

HB 2167
HB 2184

Testimony of
Representative Carl Holmes
125th District

Chairman Powell & Committee members

Favor these two bills (same)

I am a current active Pilot

This type of legislation favored by AOPA

Noncommercial aviation activities

Proposed legislation applies to land or property owner, not aircraft owner

FAA requires prior permission of property owner before landing on private airports except in an emergency

State of Maine has passed similar legislation (same wording as this proposal)

Tennessee has same type of legislation (different wording –same meaning)

I believe Idaho has passed similar legislation

Montana considering same type of legislation

iPad has map - showing type of airports addressed by this legislation

Person requesting this legislation is developing a housing and golf course in rural area in my county

Would like to include airport if this legislation is passed

Airport would probably be grass landing strip

Airport would be about 3 miles north of Liberal airport and could serve as emergency landing strip pilots with mechanical problems taking off to the north

Thank you

I'll try to answer your questions

PLEASE NOTE: Legislative Information *cannot* perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Limit Liability for Certain Noncommercial Aviation Activities

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 14 MRSA §159-A, sub-§1, ¶B, as amended by PL 2001, c. 113, §2, is further amended to read:

B. "Recreational or harvesting activities" means recreational activities conducted out-of-doors, including, but not limited to, hunting, fishing, trapping, camping, environmental education and research, hiking, recreational caving, sight-seeing, operating snow-traveling and all-terrain vehicles, skiing, hang-gliding, noncommercial aviation activities, dog sledding, equine activities, boating, sailing, canoeing, rafting, biking, picnicking, swimming or activities involving the harvesting or gathering of forest, field or marine products. It includes entry of, volunteer maintenance and improvement of, use of and passage over premises in order to pursue these activities. "Recreational or harvesting activities" does not include commercial agricultural or timber harvesting.

SUMMARY

This bill amends the landowner recreational liability law to include noncommercial aviation activities in the definition of "recreational or harvesting activities." A landowner who allows recreational or harvesting activities on the landowner's property is not liable for injuries or property damage that happens to those members of the public taking part in that activity.

Maine pilot proves that one man can make a difference

By Jill W. Tallman

Private landowners in Maine who don't charge pilots who use their airstrips for recreational purposes would be protected under legislation signed by Gov. John E. Baldacci.

The bill (L.D.889) amends the state's landowner recreational liability law to include noncommercial aviation activities in the definition of "recreational" activities, meaning that any private airport owner who allows recreational activities on his property would not be liable for injuries or property damage to members of the public participating in that activity.

In practical terms, the bill will give Maine's private airport owners the latitude to open up their airports for increased public use. For AOPA member John Nadeau, it is an opportunity to continue to share aviation with everyone & was something he has done since he purchased Old Acton Airfield in 1997.

Nadeau, who lives in North Chelmsford, Mass., hadn't known about the airport, even though it was less than a mile from his vacation home in Acton. A resident who knew that Nadeau was a pilot told him that it would be auctioned, and suggested that he bid on it. To Nadeau's surprise, he won the property, which includes a 2,400-foot turf runway.

Nadeau opened the airport to the community of 2,000 residents in 1998 by hosting a field day, providing free airplane rides, hamburgers, and hot dogs. The annual event became so popular that eventually it drew nearly half the townspeople out to Old Acton Airfield, and more than 100 airplane rides were given. Nadeau said he hosted the field days "to let everyone experience the fun of aviation." He also allowed local pilots to use the airfield and purchased a private insurance policy to protect himself against civil liability exposure. The premiums became so expensive that Nadeau discontinued the policy, but allowed pilots to keep using the airfield. "Aviation is a lot more fun in a group," he explained.

In 2007, Nadeau read a news story in "AOPA ePilot" about a new Montana liability law for privately owned airports, so he asked State Sen. Richard Nass to support similar legislation in Maine. Nass and his wife, State Rep. Joan Nass, were among the hundreds of people who came to Old Acton Airfield to enjoy the field day. Now, after a lot of dedication and hard work, Nadeau's idea to help Maine's private airports has become law.

Passage of the liability legislation means that Maine's private airport owners probably will be more willing to open their airstrips to pilots and aircraft owners, Nadeau said, adding, "It is my hope that this story will inspire some other pilots to make a difference in their states."

May 20 2009

From AOPA ePilot

SENATE BILL 3011
By Jackson

HOUSE BILL 3314

By Cobb T

AN ACT to amend Tennessee Code Annotated, Title 70,
Chapter 7, relative to landowner liability for private
airstrip and related activities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 70-7-102, is amended by designating the existing language as subsection (a), and is further amended by adding the following language as subsection (b):

(b) The landowner, lessee, occupant, or any person or entity in control of any land or premises used for a private airstrip and related activities owes no duty of care to keep such land or premises safe for entry or use by others for aviation purposes and related activities. Such landowner, lessee, occupant, or other person or entity shall not be required to give any warning of hazardous conditions or activities on such land or premises to any person entering or using such land or premises for such purposes, except as provided in § 70-7-104.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Liability protection could open grass strips to public

By Alyssa J. Miller

Private airfields in Tennessee could get the protection they need to open to the public, a move that AOPA hopes many other states will follow. A bill to provide liability protection to private airfield owners is awaiting Gov. Phil Bredensen's signature.

"The fun of flying is no better than at a small grass strip," said AOPA Southeast Regional Representative Bob Minter. "I think a lot of these airfield owners would love to let their fields be used as a catalyst to interest young children in flying."

T-Top Airfield owner and AOPA member Ken Franks spearheaded the renewed effort for liability protection and mobilized more than 200 other private airfield owners and enthusiasts in the state.

The protection could limit the personal liability of more than 125 private airfield owners, allowing them to open their fields for recreational use. The bill places the same duty of care on the "landowner, lessee, occupant, or any person in control of land" that is used for "recreational noncommercial aircraft operations or recreational noncommercial ultralight vehicle operations" as the landowners whose land is used for recreational hunting, fishing, camping, boating, skiing, and other activities.

State Rep. Ty Cobb and State Sen. Doug Jackson sponsored the measure in their respective houses and played an instrumental role in getting the protection passed.

Minter recently met with a group of private airfield owners and said that many are not only looking forward to opening their strips to the public but also to sparking an interest in aviation among today's youth.

"I think this is going to open a lot of doors," Minter said. "They'd love to have events at their airport to attract the community."

May 6, 2010



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To: Carl Dean Holmes (pers) <repcarl@aol.com>
Cc: Carl Dean Holmes <holmes@house.state.ks.us>
Date: Wed, Jul 7, 2010 2:00 pm
pvt_aviation_liab_Maine_LD_889.pdf pvt_airport_liab_Law_Maine.doc pvt_airstrips_liability_to_public_TN.doc pvt_airstrips_liab_HB3314_TN.pdf

Carl Dean,
I mentioned to you awhile back about some liability given to private airports in other states, most recently in Tennessee as reported by AOPA. In principle they seem to approach the issue much like public access for walk-in hunting on private land. At any rate, with your aviation background I'm sure you can relate to the benefit of such liability exemption for private landing strips that otherwise would allow public access and use. Attached are a couple of examples, Maine a year ago and Tennessee this spring. The TN bill seems to be the direction AOPA and other states are going. They both address the issue. In this off season I would like to see you look into this in our laws with the idea finding out exactly where Kansas is on this, and secondly either amending or adopting legislation addressing this issue.
Thanx,
jts

Ps Heard anything yet on the KSA 19-2633 inquiry progress?

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