



SPONSOR: Rep. Osienski & Sen. Simpson  
Reps. Baumbach, Brady; Sen. Pettyjohn

HOUSE OF REPRESENTATIVES  
149th GENERAL ASSEMBLY

HOUSE BILL NO. 427

AN ACT TO AMEND TITLE 2 OF THE DELAWARE CODE RELATING TO AERONAUTICS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

1 Section 1. Amend Subchapter III, Chapter 1, Title 2 of the Delaware Code by making deletions as shown by  
2 strike through and insertions as shown by underline as follows:

3 §§ 164, 165. ~~[Reserved.]~~ § 164. ~~[Reserved.]~~

4 § 165. State aircraft fee; exemptions.

5 (a) The Department shall establish rules and regulations setting forth the requirements, terms, conditions,  
6 limitations, and method of collection of fees assessed on aircraft registered in Delaware under the Federal Aviation Act (49  
7 U.S.C. 1401 et seq.), consistent with this subchapter.

8 (b) The Department shall assess an annual state aircraft fee for every aircraft registered in Delaware as identified  
9 by the Federal Aviation Administration Registry. The fee is due on March 1 of each year.

10 (c) This subchapter does not require a fee assessment for an aircraft based at an airport in this State. The National  
11 Based Aircraft Inventory at [www.basedaircraft.com](http://www.basedaircraft.com) must be used to determine the home base of aircraft in this category.

12 §§ 166–169. ~~[Reserved.]~~

13 § 166. Fees; exceptions.

14 (a) The Department shall collect the following state aircraft fees:

15 (1) For single engine aircraft, \$25.

16 (2) For multi-engine and turboprop aircraft, \$50.

17 (3) For jet aircraft, \$250.

18 (4) For helicopters, \$50.

19 (5) For Federal Aviation Administration registered ultralights, \$10.

20 (b) The Department may not collect a state aircraft fee for any of the following:

21 (1) A hot air balloon, whether or not a federal registration number is assigned to the balloon.

22 (2) A public aircraft.

23 (3) An unmanned aircraft system, as defined in § 1334(a) of Title 11, that is under 55 pounds.

24 (4) An unpowered glider.

25 § 167. Deposit of state aircraft fee proceeds.

26 (a) The Department shall deposit all state aircraft fees collected under this subchapter to the credit of the  
27 Transportation Trust Fund, established in this title, for the purposes of supporting the Department's responsibilities for  
28 aviation in this State.

29 (b) The Department shall file a report with the Controller General by September 1 of each year detailing the  
30 revenue received under this subchapter and the expenditures associated with the Department's responsibilities concerning  
31 aviation in this State.

32 §§ 168 - 169. [Reserved]

33 Section 2. Amend § 173, Title 2 of the Delaware Code by making deletions as shown by strike through and  
34 insertions as shown by underline as follows and redesignating accordingly:

35 § 173. Exceptions from approval and licensing requirements.

36 Sections 170 through 172 ~~inclusive~~ of this title ~~shall do not apply to restricted use heliports and helipads;~~ restricted  
37 landing areas designed for personal ~~use use~~; or to any airport, restricted landing ~~area area~~, or other air navigation facility  
38 owned or operated by the federal government within this State.

39 Section 3. Effective date. This Act takes effect on January 1, 2019.

#### SYNOPSIS

This Act does all of the following:

- (1) Requires certain registered aircraft owners to pay an annual fee.
- (2) Provides exceptions for registered aircraft based in Delaware.
- (3) Directs the Department to collect fees, as provided for in this Act.
- (4) Requires the Department to deposit the funds collected under this Act into the Transportation Trust Fund.
- (5) Requires the Department to file a report with the Controller General by September 1 of each year detailing the revenue received under this subchapter and the expenditures associated with the Department's responsibilities concerning aviation in this State.

This Act takes effect on January 1, 2019.