ENROLLED BILL

House Bill No. 226

(By Mr. Cummins)

Passed March 11, 1931

In Effect Ninety days from Passage
AN ACT to create a board of aeronautics; to provide for the selection of its members; to prescribe their terms of office; to prescribe their powers and duties; to provide for the supervision and control of commercial and public airports and landing fields and schools of aviation; to provide for appeals from the order of such board; to provide penalties; to provide for the enforcement of all rules and regulations adopted by the board governing the operation of airports, air craft and avigation within the state; to provide for the licensing of aircraft, pilots, mechanics and schools of aviation; to provide for funds to carry out the provisions of this bill.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby created a board of aeronautics, 2 to be known as the West Virginia board of aeronautics, to consist of three members to be appointed by the governor for a term of two years, to serve without pay, no more than two of
5 whom shall be members of the same political party.

Sec. 2. Such board shall have general supervision and con- 2 trol over all airports and landing fields used for commercial 3 purposes, and all state, county and municipal airports, all 4 schools of aviation, and all other phases of aerial activities. 5 Such board is hereby given the power and authority to make 6 such rules and regulations as it may deem necessary and advisa- 7 ble for the public safety, governing the designing, laying out, 8 locating, building, equipping and operating of all landing fields 9 and airports within the state. Such board is given the power 10 and authority to make different ratings of airports and pre- 11 scribe the proper uses for which the different classes of 12 ratings are given. The board is given such power and authority 13 to make rules and regulations governing the personnel and 14 operation of all schools of aviation, for the purpose of protect- 15 ing the health and safety of students therein and insuring, so 16 far as may be, the public safety through the proper training 17 and instruction of student aviators and mechanics. Such board 18 shall adopt and enforce the provisions of the federal air com- 19 merce act, now in force or as hereafter amended, so as to make 20 applicable as far as possible the provisions of that act to the
21 state of West Virginia. All airports and landing fields and
22 schools of aviation shall, within sixty days after such board is
23 created, make application to the board for its approval of such
24 airport, landing field or school, and the board shall immediately
25 consider and pass upon such application. No airport, landing
26 field or school shall be used for commercial purposes without
27 the approval of this board. The board is hereby authorized to
28 issue a certificate of its approval in each case, for which it may
29 charge a fee of not to exceed twenty-five dollars.

Sec. 3. In any case where the board rejects an applicant for
2 permission to operate an airport, landing field or school of avia-
3 tion, or in any case where the board shall issue an order re-
4 quiring certain things to be done, it shall set forth its reasons
5 therefor and shall state the requirements to be met before such
6 approval will be given or such order modified or changed. In
7 any case where the board may deem it necessary, it may order
8 the closing of an airport or landing field or school of aviation
9 and all operations to cease until it shall have complied with the
10 requirements laid down by the board.

Sec. 4. The board is hereby authorized to employ the neces-
2 sary clerical assistants and inspectors. No person shall be con-
sidered for appointment as inspector who does not have the following qualifications: He shall hold a federal transport pilot’s license; shall have had at least one thousand hours of flying experience; and shall have been a resident of the state of West Virginia for the past year. The duty of the inspectors shall be to see that the state and federal laws governing aviation and the rules and regulations of the board are carried out. The members of the board and the inspectors shall have police power and may make arrests for any violation of this law or the rules and regulations of the board.

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

Sec. 6. All fees or other moneys collected by said board under the provisions of this article shall be paid into the state treasury in the manner provided in article two, chapter twelve of the code, and shall be carried in a separate account and be
5 used and expended only for the purpose of carrying out the
6 provisions of this article. The fees or other moneys so paid into
7 the state treasury shall constitute and be treated as an excepted
8 fund, and all of the provisions of section two of said article
9 two, chapter twelve of the code, applicable to the funds therein
10 excepted from the general provisions for the deposit and pay-
11 ment of state funds, shall be applicable to the fund derived from
12 collections made pursuant to the provisions of this article.

Sec. 7. Any person, firm, association or corporation who
2 shall have failed to comply with any rules or regulations
3 adopted by said board, or shall violate any such rules or regu-
4 lations, or shall fail to comply with or shall violate any order
5 of said board, shall be deemed to be guilty of a misdemeanor,
6 and upon conviction thereof shall be punished by a fine of not
7 more than five hundred dollars or by imprisonment of not more
8 than thirty days or both. Each violation of any rule, regulation
9 or order shall be considered as a separate offense.
10 All acts or parts of acts inconsistent herewith are hereby
11 repealed.
CORRECTLY ENROLLED

Chairman Senate Committee.

J. Alfred Gaylor
Speaker of the House of Delegates.

J. W. V. Childs
Clerk of the House of Delegates.

W. H. Strode
President of the Senate.

M. E. S. Fite
Clerk of the Senate.

The within is approved

this 16th day of March, 1931.

Governor.

Filed in the office of the Secretary of State
of West Virginia...MAR. 16, 1931

GEORGE W. E. DEP.,
Secretary of State.