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1   **SENATE BILL NO. 213**
2   Offered January 10, 2018
3   Prefiled January 3, 2018
4   *A BILL to amend and reenact § 5.1-1 of the Code of Virginia, relating to public aircraft; definition.*
5   ――――――――
    Patrons—Cosgrove and Mason
6   ――――――――
7   Referred to Committee on Transportation
8   ――――――――
9   **Be it enacted by the General Assembly of Virginia:**
10 **1. That § 5.1-1 of the Code of Virginia is amended and reenacted as follows:**
11 **§ 5.1-1. Definitions.**
12 When used in this title, unless expressly stated otherwise:
13 "Aircraft" means any contrivance now known, or hereafter invented, used, or designed for navigation
14 of or flight in the air, including a balloon or other contrivance designed for maneuvering in airspace at
15 an altitude greater than 24 inches above ground or water level, except that any contrivance now or
16 hereafter invented of fixed or flexible wing design, operating without the assistance of any motor,
17 engine, or other mechanical propulsive device, which is designed to utilize the feet and legs of the
18 operator or operators as the sole means of initiating and sustaining forward motion during the launch
19 and of providing the point of contact with the ground upon landing and commonly called a "hang
20 glider" shall not be included within this definition.
21 "Aircraft based in this Commonwealth" means an aircraft that is either (i) domiciled in a county,
22 city, or town in the Commonwealth or (ii) parked in a county, city, or town in the Commonwealth when
23 not in flight for the period of time specified in § 5.1-5.
24 "Airman" means any individual, including the person in command and any pilot, mechanic, or
25 member of the crew, who engages in the navigation of aircraft while under way within Virginia
26 airspace; any individual who is directly in charge of the inspection, maintenance, overhauling, or repair
27 of aircraft, aircraft engines, propellers, or accessories; and any individual who serves in the capacity of
28 aircraft dispatcher.
29 "Air navigation facility" means any airport ground or air navigation facility, other than one owned
30 and operated by the United States, used in, available for use in, or designed for use in aid of air
31 navigation, including any structures, buildings, mechanisms, lights, beacons, markers, communicating
32 systems, or other instrumentalities or devices, and any combination of any or all of such facilities, used
33 or useful as an aid, or constituting any advantage or convenience, to the safe taking off, navigation, and
34 landing of aircraft; in the safe and efficient operation or maintenance of an airport; in the safe, efficient
35 and convenient handling or processing of aviation passengers, mail or cargo; or in the servicing or
36 maintenance of aircraft or ground equipment.
37 "Airport" means any area of land or water which is used, or intended for public use, for the landing
38 and takeoff of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings
39 or other airport facilities or rights-of-way, easements and together with all airport buildings and facilities
40 located thereon.
41 "Airport hazard" means any structure, object or natural growth, or use of land that obstructs the
42 airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous
43 to such landing or taking off of aircraft.
44 "Airspace" means all that space above the land and waters within the boundary of the
45 Commonwealth.
46 "Board" means the Virginia Aviation Board.
47 "Civil aircraft" means any aircraft other than a public aircraft.
48 "Commercial aircraft" means any civil aircraft used in flight activity for compensation or for hire.
49 "Contract carrier by aircraft" or "contract carrier" means any person not included under the
50 definitions of "common carrier by aircraft" or "restricted common carrier by aircraft" as defined in
51 § 5.1-89 who, under special and individual contracts or agreements, and whether directly or by a lease
52 or any other arrangement, transports passengers or property by aircraft for compensation and in the
53 transportation of passengers does not charge individual fares.
54 "Department" means the Department of Aviation.
55 "Drop zone" means any locality whether over land or water that is used, or intended for use, for the
56 landing and recovery of sky divers or parachutists using a parachute or other contrivance designed for
57 sport jumping.
58 *"Fighter or attack jet" means a jet-powered aircraft designed primarily for military (i) combat*

59 *training or (ii) operational mission execution.*
60   "Landing area" or "landing field" means any locality, whether over land or water, including airports
61 and intermediate landing fields, which is used or intended to be used for the landing and takeoff of
62 aircraft and open to the public for such use, whether or not facilities are provided for the sheltering,
63 servicing, or repair of aircraft or for receiving or discharging passengers or cargo.
64   "Person" means any individual, corporation, government, political subdivision of the Commonwealth,
65 or governmental subdivision or agency, business trust, estate, trust, partnership, two or more of any of
66 the foregoing having a joint or common interest, or any other legal or commercial entity.
67   "Public aircraft" means an aircraft used exclusively in the service of any state, or political
68 subdivision thereof, or the federal government. *"Public aircraft" includes any fighter or attack jet that is*
69 *leased or owned by a private entity, provided that such aircraft is used exclusively for military combat*
70 *training in service to the federal government.*
71 **2. That no fighter or attack jet, as defined in this act, that is leased or purchased by a private**
72 **entity and is used exclusively for military combat training in service to the federal government**
73 **beginning September 1, 2010, shall be treated as a civil aircraft for purposes of Title 5.1 of the**
74 **Code of Virginia.**
75 **3. That the provisions of this act shall expire on September 1, 2023.**