unpaid.

History: *1949 c 590 s 3*

360.71 REVENUE CERTIFICATE TERMS.

Such revenue certificates shall bear such date, mature at such times, bear such rates of interest not exceeding 7-1/2 percent per annum, and be sold at such times and under such terms as the governing body or governing bodies as the case may be may deem to be for the best interests of the municipality. Such certificates shall not be sold for less than face value. The total face amount unpaid and outstanding shall not exceed at any time $10 for each person residing in the municipality or $10 for each person residing in the county in the case of joint ownership by a city and county all according to the last official census.

History: *1949 c 590 s 4; 1979 c 163 s 1*

360.72 REFUND CERTIFICATE.

After such revenue certificates are issued, the governing body shall have power to issue refunding revenue certificates when the funds on hand in such airport building revenue certificate fund are not sufficient to meet any maturing revenue certificates or interest or to refund such revenue certificates at their optional or callable dates where such certificates when issued are made optional or callable at some time prior to their maturity date. The issuance of such refunding revenue certificates shall be authorized by a resolution of the governing body or governing bodies and shall constitute the same charge or lien on the airport building revenue fund as did the certificates refunded.

History: *1949 c 590 s 5*

360.73 AUTHORITY SUPERSEDES CONTRARY LAW.

No provision of any existing law or special or home rule charter shall be deemed or construed to impair, curtail, or limit in amount, form, or manner the power to authorize and issue revenue certificates as herein provided and the revenue certificates herein authorized shall not be included in computing the net indebtedness of such municipality or county under any applicable law or charter.

History: *1949 c 590 s 6*

360.74 MS 1974 [Repealed, 1975 c 13 s 147]

360.75 MS 1974 [Repealed, 1975 c 13 s 147]

360.76 MS 1974 [Repealed, 1975 c 13 s 147]

360.77 MS 1974 [Repealed, 1975 c 13 s 147]

360.78 MS 1974 [Repealed, 1975 c 13 s 147]

360.79 MS 1974 [Repealed, 1975 c 13 s 147]

360.80 MS 1974 [Repealed, 1975 c 13 s 147]

REGULATION OF STRUCTURE HEIGHTS

360.81 PURPOSE: SAFE FLIGHT.

The safety, welfare, and protection of persons and property in the air and on the ground and of the maintenance of electronic communications within this state require that the navigable air space overlying the state and the approaches to and the air traffic pattern area of any public airport in this state be maintained in a reasonably unobstructed condition for the safe flight of aircraft. To that end, the location, height, and identification of structures and the use of land thereto related, are regulated.

History: *1959 c 387 s 1*

360.82 DEFINITIONS.

As used in sections 360.81 to 360.91, unless the context otherwise requires:

(a) "Airport reference point" is a point selected and marked at the approximate geometric center of the airport landing area.

(b) "Permit" means a permit issued by the commissioner of transportation under the provisions of sections 360.81 to 360.91.

(c) "Public airport" means any area of land which is either licensed as a public use airport by the commissioner of transportation or is operated by a metropolitan airports commission as a public use airport.

History: *1959 c 387 s 2; 1976 c 166 s 7*

360.83 PERMIT, NECESSITY.

Subdivision 1. **Building height.** Until a permit therefor has been issued by the commissioner, no person shall erect, or add to the height of any structure at any place in this state which will result in a structure extending more than 500 feet above the highest point of land within a one mile radius from the structure, except when allowed under subdivision 2 or 3.

Subd. 2. **Permit required in unzoned areas.** In territory surrounding public airports for which zoning regulations have not been adopted pursuant to sections 360.061 to 360.074, no person may erect, or add to the height of any structure which will result in an obstruction to air navigation as defined by rules of the commissioner of transportation, until a permit therefor has been issued by the commissioner. In accordance with section 360.015, subdivision 4, these rules of the commissioner must be kept in conformity with federal legislation and federal rules and standards. The commissioner may designate the airport reference point for all airports affected by this subdivision.

Subd. 3. **Zoning regulations controlling.** In territory for which zoning regulations have been adopted pursuant to sections 360.061 to 360.074, no permit from the commissioner is required. Regulations effective on or after April 25, 1959, shall control the erection, addition to the height of, or replacement of a structure. No person may erect, add to the height of, or replace any structure except as allowed by those zoning regulations.

Subd. 4. **Exception for unnecessary hardship.** Under subdivisions 1 and 2, the commissioner may issue a permit for a structure which will be located with respect to natural formations or other objects of a permanent character so that no material increase in the aeronautical hazard results therefrom. The commissioner shall issue permits where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public

interest but do substantial justice and be in accordance with the spirit of the rules and sections 360.011 to 360.074.

Subd. 5. **Exception for structure already in place or federally authorized.** No permit is required for structures existing or authorized by an agency of the federal government prior to April 25, 1959. No change in the rules of the commissioner and no relocation or alteration of an airport imposes a new restriction on any structure existing or authorized by an agency of the federal government at the time of the change, relocation, or alteration.

History: *1959 c 387 s 3; 1976 c 166 s 7; 1986 c 444; 2022 c 55 art 1 s 170,171*

360.84 HEIGHT LIMITATIONS; EXCEPTIONS.

No permit shall be issued to erect, or add to the height of any structure which will extend more than 1,000 feet above the highest point of land within a one mile radius from the location of the structure, except as hereinafter provided, or shall any person erect, or add to the height of any structure for which a permit is required that exceeds the height allowed by the permit.

The commissioner may issue a permit to erect or add to a structure which will extend to a height of more than 1,000 feet above the highest point of land within a one mile radius from the location of the structure proposed to be erected or added to if such proposed structure will not be higher than 50 feet above the height of the highest structure in existence on April 25, 1959, which is within a distance of one mile from the location of the structure proposed to be erected or added to.

Sections 360.81 to 360.91 do not apply to a structure for which an erection permit is required by the federal government.

History: *1959 c 387 s 4; 2022 c 55 art 1 s 172*

360.85 INTEREST OF APPLICANT FOR PERMIT.

It is not necessary that ownership of, option for, or other possessory right to a specific location site be held by the applicant before application for a permit is filed with the commissioner but any permit granted by the commissioner shall, among other things, state the specific location and also the maximum height allowed for the structure.

History: *1959 c 387 s 5*

360.86 VISUAL OR AURAL IDENTIFICATION.

Every permit granted shall also specify what, if any, obstruction markers, markings, lighting, or other visual or aural identification shall be installed on or in the vicinity of the structure. Such identification characteristics required shall conform to federal laws and regulations where applicable; however, a higher standard of identification may be required under sections 360.81 to 360.91.

History: *1959 c 387 s 6*

360.87 INVESTIGATION, DETERMINATION, NOTICE, AND HEARING.

Upon receiving an application for a permit the commissioner shall make such investigation as may be necessary to process the application properly under sections 360.81 to 360.91.

If, upon such investigation, the commissioner determines that a permit should not be issued or that the height or location should be other than as applied for, the commissioner shall thereupon notify the applicant

in writing of that determination. Such notification may be served by delivering it personally to the applicant or by sending it first class mail to the applicant at the address specified in the application. Such determination shall become final 20 days after notification thereof is served unless the applicant, within such 20-day period, requests in writing that a hearing be held before the commissioner with reference to the application. All such hearings shall be open to the public. Any person interested may appear and be heard either in person or by counsel and may present such evidence and testimony as may be pertinent.

History: *1959 c 387 s 7; 1986 c 444*

360.88 FAILURE TO FILE FOR PERMIT; COMMISSIONER'S ACTION.

In any instance of learning or having reasonable grounds to believe that any person is erecting or adding to a structure that would be subject to the provisions of sections 360.81 to 360.91 for which an application for a permit has not been filed, the commissioner may on the commissioner's own motion issue an order to such person to appear before the commissioner and show cause why an application for a permit to erect or add to the structure need not be obtained. A date for a hearing thereon shall be set out in such order.

History: *1959 c 387 s 8; 1986 c 444*

360.89 ENFORCEMENT.

In addition to any other remedy, the commissioner may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of the provisions of sections 360.81 to 360.91 or of any rules or orders of the commissioner issued pursuant thereto. The court may grant such relief, by way of injunction or otherwise, as may be necessary under sections 360.81 to 360.91 and the rules and orders of the commissioner issued pursuant thereto.

History: *1959 c 387 s 9; 1985 c 248 s 70*

360.90 STRUCTURE HEIGHT RULES; FORMS.

The commissioner shall adopt and promulgate, and may from time to time amend or rescind, reasonable rules for the administration of sections 360.81 to 360.91. The commissioner shall prescribe and furnish forms necessary for the administration of sections 360.81 to 360.91.

History: *1959 c 387 s 10; 1985 c 248 s 70*

360.91 MISDEMEANOR.

Whoever violates or fails to comply with the provisions of sections 360.81 to 360.91 shall be guilty of a misdemeanor, and each day a violation continues to exist shall constitute a separate offense.

History: *1959 c 387 s 11; 1971 c 23 s 26*

360.915 METEOROLOGICAL TOWERS.

Subdivision 1. **Definition.** (a) For purposes of this section, "stand-alone meteorological tower" means a structure, whether self-standing or supported by guy wires and ground anchors, that:

(1) is designed with accessory facilities on which antenna, sensor, camera, meteorological, or other equipment is able to be mounted;

(2) has a height of at least 50 feet and not more than 200 feet; and

(3) has a diameter of ten feet or less at the aboveground base, excluding concrete footing.

(b) A stand-alone meteorological tower does not include a structure that is:

(1) affixed or adjacent to a building, including a house, barn, or utility station;

(2) an electric transmission or distribution line;

(3) a streetlight erected or maintained by a governmental entity;

(4) a wind energy conversion system, as defined in section 216I.02, subdivision 20, that has rotor blades with a length of more than six feet;

(5) a facility registered with the Federal Communications Commission or any structure with the primary purpose of supporting telecommunications equipment, including microwave relay facilities and towers erected for the purpose of providing commercial mobile radio service or commercial mobile data service, as the terms are defined in Code of Federal Regulations, title 47, section 20.3; or

(6) a utility pole located in the public right-of-way.

Subd. 2. **Application; location.** The requirements of this section do not apply to a stand-alone meteorological tower that is located:

(1) within the curtilage of a farmstead; or

(2) in a statutory or home rule charter city or town.

Subd. 3. **Visibility; marking.** A stand-alone meteorological tower must:

(1) be painted in equal-width bands of solid color over its entire length, alternating between aviation orange and white so that orange is at the top of the tower and at the base of the tower;

(2) have at least two spherical markers attached to each of the highest or outside guy wires that are:

(i) painted solid aviation orange; and

(ii) placed so that one is within 15 feet of the upper anchor point of the guy wire;

(3) have a high-visibility sleeve on each guy wire, which must extend at least seven feet from the lower anchor point of each guy wire; and

(4) have a flashing red light placed at the top of the tower that is compatible with a night vision imaging system, as determined by the commissioner.

Subd. 4. **Notifications.** (a) At least 30 days prior to erecting a stand-alone meteorological tower, the tower owner must provide notice to the commissioner in the manner specified by the commissioner. The notice must identify:

(1) the tower owner's name and contact information;

(2) the name and contact information of any tower owner's representative;

(3) the height above ground level of the tower, including its base;

(4) the elevation of the tower site; and

(5) global positioning system coordinates of the center of the tower.

(b) The tower owner must notify the commissioner within 15 days of any change in any information provided under paragraph (a).

(c) The tower owner must notify the commissioner within 30 days after removal of a stand-alone meteorological tower.

Subd. 5. MS 2022 [Repealed, 2023 c 68 art 4 s 129]

Subd. 6. **Administration.** The commissioner must maintain records on stand-alone meteorological towers under this section and must provide information on stand-alone meteorological tower locations on the department's website.

Subd. 7. **Penalty.** The owner of a stand-alone meteorological tower who violates the requirements under subdivision 3 or 4, paragraph (a), is guilty of a misdemeanor.

Subd. 8. **Implementation; existing towers.** The owner of a stand-alone meteorological tower erected prior to August 1, 2020, must meet the requirements of this section within one year of August 1, 2020.

History: *2020 c 100 s 21; 2023 c 68 art 4 s 87; 2025 c 20 s 263*

INSURANCE

360.92 LIABILITY INSURANCE REQUIRED; MISDEMEANOR.

It is a misdemeanor for an owner to operate or permit to be operated an aircraft registered or based within the state of Minnesota without liability insurance protecting passengers and third persons for both personal injury and property damage resulting from the operation of the aircraft; provided, that the limits of coverage for personal injury and property damage protection shall be not less than those limits provided for under section 360.59, subdivision 10, and the specific exclusions or conditions, if any, in the policy shall be limited to those provided for in section 60A.081.

History: *1976 c 241 s 4*

360.93 MINIMAL INSURANCE COVERAGE REQUIRED; MISDEMEANOR.

Any person engaged in commercial operations as defined by section 360.013, subdivision 45, who causes or authorizes the operation of aircraft, with or without the right of legal control (in capacity of owner, lessee, or otherwise) of the aircraft, shall be responsible for determining that there is in force such minimal insurance coverages required by this chapter for the protection of passengers and third persons from damages for personal injury or death, or property damage, resulting in the operation of any such aircraft; provided that in any case and subject to the penalties provided for herein, every commercial operator causing or authorizing the operation of such aircraft shall disclose to such authorized pilot using or operating such aircraft both the limits and extent of any liability insurance coverages that may be applicable to the operation of such aircraft. Whoever violates or fails to comply with this section is guilty of a misdemeanor.

History: *1976 c 241 s 5*