WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1995

ENROLLED

Committee Substitute for
SENATE BILL NO. 141

(By Senator Yoder)

PASSED March 9, 1995
In Effect 90 Days from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 141

(SENATOR YODER, original sponsor)

[Passed March 9, 1995; in effect ninety days from passage.]

AN ACT to repeal sections fifteen and sixteen, article two-a, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to repeal article two-b of said chapter; to amend and reenact section eighteen, article fifteen, chapter eleven of said code; to amend and reenact sections one, two, three, four, five, seven, eleven, twenty and twenty-two, article two-a, chapter twenty-nine of said code; and to further amend said article by adding thereto six new sections, designated sections eleven-a, eleven-b, eleven-c, eleven-d, eleven-e and eleven-f, all relating to the state aeronautics commission generally; repealing the commission's authority relating to the licensing of air schools and aeronautics instructors, the certification of airport sites and the licensing of airports; repealing provisions relating to the
regulation of weather modification; purposes for which the commission may use taxes on aircraft fuel; revising definitions relating to aeronautics; amending definitions; replacing the state road commissioner with the secretary of transportation as a member of the commission; eliminating the commission's general supervision of airports, air schools and aeronautics; eliminating the commission's authority to classify airports; eliminating the commission's rule-making authority regarding air schools, the classification of airports and the enforcement of the federal air commerce act; legislative rules; commission authority regarding investments with board of investments; commission seal; qualification of and limitations on director of aeronautics; eliminating police powers of and enforcement of laws by commission, agents and employees; removing designation of commission as agent regarding federal moneys in certain circumstances; applications for and receipts by political subdivisions for federal aid; prohibiting the operation of aircraft while under the influence of alcohol, controlled substances or drugs; implied consent to test; tests for alcohol which may be administered; use of test results; certain immunity from liability incident to administering tests; interpretation and use of chemical test; right to demand test; fee for withdrawing blood sample and administering urine test; payment for fees; commission authority to inspect; enforcement of aeronautics laws; commission orders, notices and hearings; method of mailing notices; and criminal penalties.

Be it enacted by the Legislature of West Virginia:

That sections fifteen and sixteen, article two-a, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that article two-b of said chapter be repealed; that sections one, two, three, four, five, seven, eleven, twenty and twenty-two, article two-a of said chapter be amended and reenacted; and that said article be further amended by adding thereto six new sections, designated sections eleven-a, eleven-b, eleven-c, eleven-d, eleven-e and eleven-f, all to read as follows:
ARTICLE 2A. STATE AERONAUTICS COMMISSION.

1. As used in the statutes of West Virginia, unless the context otherwise requires:

   (a) "Aeronautics" means the art and science of flight, including, but not limited to, transportation by aircraft; the operation, construction, repair or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing and maintenance of parachutes; and the design, establishment, construction, extension, operation, improvement, repair or maintenance of airports or other air navigation facilities.

   (b) "Aircraft" means any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air.

   (c) "Airmen" means any individual who engages, as the person in command, or as pilot, mechanic or member of the crew, in the navigation of the aircraft while under way and 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. It does not include any individual employed outside the United States, or any individual employed by a manufacturer of aircraft, aircraft engines, propellers or appliances to perform duties as inspector or mechanic in connection therewith, or any individual performing inspection or mechanical duties in connection with aircraft owned or operated by him.

   (d) "Air navigation" or "navigation" means the operation or navigation of aircraft in the air space over this state, or upon any airport within this state.

   (e) "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, and any structures,
mechanisms, lights, beacons, markers, communications
system or other instrumentalities or devices used or
useful as an aid or constituting an advantage or conve-
nience to the safe taking off, navigation and landing of
aircraft, or the safe and efficient operation or mainte-
nance of an airport, and any combination of any or all of
such facilities.

(f) "Airport" means any area of land or water which is
used, or intended for use, for the landing and take off of
aircraft and any appurtenant areas which are used, or
intended for use, for airport buildings or other airport
facilities or rights-of-way, together with all airport
buildings and facilities located thereon.

(g) "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 is otherwise hazardous to
such landing or taking off.

(h) "Commission" means the West Virginia state
aeronautics commission.

(i) "Director" means the director of aeronautics of this
state.

(j) "Municipality" means any county, city, town, village
or other political subdivision of this state. "Municipal"
means pertaining to a municipality as herein defined.

(k) "Operation of aircraft" or "operate aircraft" means
the use, navigation or piloting of aircraft in the airspace
over this state or upon the ground within this state.

(l) "Person" means any individual, firm, copartnership,
corporation, company, association, joint stock associa-
tion or body politic and includes any trustee, receiver,
assignee or other similar representative thereof.

(m) The singular of any of the above defined terms
shall include the plural and plural the singular.

There is hereby created an aeronautics commission, to be known as "The West Virginia State Aeronautics Commission", to consist of five members to be appointed by the governor, by and with the advice and consent of the Senate. One of such members shall be the secretary of transportation ex officio, whose term as such member shall continue for the period that he or she holds the office of secretary of transportation. The other four members of the commission shall be appointed by the governor, each to serve a term beginning the first day of July, one thousand nine hundred forty-seven, one to serve for a term of one year, one to serve for a term of two years, one to serve for a term of three years and one to serve for a term of four years. The successors of the members (other than the secretary of transportation) initially appointed as provided herein shall be appointed for terms of four years each in the same manner as the members originally appointed under this article, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his or her successor. No more than three members of the commission shall be members of the same political party. All members of the commission shall be citizens and residents of this state. The members of the commission who shall be appointed by the governor as provided by this section shall be selected with due regard to their fitness by reason of their aeronautical knowledge and practical experience in the field of aeronautics. In making such appointments, the governor shall, so far as may be possible and practicable, select the several members from different geographical sections of the state.

No member shall receive any salary for his or her services, but each shall be reimbursed for actual and necessary expenses incurred by such member in the performance of his or her duties in accordance with state travel rules.

1 The commission shall assume, carry on and succeed to all the duties, rights, powers, obligations and liabilities heretofore belonging to, exercised by, or assumed by the state board of aeronautics, pursuant to statutory authority heretofore existing and as changed or modified by the provisions of this article. It may enter into any contracts necessary to the execution of the powers granted to it by this article. It 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 air navigation facilities. It shall cooperate with and assist the federal government, the municipalities of this state and other persons in the development of aeronautics and shall act to coordinate the aeronautical activities of these bodies and persons. Municipalities are authorized to cooperate with the commission in the development of aeronautics and aeronautics facilities in this state. The commission is hereby given the power and authority to make such rules as it may deem necessary and advisable for the public safety, governing the designing, laying out, locating, building, equipping and operating of all airports and the conduct of all other phases of aeronautics.

2 The commission shall keep on file with the secretary of state, and at the principal office of the commission, a copy of all its rules and orders having general effect for public inspection. It shall provide for the publication and general distribution of all its orders, rules and procedures having general effect. Copies of any such orders or rules shall be delivered to any person interested, free of charge, upon request. The publication and distribution of any such order or rule as provided herein shall be sufficient notice to the public of the provisions, requirements and effect thereof.

3 Each rule of the commission shall be promulgated as a legislative rule pursuant to the provisions of chapter twenty-nine-a of this code.
Except where otherwise prohibited, the commission is authorized to permit the state board of investments to invest, as provided by this code, any funds received by the commission pursuant to the provisions of this code.

§29-2A-4. Organization of commission; meetings; reports; offices.

1. The commission shall make, and may from time to time amend, rules for the administration of the powers granted to it by this article as are not inconsistent therewith and as the commission may deem expedient.

2. The commission shall organize by electing from among its members a chairman who shall serve as such for a period of two years. Such chairman shall have the power to sign documents, execute contracts and otherwise act for and in the name of the commission in all matters within the lawful powers of the commission and duly authorized by a majority of its members.

3. The commission shall determine the number, date and place of its regular meetings, but at least one such meeting shall be held annually at the commission's established offices in the city of Charleston. Whenever the convenience of the public or of interested persons may be promoted, or delay or expense may be prevented, the commission may hold meetings, hearings or proceedings at any other place designated by it.

4. The commission shall report in writing to the governor on or before the thirty-first day of August of each year. The report shall contain a summary of the commission's proceedings during the preceding fiscal year, a detailed and itemized statement of all revenue received and all expenditures made by or on behalf of the commission, such other information as it may deem necessary or useful and any additional information which may be requested by the governor. The fiscal year of the commission shall conform to the fiscal year of the state.

5. An office shall be established and maintained by the commission in the city of Charleston. In addition, the
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32 commission may establish and maintain such other
33 offices within the state as it may deem necessary and
34 expedient.

§29-2A-5. Director of aeronautics; appointment, qualifications, compensation, powers and duties; administrative and other assistants.

1 A director of aeronautics shall be appointed by the
2 commission, who shall serve for an indefinite term at the
3 pleasure of the commission. The director shall be
4 appointed with due regard to his or her fitness, by
5 aeronautical education and by knowledge of and recent
6 practical experience in aeronautics, for the efficient
7 dispatch of the powers and duties vested in and imposed
8 upon him by this article. The director shall hold or have
9 held an airman's license issued by the United States as
10 described in section fourteen of this article. The director
11 shall devote his or her time to the duties of his or her
12 office as required and prescribed by this article and shall
13 not have any pecuniary interest in, or any stock in, or
14 bonds of, any civil aeronautical enterprise. The director
15 shall receive such compensation as the commission may
16 determine, which said compensation shall, however,
17 conform in general to the compensation received by
18 persons occupying positions of similar importance and
19 responsibility with other agencies of this state. The
director shall be reimbursed for all traveling and other
20 expenses incurred by him or her in the discharge of his
21 or her official duties in accordance with state travel
22 rules. The director shall be the executive officer of the
23 commission and under its supervision shall administer
24 the provisions of this article and the rules and orders
25 established thereunder and all other laws of the state
26 relative to aeronautics. The director shall attend, but
27 not vote, at all meetings of the commission. The director
28 shall act as secretary of the commission and shall be in
29 charge of its offices and responsible to the commission
30 for the preparation of reports and the collection and
31 dissemination of data and other public information
32 relating to aeronautics. At the direction of the commis-
sion the director shall, together with the chairman of the
commission, execute all contracts entered into by the
commission which are legally authorized and for which
funds are provided in any appropriations act. The
commission may, by written order filed in its office,
delegate to the director any of the powers or duties
vested or imposed upon it by this article. Such delegated
powers and duties may be exercised by such director in
the name of the commission. The commission may also
employ such administrative, engineering, technical and
clerical assistance as may be required. The director and
such other assistants may, under the supervision of the
commission, insofar as is reasonably possible, make
available the engineering and other technical services of
the commission, without charge to any municipality, and
with or without charge to any other person desiring
them, in connection with the construction, maintenance
or operation, or proposed construction, maintenance or
operation of any airport.


(a) The commission is authorized to cooperate with the
government of the United States, and any agency or
department thereof, in the planning, acquisition, con-
struction, improvement, maintenance and operation of
airports and other air navigation facilities in this state
and is authorized to accept federal aid either outright or
by way of matching the same, in whole or in part, as may
be required, and when funds for matching are available
to the commission, and to comply with the provisions of
the laws of the United States and any regulations made
thereunder for the expenditure of federal moneys upon
such airports and other air navigation facilities.

(b) The commission is authorized to accept, receive and
receipt for federal moneys and other moneys, 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 munici-
ality, 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, and it is hereby design-
ated as the agency of the state, and is authorized to and
may act as agent of any municipality of this state upon
the request of such municipality, in accepting, receiving
and receipting for such moneys in its behalf for airports
or other air navigation facility purposes, and in contract-
ing for the planning, acquisition, construction, improve-
ment, maintenance or operation of airports or other air
navigation facilities, financed, either in whole or in part,
by federal moneys; and any such municipality is autho-
rized to and may enter into an agreement with the
commission prescribing the terms and conditions of such
agency in accordance with federal laws, rules and
regulations and with this article. Such moneys as are
paid over by the United States government shall be
retained by the state or paid over to said municipalities
under such terms and conditions as may be imposed by
the United States government in making such grants.

(c) All contracts for the planning, acquisition, con-
struction, improvement, maintenance and operation of
airports, or other air navigation facilities made by the
commission, either as the agent of the state or as the
agent of any municipality therein, shall be made pursu-
ant to the laws of this state governing the making of like
contracts: Provided, That where the planning, acquisi-
tion, construction, improvement, maintenance and
operation of any airport or other air navigation facility
is financed wholly or partially with federal moneys, the
commission, 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 there-
under, notwithstanding any other state law to the
contrary.

(d) All moneys accepted for disbursement by the
commission pursuant to this section 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 moneys were made available, and held by the
state in trust for such purposes. All such moneys are
hereby appropriated for the purposes for which the same
were made available and shall be expended in accor-
dance with federal laws and regulations and with the
provisions of this article. The commission is authorized,
whether acting for this state or as the agent of any
municipality therein, when requested by the United
States government or any agency or department thereof,
or when requested by the state or municipality for which
the money has been made available, to disburse such
moneys for the designated purposes, but this shall not
preclude any other authorized method of disbursement.

(e) The state or any municipality therein is authorized
to cooperate with the government of the United States,
and any agency or department thereof, in the acquisition,
construction, improvement, maintenance and operation
of airports and other air navigation facilities in this state
and is authorized to accept federal aid, either by way of
outright grant or by matching the same, in whole or in
part, as may be required, and to comply with the provi-
sions of the laws of the United States and any regula-
tions made thereunder for the expenditure of federal
moneys upon such airports and other navigation facili-
ties.

§29-2A-11. Operation of aircraft while under influence of
alcohol, controlled substances or drugs; criminal penalties.

1 (a) Any person who:

2 (1) Operates an aircraft in this state while:

3 (A) He is under the influence of alcohol; or

4 (B) He is under the influence of any controlled sub-
stance; or
(C) He is under the influence of any other drug; or
(D) He is under the combined influence of alcohol and any controlled substance or any other drug; or
(E) He has an alcohol concentration in his or her blood of four hundredths of one percent or more, by weight;
and
(2) When so operating an aircraft does any act forbidden by law or fails to perform any duty imposed by law in the operation of such aircraft, which act or failure proximately causes bodily injury to any person other than himself, is guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary for a definite term of imprisonment of not less than one year nor more than five years, or in the discretion of the court, be confined in jail not more than one year and be fined not more than five hundred dollars.

(b) Any person who:
(1) Operates an aircraft in this state while:
(A) He is under the influence of alcohol; or
(B) He is under the influence of any controlled substance; or
(C) He is under the influence of any other drug; or
(D) He is under the combined influence of alcohol and any controlled substance or any other drug; or
(E) He has an alcohol concentration in his or her blood of four hundredths of one percent or more, by weight;
(2) Is guilty of a misdemeanor, and, upon conviction thereof, shall be confined in jail not more than one year or fined not more than five hundred dollars, or both, in the discretion of the court.

(c) Any person who:
(1) Knowingly permits his or her aircraft to be operated in this state by any other person who is:
(A) Under the influence of alcohol; or
(B) Under the influence of any controlled substance; or
(C) Under the influence of any other drug; or
(D) Under the combined influence of alcohol and any
controlled substance or any other drug; or
(E) Has an alcohol concentration in his or her blood of
four hundredths of one percent or more, by weight;
(2) Is guilty of a misdemeanor, and, upon conviction
thereof, shall be confined in jail not more than one year
or fined not more than five hundred dollars, or both, in
the discretion of the court.
(d) A person violating any provision of subsection (a) of
this section is, for the second offense under this section,
guilty of a felony, and, upon conviction thereof, shall be
imprisoned in the penitentiary for a definite term of
imprisonment of not less than one year nor more than
five years.
(e) A person violating any provision of subsection (b) or
(c) of this section is, for the second offense under this
section, guilty of a felony, and, upon conviction thereof,
shall be imprisoned in the penitentiary for a definite
term of imprisonment of not less than one year nor more
than three years.
(f) For purposes of subsections (d) and (e) of this
section relating to second and subsequent offenses, the
following types of convictions shall be regarded as
convictions under this section:
(1) Any conviction under the provisions of the prior
enactment of this section;
(2) Any conviction under a statute of the United States
or of any other state of an offense which has the same
elements as an offense described in subsection (a), (b) or
(c) of this section.
(g) A person may be charged in a warrant or indict-
ment or information for a second or subsequent offense under this section if the person has been previously arrested for or charged with a violation of this section which is alleged to have occurred within the applicable time periods for prior offenses, notwithstanding the fact that there has not been a final adjudication of the charges for the alleged previous offense. In such case, the warrant or indictment or information must set forth the date, location and particulars of the previous offense or offenses. No person may be convicted of a second or subsequent offense under this section unless the conviction for the previous offense has become final.

(h) The fact that any person charged with a violation of subsection (a) or (b) of this section, or any person permitted to operate an aircraft as described under subsection (c) of this section, is or has been legally entitled to use alcohol, a controlled substance or a drug shall not constitute a defense against any charge of violating subsection (a), (b), or (c) of this section.

(i) For purposes of this section, the term “controlled substance” shall have the meaning ascribed to it in chapter sixty-a of this code.

(j) When any person is convicted of violating any provision of this section, the clerk of the court in which such conviction is had shall, within seventy-two hours after such conviction is had, transmit to the commission a certified abstract of the judgment of conviction. The commission shall, within seventy-two hours after receipt thereof, transmit a true copy thereof to the federal aviation administration.

§29-2A-11a. Implied consent to test; administration at direction of law-enforcement officer; designation of type of test; definition of law-enforcement officer.

Any person who operates an aircraft in this state shall be deemed to have given his or her consent by the operation thereof to a preliminary breath analysis and a
secondary chemical test of either his or her blood, breath or urine for the purposes of determining the alcoholic content of his or her blood. A preliminary breath analysis may be administered in accordance with the provisions of section eleven-b of this article whenever a law-enforcement officer has reasonable cause to believe a person to have committed an offense prohibited by section eleven of this article. A secondary test of blood, breath or urine shall be incidental to a lawful arrest and shall be administered at the direction of the arresting law-enforcement officer having reasonable grounds to believe the person to have committed an offense prohibited by said section. The law-enforcement agency by which such law-enforcement officer is employed shall designate which one of the aforesaid secondary tests shall be administered: Provided, That if the test so designated is a blood test and the person so arrested refuses to submit to such blood test, then the law-enforcement officer making such arrest shall designate in lieu thereof either a breath or urine test to be administered.

For the purpose of this article the term "law-enforcement officer" means and is limited to: (1) Any member of the division of public safety of this state; (2) any sheriff and any deputy sheriff of any county; (3) any member of a police department in any municipality as defined in section two, article one, chapter eight of this code; and (4) any conservation officer of the division of natural resources. If any municipality or the division of natural resources does not have available to its law-enforcement officers the testing equipment or facilities necessary to conduct any secondary test which a law-enforcement officer may administer under this article, any member of the division of public safety, the sheriff of the county wherein the arrest is made or any deputy of such sheriff or any municipal law-enforcement officer of another municipality within the county wherein the arrest is made may, upon the request of such arresting law-enforcement officer and in his or her presence,

When a law-enforcement officer has reason to believe a person has committed an offense prohibited by section eleven of this article, the law-enforcement officer may require such person to submit to a preliminary breath analysis for the purpose of determining such person's blood alcohol content. Such breath analysis must be administered as soon as possible after the law-enforcement officer has a reasonable belief that the person has been operating an aircraft while under the influence of alcohol, controlled substances or drugs. Any preliminary breath analysis required under this section must be administered with a device and in a manner approved by the bureau of public health for that purpose. The results of a preliminary breath analysis shall be used solely for the purpose of guiding the officer in deciding whether an arrest should be made. When an operator is arrested following a preliminary breath analysis, the tests as hereinafter provided in this article shall be administered in accordance with the provisions thereof.

§29-2A-11c. How blood test administered; additional test at option of person tested; use of test results; certain immunity from liability incident to administering test.

Only a doctor of medicine or osteopathy, or registered nurse, or trained medical technician at the place of his or her employment, acting at the request and direction of the law-enforcement officer, may withdraw blood for the purpose of determining the alcoholic content thereof.
These limitations shall not apply to the taking of a breath test or a urine specimen. In withdrawing blood for the purpose of determining the alcoholic content thereof, only a previously unused and sterile needle and sterile vessel may be utilized and the withdrawal shall otherwise be in strict accord with accepted medical practices. A nonalcoholic antiseptic shall be used for cleansing the skin prior to venepuncture. The person tested may, at his or her own expense, have a doctor of medicine or osteopathy, registered nurse or trained medical technician at the place of his or her employment, of his or her own choosing, administer a chemical test in addition to the test administered at the direction of the law-enforcement officer. Upon the request of the person who is tested, full information concerning the test taken at the direction of the law-enforcement officer shall be made available to him or her. No person who administers any such test upon the request of a law-enforcement officer as herein defined, no hospital in or with which such person is employed or is otherwise associated or in which such test is administered and no other person, firm or corporation by whom or with which such person is employed or is in any way associated may be in anyway criminally liable for the administration of such test or civilly liable in damages to the person tested unless for gross negligence or willful or wanton injury.

§29-2A-11d. Interpretation and use of chemical test.

(a) (1) Upon trial for the offense of operating an aircraft in this state while under the influence of alcohol, controlled substances or drugs, or upon the trial of any civil or criminal action arising out of acts alleged to have been committed by any person operating an aircraft while under the influence of alcohol, controlled substances or drugs, evidence of the amount of alcohol in the person's blood at the time of the arrest or of the acts alleged, as shown by a chemical analysis of his or her blood, breath or urine, is admissible, if the sample or specimen was taken within two hours from and after the time of arrest or of the acts alleged, and shall give rise to
the following presumption or have the following effect:
Evidence that there was, at that time, four hundredths of
one percent or more, by weight, of alcohol in his or her
blood, shall be prima facie evidence that the person was
under the influence of alcohol.

(2) Percent by weight of alcohol in the blood shall be
based upon milligrams of alcohol per one hundred cubic
centimeters of blood.

(b) A chemical analysis of a person's blood, breath or
urine, in order to give rise to the presumption or to have
the effect provided for in subsection (a) of this section,
must be performed in accordance with methods and
standards approved by the state bureau of public health.
A chemical analysis of blood or urine to determine the
alcoholic content of blood shall be conducted by a
qualified laboratory or by the state police scientific
laboratory of the criminal identification bureau of the
bureau of public safety.

(c) The provisions of this article shall not limit the
introduction in any administrative or judicial proceeding
of any other competent evidence bearing on the question
of whether the person was under the influence of alco-
hol, controlled substances or drugs.

§29-2A-11e. Right to demand test.

Any person lawfully arrested for operating an aircraft
in this state while under the influence of alcohol, con-
trolled substances or drugs shall have the right to
demand that a sample or specimen of his or her blood,
breath or urine be taken within two hours from and after
the time of arrest and that a chemical test thereof be
made. The analysis disclosed by such chemical test shall
be made available to such arrested person forthwith
upon demand.

§29-2A-11f. Fee for withdrawing blood sample and making
urine test; payment of fees.

A reasonable fee shall be allowed to the person with-
drawing a blood sample or administering a urine test at
the request and direction of a law-enforcement officer in
accordance with the provisions of this article. If the
person whose blood sample was withdrawn or whose
urine was tested was arrested and charged with a
violation of section eleven of this article, the county
having venue of such charge shall pay said fee and if said
person is subsequently convicted of such charge, such fee
shall be taxed as a part of the costs of the criminal
proceeding and shall be paid, notwithstanding any other
provision of this code to the contrary, into the general
fund of said county.


It shall be the duty of the commission, its members, the
director, officers and such employees of the commission
as may be designated by it, and every state and munici-
pal officer charged with the enforcement of state and
municipal laws, to enforce and assist in the enforcement
of this article and of all rules and orders issued pursuant
thereto and of all other laws of this state relating to
aeronautics; and in that connection each of the aforesaid
persons is authorized to inspect and examine at reason-
able hours any aircraft, the credentials of any airman or
other person engaged in aeronautics required by the laws
of this state or of the United States to have in his or her
possession credentials evidencing his or her authority or
permission to engage in aeronautics, any premises and
the buildings and other structures thereon, where
airports, air navigation facilities, or other aeronautical
activities are operated or conducted.

The commission is authorized in the name of the state
to enforce the provisions of this article and the rules and
orders issued pursuant thereto by injunction or other
legal process in the courts of this state.

§29-2A-22. Commission orders, notices and opportunity for
hearings.

Every order of the commission requiring performance
2 of certain acts or compliance with certain requirements
3 and any denial or revocation of an approval shall set
4 forth the reasons and shall state the acts to be done or
5 requirements to be met before approval by the commis-
6 sion will be given or the approval granted or restored or
7 the order modified or changed. Orders issued by the
8 commission pursuant to the provisions of this article
9 shall be served upon the persons affected either by
10 certified mail or in the manner provided by section one,
11 article two, chapter fifty-six of this code. In every case
12 where notice and opportunity for hearing are required
13 under the provisions of this article, the order of the
14 commission shall, on not less than ten days' notice,
15 specify a time when and place where the person affected
16 may be heard, or the time within which he may request
17 a hearing, and such order shall become effective upon
18 the expiration of the time for exercising such opportu-
19 nity for hearing unless a hearing is held or requested
20 within the time provided, in which case the order shall
21 be suspended until the commission shall affirm, disaf-
22 firm or modify such order after hearing held or default
23 by the person affected.
That Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.
In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ........................................ this the.................................

day of ................................................................., 1995.

Governor