
ENGROSSED

SENATE BILL No. 113

DIGEST OF SB0113 (Updated February 17, 1998 11:00 am - DI 93)

Citations Affected: IC 8-21.

Synopsis: Structures at public use airports. Adds "cranes" to the included items under the definition of "structure" for the purpose of aeronautics. Provides that the term "structure" does mean certain towers principally used for the attachment of radio communications equipment. Requires written authorization from the owner or operator of a public use airport before a structure may be erected or modified to add height to the structure within the primary or approach imaginary surface of the airport. Allows the owner or operator to insert terms and conditions related to aviation safety into the written authorization. Requires the person erecting the structure to comply with all terms and conditions in the written authorization. Allows the owner or operator of a public use airport to revoke the authorization and order the immediate removal of the structure if the written authorization is violated or if no written authorization is obtained. Provides that the
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Effective: July 1, 1998.

Gard

(HOUSE SPONSORS — COOK, GULLING)

January 6, 1998, read first time and referred to Committee on Roads and Transportation.
January 22, 1998, reported favorably — Do Pass.
January 27, 1998, read second time, amended, ordered engrossed.
January 28, 1998, engrossed.
January 29, 1998, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 4, 1998, read first time and referred to Committee on Roads and Transportation.
February 17, 1998, reported — Do Pass.

SEA 113+



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removal does not require a hearing and that the owner or operator may enlist the aid of law enforcement officers to effect the removal. Provides that the written authorization requirement applies to changes in existing structures.

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SEA 113+



Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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SENATE ENROLLED ACT No. 113

AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 8-21-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. As used in this chapter:

"Department" refers to the Indiana department of transportation.

"Permit" means a permit issued by the department under this chapter.

"Person" means any individual, firm, partnership, corporation, company, limited liability company, association, joint stock association, or body politic, including any trustee, receiver, assignee, or other similar representative.

"Public-use airport" means any area, site, or location, either on land, water, or upon any building, which is specifically adapted and maintained for the landing and taking off of aircraft, and utilized or to be utilized in the interest of the public for such purposes. The term does not include:

- (1) any private use airport or landing field; or
- (2) any military airport solely occupied by any federal branch of government using that airport for military air purposes.

SEA 113+



"Structure" means any object constructed or installed by man including, but not limited to, **cranes**, buildings, towers, smokestacks, electronic transmission or receiving towers, and antennae and overhead transmission lines.

SECTION 2. IC 8-21-10-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 3.1. (a) As used in this section, "structure" does not mean a tower that is principally used for the attachment of radio communications transmission or reception equipment if the tower and its location:**

- (1) comply with all Federal Aviation Administration regulations;
- (2) comply with section 3 of this chapter; and
- (3) are approved by the local zoning board.

(b) As used in this section, "surface" means an airport's primary or approach imaginary surface established by section 8 of this chapter.

(c) Before a person may:

- (1) erect;
- (2) install; or
- (3) modify to add to the height of;

a structure within the surface of a public use airport, the person must obtain a written authorization from the public use airport owner or operator.

(d) The written authorization may contain terms and conditions to ensure aviation safety that are considered necessary by the owner or operator of the public use airport.

(e) A person who obtains written authorization shall strictly comply with any terms and conditions required by the written authorization.

(f) The public use airport owner or operator may require the immediate removal of a structure from a surface if:

- (1) the person who obtains written authorization under subsection (c) violates any part of the written authorization; or
- (2) the person erecting, installing, or modifying the structure fails to obtain written authorization under subsection (c) from the owner or operator of the public use airport.

(g) Removal of a structure for violation of this section may be immediate and does not require a hearing or notification of the department. The public use airport owner or operator may enlist the aid of law enforcement officers in effecting the removal of the

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structure.

SECTION 3. IC 8-21-10-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 14. **Except for the requirements of section 3.1 of this chapter**, this chapter does not apply in respect to the location, relocation, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any existing structures, except radio and television towers.

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