**A** **BILL**

TO AMEND TITLE 55 OF THE 1976 CODE, RELATING TO AERONAUTICS, BY ADDING CHAPTER 10, TO REGULATE THE OPERATION OF AIRCRAFT ENGAGED IN INTERSTATE AIR COMMERCE, INTERSTATE AIR TRANSPORTATION, AND INTRASTATE AIR TRANSPORTATION, TO REQUIRE AN AIRMAN TO MAINTAIN IN HIS POSSESSION CERTAIN DOCUMENTATION REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION, TO REQUIRE THAT CERTAIN DOCUMENTATION REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION IS MAINTAINED IN THE AIRCRAFT, TO PROVIDE FOR ENFORCEMENT, AND TO DEFINE NECESSARY TERMS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 55 of the 1976 Code is amended by adding:

“CHAPTER 10

Air Charter Safety

Section 55-10-10. For the purposes of this chapter:

(1) ‘Airman’ means a person who holds a pilot, flight instructor, flight engineer, or flight navigator certificate issued by the Federal Aviation Administration, including a person who does not hold one of these certificates but who is acting as a flight crew member or otherwise manipulating the controls of an aircraft while in flight or for the intended purpose of flight.

(2) ‘Commercial operator’ means a person who, for compensation or hire, engages in the carriage by aircraft in air commerce of persons or property, other than an air carrier or foreign air carrier as defined by Title 14, CFR Part 375.

(3) ‘Interstate air commerce’ means the carriage by aircraft of persons or property for compensation or hire, the carriage of mail by aircraft, or the operation or navigation of aircraft in the conduct or furtherance of a business or vocation, in commerce between states or in this State partially through the airspace of another state.

(4) ‘Interstate air transportation’ means the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail by aircraft in commercebetween states or in this State partially through the airspace of another state, regardless of whether that commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

(5) ‘Intrastate air transportation’ means the carriage of persons or property as a common carrier for compensation or hire, wholly within this State.

(6) ‘Operate’ means to fly, control, direct, or program the flight of an aircraft.

(7) ‘Person’ means an individual, firm, partnership, corporation, company, association, joint‑stock association, governmental entity, trustee, receiver, assignee, or similar representative.

Section 55-10-20. To make a determination whether a person’s actions constitute compensation or hire, the enforcing agency must conclude that a carriage by air is a major enterprise for hire and not merely incidental to the person’s business.

Section 55-10-30. (A) It is unlawful for a person to engage in interstate air commerce, interstate air transportation, or intrastate air transportation without a current operating certificate issued by the Federal Aviation Administration.

(B) It is unlawful for any person to operate, or cause or authorize to be operated, any civil aircraft within this State, unless that aircraft has an appropriate effective federal certificate, permit, or license, if federal law requires the certificate, permit, or license.

(C) It is unlawful for any person to engage in aeronautics as an airman in this State unless that person has an appropriate effective federal airman certificate, permit, rating, or license authorizing that person to engage in the particular class of aeronautics in which the person is engaged.

(D) A person who violates this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars, imprisoned for not more than three years, or both.

Section 55-10-40. (A) If federal law requires an airman to have a certificate, permit, rating, or license, then the airman shall keep it in his possession while the airman is operating within this State. The airman shall present his certificate, permit, rating, or license for inspection upon request to any official authorized to enforce this chapter pursuant to Section 55-10-50.

(B) If federal law requires an aircraft to have a certificate, permit, or license, then it shall be maintained in the aircraft at all times while the aircraft is operating in this State. The certificate, permit, or license shall be conspicuously posted in the aircraft so that it may be seen by passengers and inspectors. The certificate, permit, or license shall be presented upon request to any official authorized to enforce this chapter pursuant to Section 55-10-50 or to an airport official at any airport where the aircraft lands.

(C) A person who violates this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars, imprisoned for not more than three years, or both.

Section 55-10-50. The Division of Aeronautics, and every county and municipal officer charged with the enforcement of state and municipal laws, shall enforce and assist in the enforcement of this chapter. The division may also, in the name of the State, enforce the provisions of this chapter by injunction in circuit court.”

SECTION 2. This act takes effect upon approval by the Governor.

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