

CHAPTER 883

H.B. No. 788

An Act relating to the creation, enforcement, and prosecution of offenses involving the operation or navigation of aircraft.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Title 3A, Revised Statutes, is amended by adding Articles 46f-5, 46f-6, and 46f-7 to read as follows:

*Art. 46f-5. AIRCRAFT IDENTIFICATION*

*Sec. 1. DEFINITION. In this article, "federal aviation regulations" means identification and registration marking regulations adopted by the Federal Aviation Administration, 14 C.F.R. Part 45, as those regulations existed on September 1, 1985, except that "federal aviation regulations" shall not include any regulations in existence on September 1, 1985, that are inconsistent with a regulation adopted after that date.*

*Sec. 2. IDENTIFICATION REQUIRED. (a) A person commits an offense if the person operates an aircraft that the person knows does not have aircraft identification numbers that comply with federal aviation regulations.*

*(b) An offense under this section is a third degree felony.*

*Sec. 3. INSPECTION BY PEACE OFFICERS. (a) The failure to have the aircraft identification numbers clearly displayed on an aircraft in compliance with federal aviation regulations is probable cause for a peace officer to inspect the aircraft further to determine the identity of the owner of the aircraft.*

*(b) A peace officer may inspect an aircraft under this section if the aircraft is located:*

*(1) on public property; or*

*(2) on private property, if the officer has the consent of the property owner.*

**Art. 46f-6. AIRCRAFT REGISTRATION**

*Sec. 1. REGISTRATION REQUIRED. A person commits an offense if the person operates or navigates an aircraft that the person knows is not properly registered under Federal Aviation Administration aircraft registration regulations, 14 C.F.R. Part 47, as those regulations existed on September 1, 1985.*

*Sec. 2. PENALTY. An offense under this article is a third degree felony.*

**Art. 46f-7. AIRCRAFT FUEL TANKS**

*Sec. 1. DEFINITION. In this article, "federal aviation regulations" means regulations adopted by the Federal Aviation Administration regarding certification procedures for products and parts, 14 C.F.R. Part 21, maintenance, preventive maintenance, rebuilding and alteration regulations, 14 C.F.R. Part 43, and general operating and flight rules, 14 C.F.R. Part 91, as those regulations existed on September 1, 1985, except that "federal aviation regulations" shall not include any regulations in existence on September 1, 1985, that are inconsistent with a regulation adopted after that date.*

*Sec. 2. ILLEGAL FUEL TANKS PROHIBITED. (a) A person commits an offense if the person operates an aircraft equipped with a fuel tank, bladder, drum, or other container for fuel that the person knows does not conform to federal aviation regulations or that has not been approved by the Federal Aviation Administration by inspection or special permit.*

*(b) A person commits an offense if the person operates an aircraft equipped with a pipe, hose, or auxiliary pump that is used for or intended for transferring fuel to the primary fuel system of an aircraft from a fuel tank, bladder, drum, or other container for fuel that the person knows does not conform to federal aviation regulations or that has not been approved by the Federal Aviation Administration by inspection or special permit.*

*(c) An offense under this section is a third degree felony.*

*Sec. 3. SEIZURE AND FORFEITURE OF EQUIPMENT. (a) An aircraft equipped with a fuel tank, bladder, drum, or other container for fuel that is the subject of an offense under this article is subject to seizure by a peace officer.*

*(b) An aircraft seized under Subsection (a) of this section may be forfeited to the Department of Public Safety in accordance with Article 18.18, Code of Criminal Procedure, 1965.*

*(c) An aircraft forfeited under Subsection (b) of this section is subject to the State Aircraft Pooling Act (Article 4413(34b), Vernon's Texas Civil Statutes).*

**SECTION 2.** Section 1, Chapter 46, Acts of the 58th Legislature, 1963 (Article 46f-3, Vernon's Texas Civil Statutes), is amended to read as follows:

*Sec. 1. A [Any] person who [drives,] operates [or pilots] an [airplane,] aircraft in this state while [ ~~heavier than aircraft, or lighter than aircraft, dirigible or balloon~~] within the airspace of the State of Texas or drives, operates or pilots such craft upon a public airstrip within the State of Texas, while such person is] intoxicated or under the influence of intoxicating liquor commits an offense [~~; shall be guilty of a misdemeanor, and upon conviction, shall be punished by confinement in the county jail for not less than fifteen (15) days nor more than two (2) years, or by a fine of not less than Two Hundred Dollars (\$200) nor more than One Thousand, Five Hundred Dollars (\$1,500), or by both such fine and imprisonment].~~*

*Sec. 2. A person who operates an aircraft in this state while under the influence of a controlled substance as defined by the Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes) or any other drug, substance, or narcotic that impairs the physical and mental capacity of a pilot to operate an aircraft or ultralight vehicle commits an offense.*

*Sec. 3. An offense under this Act is a Class A misdemeanor.*

**SECTION 3.** This Act takes effect September 1, 1985.

**SECTION 4.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 9, 1985, by the following vote: Yeas 145, Nays 0, 1 present, not voting; House concurred in Senate amendments to H.B. No. 788 on

May 27, 1985, by a non-record vote; passed by the Senate, with amendments, on May 26, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 15, 1985

Effective: September 1, 1985