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HOUSE No. 2

The Commonwealth of Massachusetts

MASSACHUSETTS AERONAUTICS COMMISSION,
LOGAN AIRPORT, EAST BOSTON 28, November 3, 1954.

To the General Court of Massachusetts.

In accordance with the provisions of section 33 of chapter 30 of the General Laws, a copy of the recommendations for legislation to be contained in the annual report of the Commission is submitted herewith, together with drafts of bills embodying the legislation recommended. These drafts have been submitted to the Counsel for the House, as required by law.

Very truly yours,

CROCKER SNOW,
Director, Massachusetts Aeronautics Commission.

RECOMMENDATIONS.

1. AN ACT PROVIDING FOR FINANCIAL RESPONSIBILITY ON THE PART OF OWNERS AND OPERATORS OF AIRCRAFT INVOLVED IN ACCIDENTS.

At the present time there is nothing in the law to ensure that the operator of an airplane who causes damage to some one else will pay any judgment that may be entered against him.

The American Bar Association and the commissioners on uniform state laws, together with the national association of state aviation officials and others, have prepared a uniform act which is similar to the automobile financial responsibility act in force in most States, and which is the basis for the proposed act. It provides that the owner or operator of an airplane, unless he has adequate insurance or other form of demonstrated financial responsibility, shall, after an accident, lose his right to fly in Massachusetts until any claims against him arising from the accident are settled.

2. AN ACT SETTING ASIDE UNREFUNDED TAXES ON AVIATION GASOLINE FOR AID TO CITY AND TOWN AIRPORTS.

There is a Massachusetts tax on gasoline used in vehicles on the highways, but not on gasoline used for other purposes. However, the amount of the highway tax is collected on all gasoline sold, and the user not subject to the tax has to request and obtain a refund. In many cases persons entitled to a tax refund on aviation gasoline do not request it.

This act makes such unrefunded taxes available for state financial aid in the construction and improvement of municipal airports, in accordance with chapter 90, section 39F, and the installation of navigational aids, in accordance with chapter 90, section 39A.

3. AN ACT EXEMPTING FROM REAL ESTATE TAXATION IMPROVEMENTS TO THE LANDING AREAS OF COMMERCIAL AIRPORTS AVAILABLE FOR PUBLIC USE AT NO CHARGE.

There are thirty privately owned, commercially licensed, airports in Massachusetts. While the operating costs of

publicly owned airports almost always exceed the direct revenue, these privately owned airports, which fill a community need, pay taxes like any other business.

Most of these airports have grass landing strips, and are therefore hazardous during muddy times of year. Few of them have been hard-surfaced because of a fear that such expensive improvements would greatly increase the value used for the assessment of local taxes.

This act is designed to encourage the improvement of such airports, which are providing a public service at no cost to the taxpayer, by limiting the tax on the landing area to the unimproved value, so long as the airport holds a commercial license from the Commonwealth, and the public is not charged for using it.

4. AN ACT CLARIFYING THE RIGHT TO ARREST FOR VIOLATIONS OF CERTAIN AERONAUTICAL LAWS AND REGULATIONS.

Under present law there are certain cases where law enforcement officers are not empowered to make an arrest to prevent aircraft operation which is dangerous to the general public. A similar situation in the motor vehicle law was corrected by recent legislation. This act, which is similar to the amended motor vehicle law, not only allows an arrest to be made in order to prevent dangerous operation of aircraft, but tends to keep the aeronautical law as much as possible in line with the motor vehicle law.

