

2015 Texas Legislature Aviation Related Bills

HB 946 / SB 505 – Marking/Registration of Meteorological Evaluation Towers (MET Towers)

MET towers are temporary structures used to measure wind speed and direction to identify locations for future wind turbines. They pose a continuing hazard to low-altitude aviation operations, such as agricultural, helicopter flights, or search and rescue. These towers are below the 200 feet Federal Aviation Administration (FAA) threshold for evaluation, are very difficult to see from the air, and are usually erected overnight and without notice. Both the National Transportation Safety Board (NTSB) and the FAA have published documentation encouraging the states to mark and register these towers. These bills follow the research and recommendations of both of those agencies.

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=HB946>

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=SB505>

HB 1458 / SB 798 – Tax Exemption on the Maintenance of General Aviation Aircraft

Tax exemptions for general aviation maintenance increase aviation activity within a state, generate jobs and raise revenue for maintenance businesses. Only operators using aircraft as a certificated carrier of persons/cargo, for flight training, or for agricultural use are currently exempt from the sales and use tax (including both parts and labor) when repairing, remodeling, or maintaining their aircraft. This bill would now include all general aviation aircraft and activities. Texas aircraft are being flown out of state to obtain cheaper maintenance where sales taxes are not applied and out of state aircraft are not attracted to the state for maintenance, which also means local companies are losing business.

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=HB1458>

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=SB798>

HB 1605 – TxDOT Airport Directories

TxDOT-Aviation prints Texas Airport Directories every few years for the public/pilots/airports to use. The directories include information about all public use airports (approximately 400) in the state. State law makes TxDOT charge \$6 per airport directory but, as a state resource, it should be available to the public, for free, from public facilities, just like the Texas Highway map is. This bill would offer the directories for free. TxDOT-Aviation will be printing an aeronautical chart this year and they could be distributing both resources, for free, at the same time.

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=HB1605>

HB 750 – Clarifying that “Aviation Activities” are Included in the Recreational Use Statute (RUS)

The Recreational Use Statute (RUS) limits the liability of land owners who allow the public to use their private land for recreational activities. The RUS has been amended many times over the years and this amendment would clarify that aviation is included by simply adding “aviation activities” to the list of recreational activities specifically covered by the RUS. Owners of private airfields, which are utilized in the same recreational manner as other privately owned, publicly consumed recreational areas, may be held liable for a pilot’s negligent activity at the airfield. With this possibility present, many private airfield owners choose to limit their runway to their usage only. Amending the RUS statute could open up over 1,600 private-owned, private-use airports and promote tourism by increasing GA activity within the state and by out-of-state visitors.

<http://www.capitol.state.tx.us/BillLookup/history.aspx?LegSess=84R&Bill=HB750>

HB 2009 – Aviation Development Account

This bill would create the above mentioned account to ensure funds are used solely for the development of aviation facilities.

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=HB2009>

HB 2772 – Aviation Bonds of Airport Projects

This bill would allow a corporation to issue bonds to assist in the development and expansion of transportation facilities, to include airports and hangars.

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=HB2772>

HB 1693 – Fuels

This bill would prohibit a dealer from selling or offer motor fuel for sale that is mixed with ethanol.

HB 3077 / SB 1493 – Emergency Medical Air Transportation Account

These bills would create the above mentioned account and the Commissioner of State Health Services could use the appropriated funding to fund/reimburse emergency medical air transportation.

HB 1913 / SB 679 – Airport boards

Makes some changes to the ways Joint Airport Boards post meeting notices.

HB 1186 / SB 803 – Land use around Midland’s airport/spaceport

This bill clarifies Midland’s adoption of airport zoning regulations.

HB 3484 and HB 3486 – Relating to state/local sales/use taxes

According to legislative staff, these bills are "shell bills" which were filed in order to meet a legislative bill filing deadline; however, they intend to heavily amend or substitute them at a later date.

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=HB3484>

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=HB3486>

SB 1133 – Repossession of aircraft

A repossession agent may file a petition for a writ of assistance for the repossession of aircraft in a justice court.

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=SB1133>

HB 751 – Airport security

This bills has to do with concealed handguns at airport security checkpoints.

HB 1 / SB 2 – Aviation funding

This bill includes the state’s general appropriations bill for 2016-2017 biennium.

In 2014, the Texas Comptroller attempted to change the tax rules/standards that impact the ownership and operation of aircraft in Texas. The proposed rule tried to change when operators could qualify for the “sale for resale” exemption through aircraft leasing. The following number of bills are related to the Comptroller’s 2014 attempt.

HB 2294 – Relates to the audit, assessment, and collection of sales and use tax on GA aircraft

HB 2294 would clarify how the general aviation industry works in regards to aircraft leasing and other business practices while continuing GA's positive contributions to the Texas economy.

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=HB2294>

SB 1782 - Relating to the status of separate legal entities for purposes of the sales and use tax on aircraft

This bill clarifies that, in relation to the application of the sales and use tax to an aircraft, the Comptroller shall respect a sale, lease, rental or other transaction between a legal entity and its owners or another legal entity to the same extent as a transaction between unrelated persons.

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=SB1782>

SB 1396 - Relating to the tax on the sale and use of aircraft; imposing a tax; providing civil and criminal penalties

A very long bill – repeals and replaces existing laws regarding taxes on aircraft.

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=SB1396>

HB 3287- Relating to the sales and use taxation of aircraft

This bill states that, for the purposes of determining a sale for resale, there shall be no presumption that an aircraft was purchased from a retailer for storage, use or consumption in Texas if the person bringing such aircraft into the state acquired the aircraft other than by a purchase. It also stipulates that the leasing/renting of tangible personal property for the purposes of a sale for resale tax exemption includes the lease/rental of an aircraft in a written agreement, etc.

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=HB3287>

The following bills have to do with exemptions of Freeport goods from ad valorem taxes:

SB 516

HB 1675 and HJR 20

SJR 29 and HJR 25

The following bills have to do with personal property tax:

SB 763 and SJR 36

HB 3484

HB 3486

The following bills have to do with Unmanned Aircraft Systems (UAS):

HB 1481

HB 3429

HB 3628

HB 2167

You can find more information about these and other bills on the Texas Legislature website:

<http://www.capitol.state.tx.us/>

This summary is provided by AOPA regional representative Yasmina Platt