

exercise the powers and perform the duties vested in and imposed upon it by The Aeronautical Code, the act approved the twenty-fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand one), and other applicable laws, and, in connection with the designation and establishment of civil airways within, over, and above the lands or waters of this Commonwealth, it shall have the power, to the extent to which the General Assembly shall have appropriated funds to it for the purpose:

\* \* \* \* \*

(g) *Expend moneys appropriated to it in conducting aviation safety training programs.*

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 17th day of September, A. D. 1959.

DAVID L. LAWRENCE

No. 357

AN ACT

Amending the act of May 25, 1933 (P. L. 1001), entitled, as amended, "An act providing for the regulation of aeronautics within this Commonwealth; conferring powers and imposing duties upon the Pennsylvania Aeronautics Commission and the Department of Revenue in respect thereto; providing for the licensing and registration of airman and aircraft; establishing the legal status of air navigation; providing for sovereignty in, and ownership of space; providing for lawfulness of flights; regulating civil causes of action arising out of operation of aircraft; fixing the status of contracts, crimes, and torts in, by, or by means of operation of aircraft; imposing duties upon officers, burgesses, magistrates, aldermen, justices of the peace, the courts and clerks thereof; providing for denial or revocation of licenses; providing for certain penalties and their disposition; and repealing certain existing laws," amending and adding definitions, revising text to conform, and authorizing expenditures for aviation training.

The Aeronautical Code.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Subsections (f), (g) and (h), section 102, act of May 25, 1933, P. L. 1001, amended.

Section 1. Subsections (f), (g) and (h) of section 102, act of May 25, 1933 (P. L. 1001), known as "The Aeronautical Code," are amended to read:

Section 102. Definitions.—The following words and phrases, when used in this act, shall, for the purpose of this act, have the meanings respectively ascribed to them in this section:

\* \* \* \* \*

[(f) "Airport." Any locality, either of water or land, which is adapted for the landing and taking off

of aircraft, and which provides facilities for shelter, supply, and repair of aircraft, or a place used regularly for receiving or discharging passengers or cargo by air.

(g) "Landing Field." Any locality, either of water or land, which is adapted for the landing and taking off of aircraft, but which is not equipped with facilities for shelter, supply, and repair of aircraft.

(h) "Intermediate Landing Field." Any locality, either of water or land, which is adapted for the landing and taking off of aircraft, is located along any airway, and is intermediate to airports and landing fields connected by the airway, but which is not equipped with facilities for shelter, supply, and repair of aircraft, and is not used regularly for the receiving or discharging of passengers or cargo by air.]

(f) "Landing Area" is any surface, water, land, or structure, which is specifically adapted and primarily maintained for the landing and taking off of aircraft.

(g) "Commercial Airport" shall be construed to mean a landing area which may be used for commercial flight operations.

(h) "Personal Airport" shall be construed to mean a landing area at which no commercial flight operation is conducted.

Any landing area restricted solely for the use of a single person, or where any aircraft owned, controlled or flown by another, is not based over eight days nor maintained for financial return, shall be deemed a personal airport.

Section 2. Section 102 of the act is amended by adding, at the end thereof, two new subsections to read:

Section 102 of the act amended by adding two new subsections (r) and (s).

Section 102. Definitions.—The following words and phrases, when used in this act, shall, for the purpose of this act, have the meanings respectively ascribed to them in this section:

\* \* \* \* \*

(r) "Commercial Flight Operation" is the carrying of persons or goods for hire, including the conduct of flight instruction for compensation.

(s) "Commercial Operator" is a person who conducts commercial flight operation.

Section 3. Section 201 of the act, amended May 21, 1943 (P. L. 451) and May 2, 1945 (P. L. 376), is amended to read:

Section 201 of the act, amended May 21, 1943, P. L. 451 and May 2, 1945, P. L. 376, further amended.

Section 201. Powers and Duties of Pennsylvania Aeronautics Commission.—The Pennsylvania Aeronautics Commission shall administer the provisions of this act, and, for such purpose, is authorized and directed

to promulgate such regulations as are necessary to execute the powers invested in it by this act and other applicable laws.

It shall be the duty of the commission to—

(a) Provide for the examination, and rating, and licensing of [airports, landing fields,] *landing areas*, *commercial airports* and air navigation facilities available for use of aircraft.

(b) Adopt rules and regulations for the issuance, expiration, suspension, or revocation of license of [airports, landing fields,] *landing \*areas*, *commercial airports* and air navigation facilities and of such other licenses or certificates as the commission deems necessary in administering the functions vested in said commission under this act.

(c) Establish, set apart, and provide for the protection of necessary air space reservations within the Commonwealth of Pennsylvania, in addition to, and not in conflict with, air space reservations established by the President of the United States, or any department of the United States, or with any civil or military airway designated under the provisions of the Air Commerce Act of one thousand nine hundred and twenty-six, and the amendments thereto, or other act of Congress pertaining thereto.

(d) Designate, establish, and chart civil airways within, over and above the lands or waters of the Commonwealth of Pennsylvania and arrange for publication of maps of such airways, utilizing the facilities and assistance of existing agencies of the Commonwealth as far as practicable. The commission shall grant no exclusive right for the use of any civil airway, [airport intermediate landing field,] *landing area*, *personal airport*, or other air navigation facility under its jurisdiction.

(e) Investigate, record, and report the causes of accidents in civil air navigation within this Commonwealth.

(f) Encourage and assist in the establishment and construction of [airports,] *landing areas*, civil airways, and other air navigation facilities.

(g) Supervise and regulate the safety, adequacy, and sufficiency of all [airports, landing fields, *landing areas*, *commercial airports*, and air navigation facilities and equipment used, or to be used, in private or commercial flying.

(h) Adopt rules and regulations governing the instruction in flight, or ground school, of student flyers, or mechanics, and the safety, adequacy, and sufficiency of [airports, landing fields,] *landing areas*, *commercial airports*, and air navigation facilities and equipment

\* "area" in original.

used, or to be used, in the instruction of student flyers or mechanics.

(i) Adopt rules and regulations for the marking of highways, municipalities, and all other aerial markings used throughout the Commonwealth.

(j) Adopt rules and regulations governing the erection, location, and maintenance of aerial beacon lights and other aerial night lighting equipment within the Commonwealth.

(k) To exchange with other state governments and with the United States government through existing governmental channels information pertaining to the civil air navigation.

(l) To enforce the regulations and air traffic rules, promulgated as provided hereunder, through the assistance and cooperation of State and local authorities charged with the enforcement of law in their respective jurisdictions.

(m) To establish by regulation the minimum safe altitudes for flight, and including air traffic rules.

All rules and regulations prescribed by the commission, under the authority of this section, shall be consistent with and conform to the then current Federal legislation governing aeronautics, and the regulations duly promulgated thereunder and rules issued from time to time pursuant thereto: Provided, That nothing in this section shall confer upon the commission the power to determine schedules, issuance of stock, determination of public convenience, or the adequacy and sufficiency of service of common carriers engaged in commercial flying within this Commonwealth.

(n) Expend moneys appropriated to it for the use of the commission in the making of surveys and plans and the purchase of lands for, and the construction of, [airports and landing fields] *landing areas, and commercial airports* and other air navigation facilities; to accept and expend moneys received from the Federal Government or any other source for such purposes; and to utilize the construction services of other public agencies qualified to perform or supervise the work, including other state agencies: Provided, That in the expenditure of such money, otherwise than in the performance of work by the commission's own forces, or by the public agencies hereinbefore mentioned, the commission shall conform to and observe all the provisions of section twenty-four hundred and eight (2408) of the Administrative Code of April ninth, nineteen hundred and twenty-nine, Pamphlet Laws, one hundred seventy-seven, its \*amendments and supplements.

*Expend moneys appropriated to it in conducting aviation safety training programs.*

\* "admmendments" in original.

Section 501 of  
the act, amended  
May 21, 1943,  
P. L. 451,  
further amended.

Section 4. Section 501 of the act, amended May 21, 1943 (P. L. 451), is amended to read:

Section 501. Procedure for Denial or Revocation of Licenses.—The licenses of [airports, landing fields,] *landing areas, commercial airports*, air navigation facilities, and such other licenses or certificates that the commission may, under authority of this act, issue, shall be denied or revoked only after the applicant or licensee shall have been accorded a hearing, or opportunity for a hearing thereon. Within ten (10) days after notice that application for registration and license has been denied, or the license or certificate revoked, the applicant or holder may file a written request with the commission for a public hearing thereon. The chairman of the commission, upon receipt of the request, shall arrange forthwith:

(1) For a public hearing to be held within twenty (20) days after such receipt, in such place as the commission deems most practicable and convenient, and

(2) Give the applicant or holder at least ten (10) days' notice of the hearing, unless an earlier hearing is consented to by him.

Notice may be served personally upon the applicant or holder, or sent him by registered mail. The decision of the commission, if in accordance with law shall be final.

Act effective  
immediately.

Section 5. This act shall take effect immediately.

APPROVED—The 17th day of September, A. D. 1959.

DAVID L. LAWRENCE

No. 358

AN ACT

Relating to motion picture films, reels, or stereopticon views or slides; providing a system of listing the first showing of each film, reel or view and a system of registration of exhibitors, sellers, lessors and users of films, reels or views; disapproval of films, reels or views which are obscene or unsuitable for children and of advertising matter used in connection therewith; imposing powers and duties upon the Pennsylvania State Board of Motion Picture Control; and providing penalties for the violation of this act.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Definitions.—As used in the act:

(1) The term "board" refers to the Pennsylvania State Board of Motion Picture Control in the Department of Public Instruction.

Pennsylvania  
State Board of  
Motion Picture  
Control.

Definitions.