

### **183.011 Definitions of aviation terms.**

- (1) "Aeronautics" means the science and art of flight and including, but not limited to transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants, and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or other air navigation facilities; and instruction in flying or ground subjects pertaining thereto;
- (2) "Aircraft" means any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air;
- (3) "Air navigation" means the operation or navigation of aircraft in the air space over this state, or upon any airport within this state;
- (4) "Air navigation facility" means any facility other than one owned or controlled by the United States, used in, available for use in, or designed for use in, aid of air navigation, including airports, rights, interests, or easements in the navigable air space, and any structures, mechanisms, lights, beacons, markers, communicating systems, or other instruments or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities;
- (5) "Airport" means any area, of land or water, which is designed for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport building or other airport facilities, and all appurtenant rights-of-way, whether theretofore or hereinafter established;
- (6) "Airport board," "airboard," or "board" means a board established as provided in this chapter and any airport board or airboard created pursuant to the provisions of KRS Chapter 183 as it existed prior to the enactment of 1960 Ky. Acts ch. 179 shall be deemed to have been established pursuant to this chapter with all of the powers, functions, and duties as herein prescribed;
- (7) "Airport facilities" includes land, buildings, equipment, runways, and other improvements and appurtenances necessary for the establishment and maintenance of airports;
- (8) "Airport hazard" means any structure, object, or natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking off at any airport or is otherwise hazardous to such landing or taking off;
- (9) "Certificate" means a certificate issued by the cabinet;
- (10) "Civil aircraft" means any aircraft other than a public aircraft;
- (11) "Charter operator" means all persons who transport or seek to transport persons or property in intrastate commerce for hire on unscheduled service and not between fixed points;
- (12) "Common carrier" shall include all carriers for hire or compensation by air who operate, or seek to operate, over fixed routes or between fixed termini within the Commonwealth of Kentucky;

- (13) "Commuter air carrier" means a common carrier of persons or property in intrastate commerce for hire or compensation by air, operating under federal aviation regulation (FAR) Part 135 or other appropriate parts or regulations and who operates or seeks to operate on regular schedules with multi-engine aircraft between two (2) or more fixed airport termini or over fixed routes only within the Commonwealth of Kentucky and publishes flight schedules which specify the times, days of week, and places between which such flights are performed;
- (14) "Development" and "airport development" mean:
  - (a) Any work involved in planning, designing, constructing, improving, or repairing a public airport or portion thereof, including the construction, alteration, and repair of airport buildings and the removal, lowering, relocation, and marking and lighting of airport hazards; and
  - (b) Any acquisition of land, or any interest therein, or of any easement through or other interest in air space which is necessary to permit any required work or to remove, mitigate, prevent, or limit the establishment of airport hazards and expenses incident to the carrying out of the provisions of this chapter;
- (15) "Navigable air space" means air space above the minimum altitudes of flight prescribed by the regulations of the Federal Aviation Administration or cabinet consistent therewith, and includes the air space necessary for normal landing or take off of aircraft;
- (16) "Operation of aircraft" or "operate aircraft" means the use, navigation, or piloting of aircraft in the air space over this state, or upon any airport within this state. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control as owner, lessee, or otherwise of the aircraft, shall be deemed to be engaged in the operation of aircraft within the meaning of the statutes of this state;
- (17) "Overhead line" means any cable, pipeline, wire, or similar substance of any kind or description;
- (18) "Permit" means a permit issued by the cabinet;
- (19) "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of the state, territory, or possession of the United States, or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes;
- (20) "Public airport" means any airport which is used or to be used for public purposes under the control of a public agency, the landing area of which is publicly owned;
- (21) "Public use airport" means any airport in the state airport plan open for use by the general public, not including a private airport used primarily for the benefit of the owner;
- (22) "State airport plan" means the plan of the cabinet for the development of public and certain private airports for the benefit of the people of this state;
- (23) "State airway" means a route in the navigable air space over the lands or waters of this state, designated by the cabinet as a route suitable for air navigation;

- (24) "Structure" means any object constructed or installed by man, including, but not limited to, buildings, towers, smokestacks, and overhead transmission lines; and
- (25) "Tree" includes objects of natural growth.

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 174, sec. 10, effective July 15, 1996; and ch. 318, sec. 67, effective July 15, 1996. -- Amended 1976 Ky. Acts ch. 308, sec. 2. -- Amended 1974 Ky. Acts ch. 115, sec. 1. -- Amended 1964 Ky. Acts ch. 134, sec. 2. - - Amended 1960 Ky. Acts ch. 179, sec. 3. -- Created 1958 Ky. Acts ch. 153, sec. 2.

**Legislative Research Commission Note (7/15/96).** This section was amended by 1996 Ky. Acts chs. 174 and 318. Where these Acts are not in conflict, they have been codified together. Where a conflict exists between Acts ch. 174 and a nonsubstantive, stylistic amendment in Acts ch. 318, Acts ch. 174 prevails under Acts ch. 318, sec. 358.