

Colorado Revised Statutes

TITLE 43. TRANSPORTATION
AVIATION SAFETY AND ACCESSIBILITY
ARTICLE 10. AERONAUTICS DIVISION
(as of September 11, 2015)

43-10-101. Legislative declaration

The general assembly hereby declares that there exists a need to promote the safe operation and accessibility of general aviation and intrastate commercial aviation in this state; that improvement of general aviation and intrastate commercial aviation transportation facilities will promote diversified economic development across the state; and that accessibility to airport facilities for residents of this state is crucial in the event of a medical or other type of emergency.

HISTORY: Source: L. 91: Entire article added, p. 1045, § 3, effective July 1. L. 97: Entire section amended, p. 786, § 5, effective May 8.

43-10-102. Definitions

As used in this article, unless the context otherwise requires:

- (1) "Aircraft" means any FAA-certificated vehicle used or designed for aviation or flight in the air.
- (2) "Airport" means any area of land or water which is used or intended for the landing and takeoff of aircraft, any appurtenant areas which are used or intended for airport buildings or other airport facilities or rights-of-way, and all airport buildings and facilities.
- (3) (a) "Aviation purposes" means any objective that provides direct and indirect benefits to the state aviation system and includes, but is not limited to:
 - (I) Any work involved in constructing, planning, or repairing a public airport or portion thereof and may include any work involved in constructing or maintaining access roads;
 - (II) The removal, lowering, relocation, and marking and lighting of any hazard to the safe operation of aircraft utilizing federal rules and regulations as guidelines for determining such hazards;
 - (III) The acquisition of navigational aids used by aircraft landing at or taking off from such airport;
 - (IV) The acquisition of safety equipment necessary for the enhancement of the state aviation system;
 - (V) Any research study, proposal, or plan for the expansion, location, or distribution of aviation facilities or resources that are directly related to the state aviation system;
 - (VI) The promotion of economic development which is related to the promotion, development, operation, or maintenance of the state aviation system;
 - (VII) Any acquisition of land, of any interest therein, or of any easement through or other

interest in airspace, including land for future airport development, which is necessary to permit any such work or to remove, mitigate, prevent, or limit the establishment of any hazard to the safe operation of aircraft; and

(VIII) Any informal education or training made available to the public concerning aviation in the state or any informational materials for dissemination to the public concerning aviation.

(b) Subsidization of airlines is expressly prohibited as an aviation purpose except for the promotion and marketing of air service at airport facilities.

(4) "Board" means the Colorado aeronautical board.

(5) "Director" means the director of the aeronautics division.

(6) "Division" means the aeronautics division in the department of transportation.

(7) "FAA" means the federal aviation administration or its successor.

(8) "Regional aviation plan" means an aviation plan developed by a regional planning commission pursuant to [section 30-28-110](#), C.R.S.

(8.5) "State aviation system" means the network of facilities which includes airports, navigational aids, and safety-related facilities.

(9) "State aviation systems plan" means a plan produced and maintained by the state which: Addresses the aviation needs within the state, including those needs relating to airports, navigational aids, and flight safety; identifies and evaluates alternatives to meet those needs; and recommends preferred solutions for the aviation needs of the state.

HISTORY: Source: . L. 91: Entire article added, p. 1045, § 3, effective July 1; (3) amended and (8.5) added, p. 2392, § 13, effective July 1. L. 91, 1st Ex. Sess.: (3) amended and (8.5) added, p. 1, § 1, effective July 1. L. 96: (3)(h) added, p. 634, § 1, effective May 1. L. 2000: (3) amended, p. 1331, § 2, effective May 26.

Editor's note: The amendments to this section made by chapter 1, L. 91, First Extraordinary Session, page 1, section 1, supersede the amendments made by chapter 330, L. 91, page 2392, section 13. Although both acts contained a July 1, 1991, effective date, the Governor did not sign the act enacted at the First Extraordinary Session until July 5. The act contained in chapter 1 from the First Extraordinary Session was subject to an interrogatory submitted to the Supreme Court by the Governor. The court held the act constitutional on its face. (See *In re House Bill 91S-1005*, 814 P.2d 875 (Colo. 1991).)

43-10-103. Division of aeronautics created - duties

(1) There is hereby created, in the department of transportation, the aeronautics division.

(2) The division shall provide support for the Colorado aeronautical board in fulfilling its duties. The duties of the division shall also include, but not be limited to, the following:

(a) Providing administrative support to the board in the distribution of moneys credited to the aviation fund for aviation purposes;

(b) Promoting aviation safety;

(c) (Deleted by amendment, L. 2009, ([HB 09-1066](#)), [ch. 82](#), [p. 300](#), [§ 1](#), effective August 5, 2009.)

(d) Providing advisory assistance to airports providing access to the public, including technical and planning assistance;

(e) Developing and maintaining the state aviation systems plan utilizing regional aviation plans;

(f) Assisting the FAA and local governments in the identification and control of potentially hazardous obstructions to navigable airspace utilizing the standards described in federal rules and regulations for identifying such hazardous obstructions;

(g) Administering the state aviation system grant program established by the general assembly pursuant to [section 43-10-108.5](#);

(h) Developing annual projections of revenue and expenses for review by the board;

(i) Collecting and analyzing data relating to the use of aircraft in the state;

(j) Advising the FAA in regard to federal programs in the state;

(k) Publishing information relating to aeronautics in the state; and

(l) (Deleted by amendment, L. 2009, ([HB 09-1066](#)), [ch. 82](#), [p. 300](#), [§ 1](#), effective August 5, 2009.)

(m) Directing the state treasurer to transfer moneys from the aviation fund created by [section 43-10-109](#) to the aviation account of the transportation infrastructure revolving fund created by [section 43-1-113.5](#), but only if such transfer is approved by the board. The division may direct the state treasurer to transfer moneys from the aviation account back to the aviation fund in an amount not exceeding the amounts previously transferred from the aviation fund, but only if such transfer is approved by the board and by the transportation commission.

(3) The division is authorized to enter into contracts with the FAA for the collection of airport data.

(4) The authority of the division shall be limited to public airports, commercial service airports, and reliever airports as defined in 49 U.S.C. sec. 47102.

(5) Except as otherwise provided in [section 43-10-105 \(2\)](#), the division is authorized to assist only those airports that request assistance by means of a resolution passed by the governing board of the airport and forwarded to the division.

(6) The division is authorized, under the supervision of the board, to contract with a public or private entity for any of the following purposes:

(a) To provide the division with any work, services, or equipment needed for aviation purposes;

(b) To carry out the express duties of the division under this section; or

(c) To otherwise implement the intent of this article.

HISTORY: Source: . L. 91: Entire article added, p. 1046, § 3, effective July 1; (2)(a) and (2)(g) amended, p. 2393, § 14, effective July 1. L. 91, 1st Ex. Sess.: (2)(a) and (2)(g) amended, p. 2, § 2, effective July 1. L. 96: (5) amended and (6) added, p. 634, § 2, effective May 1. L. 2000: (2)(l) added and (4) amended, pp. 673, 674, § § 4, 5, effective May 22. L. 2001: (4) amended, p. 1287, § 79, effective June 5. L. 2009: (2)(c), (2)(l), and (4) amended and (2)(m) added, ([HB 09-1066](#)), [ch. 82, p. 300, § 1](#), effective August 5.

Editor's note: The amendments to this section made by chapter 1, L. 91, First Extraordinary Session, page 2, section 2, supersede the amendments made by chapter 330, L. 91, page 2393, section 14. Although both acts contained a July 1, 1991, effective date, the Governor did not sign the act enacted at the First Extraordinary Session until July 5. The act contained in chapter 1 from the First Extraordinary Session was subject to an interrogatory submitted to the Supreme Court by the Governor. The court held the act constitutional on its face. (See *In re House Bill 91S-1005*, 814 P.2d 875 (Colo. 1991).)

Cross references: For the legislative declaration contained in the 2000 act enacting subsection (2)(l) and amending subsection (4), see section 1 of chapter 166, Session Laws of Colorado 2000.

43-10-104. Colorado aeronautical board - created

(1) The division shall be under the jurisdiction of the Colorado aeronautical board, which board is hereby created. The board shall consist of seven members. The initial members of the board shall be the members of the Colorado aeronautical board as such existed in the department of military and veterans affairs prior to July 1, 1991, and the terms of such members shall expire as the original terms of such members were scheduled to expire. Thereafter, the governor shall appoint their successors for terms of three years each. If any such member vacates his or her office during the term for which appointed to the board, a vacancy on the board shall exist and shall be filled by the governor for the unexpired term. All such appointments shall be with the consent of the senate. The board shall annually elect from its members a chairman, a vice-chairman, and a secretary. The members of the board shall receive fifty dollars per diem while the board is in session and shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties. The board shall not conduct any business unless there are at least four members of the board present.

(2) The members of the board shall be chosen as follows: Four members, two from the eastern slope and two from the western slope of the state, representing local governments which operate airports, which members shall be selected by the governor from a list of nominees supplied by local governments; one member representing a statewide association of airport managers; one member representing a statewide association of pilots; and one member familiar with and supportive of the state's aviation issues, interests, and concerns. Appointments shall be made so as to insure a balance broadly representative of the activity level of airports throughout the state.

HISTORY: Source: . L. 91: Entire article added, p. 1047, § 3, effective July 1. L. 2002: (1) amended, p. 363, § 29, effective July 1.

Cross references: For the legislative declaration contained in the 2002 act amending subsection (1), see section 1 of chapter 121, Session Laws of Colorado 2002.

43-10-105. Duties of the board

(1) The board has the following duties:

(a) To advise the director on aviation matters;

(b) To establish procedures for the administration and distribution of moneys credited to the aviation fund created in [section 43-10-109](#), for aviation purposes at public airports, commercial service airports, and reliever airports, as defined in 49 U.S.C. sec. 47102, in this state;

(c) To seek recommendations of the director for the distribution of moneys credited to the aviation fund created in [section 43-10-109](#);

(d) To establish policies for the growth and development of aviation in the state;

(e) To provide statewide aviation needs to be included in the department of transportation's statewide transportation plan; and

(f) To set and adopt on an annual basis, a budget for the division, including recommendations to the transportation commission for the amount to be allocated for administrative costs;

(g) (Deleted by amendment, L. 2009, [\(HB 09-1066\)](#), [ch. 82](#), [p. 301](#), [§ 2](#), effective August 5, 2009.)

(2) (a) The board shall have no control over federal funds for public airports, except as provided in paragraph (b) of this subsection (2). The board may accept federal funds to carry out its powers and duties pursuant to this article.

(b) Pursuant to section 47105 (a) (1) (B) of the federal "Revision of Title 49, Transportation", 49 U.S.C. sec. 40101 et seq., "Subtitle VII - Aviation Programs", Federal Public Law 103-272, 108 Stat. 1093, the board may also accept and distribute by contract to local airports federal funds available to the state for airport development projects benefitting one or more airports or for airport planning projects for one or more airports if the following requirements are met:

(I) The sponsor of a local airport gives written consent that the state apply for a project grant under the federal act cited in this paragraph (b);

(II) The federal secretary of transportation is satisfied that there is administrative merit and aeronautical benefit for the state being the sponsor of an airport development or planning project; and

(III) An acceptable agreement exists ensuring that the state will comply with appropriate grant conditions and other assurances the federal secretary of transportation requires.

HISTORY: Source: L. 91: Entire article added, p. 1048, § 3, effective July 1; (1)(b) amended, p. 2393, § 15, effective July 1. L. 91, 1st Ex. Sess.: (1)(b) amended, p. 2, § 3, effective July 1. L. 96: (2) amended, p. 635, § 3, effective May 1. L. 97: (1)(g) added, p. 785, § 4, effective May 8. L. 2001: (1)(b) amended, p. 1287, § 80, effective June 5. L. 2006: (1)(f) amended, p. 540, § 2, effective July 1. L. 2009: (1)(e) and (1)(g) amended, [\(HB 09-1066\)](#), [ch. 82](#), [p. 301](#), [§ 2](#), effective August 5.

Editor's note: The amendments to this section made by chapter 1, L. 91, First Extraordinary Session, page 2, section 3, supersede the amendments made by chapter 330, L. 91, page 2398, section 15. Although both acts contained a July 1, 1991, effective date, the Governor did not sign the act enacted at the First Extraordinary Session until July 5. The act contained in chapter 1 from the First Extraordinary Session was subject to an interrogatory submitted to the Supreme Court by the Governor. The court held the act constitutional on its face. (See *In re House Bill 91S-1005*, 814 P.2d 875 (Colo. 1991).)

43-10-106. Powers of the board

(1) (a) The board has power to: Acquire by gift, transfer, devise, or eminent domain such land which, in the opinion of the board, poses or may pose a potential hazard to navigable airspace. In determining whether land or any structure thereon poses a hazard to navigable airspace, the board shall use as a guide any applicable federal rules and regulations relating to identification of navigable airspace hazards.

(b) Any acquisition of land by the board pursuant to the provisions of paragraph (a) of this subsection (1) shall be on behalf of the airport affected by such hazard. Upon acquisition of the land, the board shall transfer title to such land to the governmental entity operating such airport.

(2) The division, at the request of the board, shall consult with local governments so that decisions relating to local land use planning may be made in a manner which does not interfere with the state aviation systems plan, a regional system plan, or the provisions of article 65.1 of title 24, C.R.S., relating to areas and activities of state interest.

HISTORY: Source: L. 91: Entire article added, p. 1048, § 3, effective July 1.

43-10-107. Office of director of division created - transfer

(1) The office of director of the division is hereby created. Any other provision of the law to the contrary notwithstanding, the board, with the consent of the executive director, shall appoint the director, who shall possess such qualifications as may be established by the board and the state personnel board. The director shall oversee the discharge of all responsibilities of the division. The director shall devote his entire time to the service of the state in the discharge of his official duties and shall not hold any other public office. The appointment or removal of the director shall be subject to the provisions of [section 13 of article XII of the state constitution](#).

(2) The division, the office of director thereof, and the board shall exercise their powers and perform their duties and functions specified in this article under the department of transportation as if the same were transferred to the department by a type 1 transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.

HISTORY: Source: L. 91: Entire article added, p. 1049, § 3, effective July 1.

43-10-108. Annual report. (Repealed)

HISTORY: Source: L. 91: Entire article added, p. 1049, § 3, effective July 1; entire section amended, p. 2393, § 16, effective July 1. L. 91, 1st Ex. Sess.: Entire section amended, p. 2, § 4, effective July 1. L. 96: Entire section repealed, p. 1273, § 207, effective August 7.

Cross references: For the legislative declaration contained in the 1996 act repealing this section, see section 1 of chapter 237, Session Laws of Colorado 1996.

43-10-109. Aviation fund created

(1) There is hereby created in the state treasury a fund to be known as the aviation fund, referred to in this article as the "fund", which shall consist of all revenues credited thereto pursuant to [sections 24-46.6-103 \(1\) \(b\)](#) and [39-27-112 \(2\) \(b\)](#), C.R.S., and all revenues credited thereto in accordance with subsection (2) of this section within the total revenues prescribed by the general assembly pursuant to [section 43-1-112.5](#). All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund, except as directed by the general assembly acting by bill and subject to the provisions of [section 18 of article X of the Colorado constitution](#).

(2) (a) In accordance with [section 18 of article X of the Colorado constitution](#), for the 1991-92 fiscal year, and each fiscal year thereafter, one hundred percent of the sales and use taxes collected during that fiscal year by the state pursuant to [sections 39-26-104](#) and [39-26-202](#), C.R.S., on aviation fuels used in turbo-propeller or jet engine aircraft shall be credited to the aviation fund.

(b) Such credit shall be made by the state treasurer as soon as possible after the twentieth day of the month following the collection of such sales and use taxes.

(c) It is not the intent of the general assembly that the moneys available for expenditure pursuant to the provisions of this subsection (2) be used to supplant any federal moneys which may be available to airports, governmental entities operating FAA-designated public-use airports, or the division pursuant to federal law.

(3) The moneys in the fund are hereby continuously appropriated to the division for the purposes authorized by law. In each fiscal year, the transportation commission shall budget and allocate an amount not to exceed five percent of the total amount of revenues credited to the fund pursuant to [section 39-27-112 \(2\) \(b\)](#), C.R.S., and subsection (2) of this section during the preceding fiscal year to be used to defray any administrative costs incurred by the division and the board in implementing and administering the provisions of this article. The board shall recommend to the commission an amount to be allocated by the commission for administrative costs. Any monetary penalties collected pursuant to [section 24-46.6-103 \(1\) \(b\)](#), C.R.S., are continuously appropriated to the division to defray any administrative expenses incurred by the division and the board in enforcing the provisions of [section 24-46.6-103 \(1\)](#), C.R.S. The general assembly shall appropriate from the fund an amount to the department of revenue for the reasonable expenses incurred in administering [section 39-26-715 \(1\) \(a\) \(I\)](#) and (2) (a), C.R.S., and as provided in [section 39-27-112 \(2\) \(b\)](#), C.R.S.

(4) No later than November 1, 2003, and no later than November 1 of each year thereafter, the department of transportation shall submit a report to the members of the joint budget committee that includes, at a minimum, the following information:

(a) The amounts, recipients, and purposes of moneys transferred from the fund during the prior state fiscal year:

(I) (Deleted by amendment, L. 2009, [\(HB 09-1066\)](#), ch. 82, p. 302, § 4, effective August 5,

2009.)

(II) To the airport operating fund of the governmental entity operating the FAA-designated public-use airport pursuant to [section 43-10-110 \(2\) \(a\)](#); and

(III) For the awarding of state aviation system grants pursuant to [section 43-10-108.5](#);

(b) The balance remaining in the fund as of June 30 of each state fiscal year and an explanation of any such balance; and

(c) Any additional information pertaining to the transfer of moneys from the fund as the joint budget committee may request in the exercise of its discretion.

HISTORY: Source: L. 91: Entire article added, p. 1050, § 3, effective July 1; entire section amended, p. 2395, § 18, effective July 1. L. 91, 1st Ex. Sess.: Entire section amended, p. 4, § 6, effective July 1. L. 93: (1) and (3) amended, p. 1514, § 17, effective June 6. L. 97: (1) and (3) amended, p. 786, § 6, effective May 8. L. 2000: (3) amended, p. 673, § 3, effective May 22. L. 2003: (3) amended and (4) added, p. 2605, § 1, effective July 1. L. 2004: (3) amended, p. 1047, § 22, effective July 1. L. 2006: (3) amended, p. 541, § 3, effective July 1. L. 2009: (2)(c), (4)(a)(I), and (4)(a)(II) amended, ([HB 09-1066](#)), [ch. 82, p. 302, § 4](#), effective August 5.

Editor's note: The amendments to this section made by chapter 1, L. 91, First Extraordinary Session, page 4, section 6, supersede the amendments made by chapter 330, L. 91, page 2395, section 18. Although both acts contained a July 1, 1991, effective date, the Governor did not sign the act enacted at the First Extraordinary Session until July 5. The act contained in chapter 1 from the First Extraordinary Session was subject to an interrogatory submitted to the Supreme Court by the Governor. The court held the act constitutional on its face. (See *In re House Bill 91S-1005*, 814 P.2d 875 (Colo. 1991).)

Cross references: For the legislative declaration contained in the 2000 act amending subsection (3), see section 1 of chapter 166, Session Laws of Colorado 2000.

43-10-110. Revenues in aviation fund - disbursements

(1) (a) In accordance with [section 18 of article X of the Colorado constitution](#), moneys in the fund shall be used exclusively for aviation purposes.

(b) Repealed.

(2) (a) (I) The board shall transfer from the fund, on a monthly basis, to the airport operating fund of the governmental or airport entity operating the FAA-designated public-use airport an amount equal to four cents per gallon of gasoline, as defined in [section 39-27-101 \(12\)](#), C.R.S., sold at such airport and an amount equal to sixty-five percent of any sales and use taxes collected by the state on aviation fuel sold for use at such airport by turbo-propeller or jet engine aircraft and credited to the fund pursuant to [section 43-10-109 \(2\)](#).

(II) If an intergovernmental agreement is entered into pursuant to the provisions of article 46.5 of title 24, C.R.S., the portion of the sales and use tax revenues that would otherwise be transferred to the governmental entity operating an airport in the state at which commercial passenger service is provided and that has entered into an intergovernmental agreement under article 46.5 of title 24, C.R.S., shall be transferred to the Colorado business incentive fund created in [section 24-46.5-102](#), C.R.S. If such an intergovernmental

agreement is entered into, moneys shall be transferred by the state treasurer for the length of the intergovernmental agreement, and, following the conclusion of the agreement, or if no agreement is entered into, the moneys shall be transferred to such governmental entity in accordance with the provisions of this section.

(b) The transfer of moneys pursuant to this subsection (2) shall be based upon monthly reports made by the department of revenue, pursuant to the provisions of [sections 39-26-715 \(1\) \(a\) \(I\)](#) and (2) (a) and [39-27-102 \(1\) \(a\) \(IV\) \(C\)](#), C.R.S., and transmitted to the division. Such moneys shall only be used for aviation purposes. Moneys in the fund derived from the sale of gasoline and aviation fuel at airports not qualified to receive revenue pursuant to the provisions of this subsection (2) shall remain in the fund.

(3) Moneys in the fund not transferred to a governmental or airport entity operating an FAA-designated public-use airport as provided in subsection (2) of this section and not allocated for administrative expenses shall be used by the board exclusively for aviation purposes, including the awarding of grants pursuant to the state aviation system grant program established by the general assembly pursuant to [section 43-10-108.5](#) and including the awarding of contracts as authorized in this article.

HISTORY: Source: . L. 91: Entire article added, p. 1050, § 3, effective July 1; entire section amended, p. 2396, § 19, effective July 1. L. 91, 1st Ex. Sess.: Entire section amended, p. 5, § 7, effective July 1. L. 96: (3) amended, p. 635, § 4, effective May 1; (2) amended, p. 964, § 2, effective May 23. L. 97: (2)(a)(II) amended, p. 787, § 7, effective May 8. L. 2000: (1) amended, p. 674, § 6, effective May 22; (2)(a) amended, p. 1330, § 1, effective May 26. L. 2003: (2)(a)(I) amended, p. 1819, § 8, effective August 6. L. 2004: (2)(b) amended, p. 1048, § 23, effective July 1. L. 2006: (3) amended, p. 541, § 4, effective July 1. L. 2009: (2)(a)(I), (2)(b), and (3) amended, [\(HB 09-1066\)](#), [ch. 82](#), [p. 303](#), [§ 5](#), effective August 5.

Editor's note: (1) The amendments to this section made by chapter 1, L. 91, First Extraordinary Session, page 3, section 7, supersede the amendments made by chapter 330, L. 91, page 2396, section 19. Although both acts contained a July 1, 1991, effective date, the Governor did not sign the act enacted at the First Extraordinary Session until July 5. The act contained in chapter 1 from the First Extraordinary Session was subject to an interrogatory submitted to the Supreme Court by the Governor. The court held the act constitutional on its face. (See *In re House Bill 91S-1005*, 814 P.2d 875 (Colo. 1991).)

(2) Subsection (1)(b)(II) provided for the repeal of subsection (1)(b), effective July 1, 2003. (See L. 2000, p. 674.)

Cross references: For the legislative declaration contained in the 2000 act amending subsection (1), see section 1 of chapter 166, Session Laws of Colorado 2000; for the legislative declaration contained in the 2003 act amending subsection (2)(a)(I), see section 1 of chapter 278, Session Laws of Colorado 2003.

ANNOTATION

Statute, in conjunction with article 46.5 of title 24, does not violate the following constitutional provisions: Article XI, section 2, concerning aid to corporations; article V, section 24, concerning appropriations to private institutions; article II, section 11, concerning irrevocable grants of special privileges; article V, section 25, concerning special legislation; and article XI, section 3, concerning public debt of the state. *In re House Bill 91S-1005*, 814 P.2d 875 (Colo. 1991).

43-10-110.7. Conveyance of airport-related equipment to division

The city and county of Denver shall convey at a reasonable cost unneeded airport-related equipment to the division for equitable distribution to other governmental entities operating airports in this state.

HISTORY: Source: . L. 91, 1st Ex. Sess.: Entire section added, p. 6, § 8, effective July 1.L. 2009: Entire section amended, ([HB 09-1066](#)), [ch. 82, p. 304, § 6](#), effective August 5.

Editor's note: The act enacting this section, as contained in chapter 1 of L. 91, First Extraordinary Session, was subject to an interrogatory submitted to the Supreme Court by the Governor. The court held the act constitutional on its face. (See *In re House Bill 91S-1005*, 814 P.2d 875 (Colo. 1991).)

43-10-111. Gasoline tax in lieu of personal property tax

The gasoline tax imposed pursuant to [section 39-27-102 \(1\) \(a\) \(IV\) \(A\)](#), C.R.S., is imposed in lieu of personal property tax on the aircraft, except as otherwise provided in article 4 of title 39, C.R.S.

HISTORY: Source: L. 91: Entire article added, p. 1050, § 3, effective July 1.

43-10-112. Fuel flowage fee - authorized

Any governmental entity which operates an airport providing access to the public is authorized to impose a fuel flowage fee at such airport.

HISTORY: Source: L. 91: Entire article added, p. 1051, § 3, effective July 1.

43-10-113. Safe operating areas around airports - establishment

(1) The general assembly hereby declares commercial service airports, public airports, reliever airports, as defined in 49 U.S.C. sec. 47102, and the land areas surrounding such airports, as defined in 14 CFR part 77, to be a matter of state interest as provided in article 65.1 of title 24, C.R.S.

(2) Governmental entities with zoning and building permit authority shall adopt and enforce, at a minimum, rules and regulations to protect the land areas defined in 14 CFR part 77.

HISTORY: Source: . L. 91: Entire article added, p. 1051, § 3, effective July 1.L. 2001: (1) amended, p. 1287, § 82, effective June 5.L. 2007: (1) amended, p. 2051, § 108, effective June 1.

43-10-114. Violation of federal registration provisions - aircraft identification - fuel tanks

(1) It is unlawful for any person, firm, association, or corporation in this state to knowingly possess an aircraft that is not registered in accordance with the regulations of the federal aviation administration contained in Title 14, chapter 1, parts 47-49 of the Code of Federal Regulations in effect on July 1, 1988.

(2) (a) It is unlawful for any person, firm, association, or corporation to knowingly buy, sell, offer for sale, receive, dispose of, conceal, or possess, or to endeavor to buy, sell, offer for sale, receive, dispose of, conceal, or possess, any aircraft or part thereof on which the assigned aircraft identification numbers do not meet the requirements of the federal aviation regulations specified in subsection (1) of this section.

(b) The failure to have the assigned aircraft identification numbers clearly displayed on the aircraft and in compliance with federal aviation regulations is probable cause for any law enforcement officer in this state to make further inspection of the aircraft in question to ascertain its true identity. A law enforcement officer is authorized to inspect an aircraft for identification numbers:

(I) When it is located on public property; or

(II) Upon consent of the owner of the private property on which the aircraft is stored.

(3) It is unlawful for any person, firm, association, or corporation to knowingly possess any aircraft in or operated in this state that is found to be registered to a nonexistent person, firm, association, or corporation or to a firm, association, or corporation which is no longer a legal entity. Any firm, association, or corporation that has no physical location or corporate officers or that has lapsed into an inactive state or been dissolved for a period of at least ninety days with no documented attempt to reinstate the firm, association, or corporation or to register its aircraft in the name of a real person or legal entity in accordance with federal aviation administration regulations specified in subsection (1) of this section is in violation of this section.

(4) It is unlawful for any person, firm, association, or corporation to knowingly supply false information to a governmental entity with respect to the name, address, business name, or business address of the owner of an aircraft in or operated in this state.

(5) It is unlawful for any person, firm, association, or corporation to knowingly supply false information to any governmental entity with respect to ownership by it or another person, firm, association, or corporation of an aircraft in or operated in this state if it is determined that such person, firm, association, or corporation:

(a) Is not, or has never been, a legal entity in this state;

(b) Is not, or has never been, a legal entity in any other state; or

(c) Has lapsed into a state of no longer being a legal entity in this state and no documented attempt has been made to correct such information with the governmental entity for a period of ninety days after the date on which such lapse took effect.

(6) It is unlawful for any person, firm, association, or corporation to install, maintain, or possess any aircraft which has been equipped with, or had installed in its wings or fuselage, fuel tanks, bladders, drums, or other containers which will hold fuel if such fuel tanks, bladders, drums, or other containers do not conform to federal aviation administration regulations or have not been approved by the federal aviation administration by inspection or special permit. This subsection (6) applies to any pipes, hoses, or auxiliary pumps which when present in the aircraft could be used to introduce fuel into the primary fuel system of the aircraft from such tanks, bladders, drums, or containers.

(7) This section does not apply to any aircraft registration or information supplied by a governmental entity in the course and scope of performing its lawful duties.

(8) Any aircraft knowingly used in violation of this section shall be deemed a class 1 public nuisance as provided in [section 16-13-303 \(1\) \(h.6\)](#), C.R.S., and shall be subject to the provisions relating thereto.

HISTORY: Source: L. 91: Entire article added, p. 1051, § 3, effective July 1.

43-10-115. Submittal of budget for recommendations

The board shall submit annually the proposed budget for the division to the transportation commission for the commission's review and, with respect to moneys that are to be allocated for administrative costs, the commission's approval and allocation. The commission shall examine the division's proposed budget and make recommendations based on the comprehensive statewide transportation plan formed by the commission pursuant to the provisions of [section 43-1-1103 \(5\)](#). Except for the portion of the budget that pertains to administrative costs that are allocated by the commission, the commission shall have no authority to reject or to alter any portion of the division's proposed budget.

HISTORY: Source: L. 91: Entire article added, p. 1053, § 3, effective July 1. L. 2006: Entire section amended, p. 541, § 5, effective July 1.

43-10-116. Transfer of functions, employees, and property. (Repealed)

HISTORY: Source: L. 91: Entire article added, p. 1053, § 3, effective July 1. L. 2009: Entire section repealed, (HB 09-1066), ch. 82, p. 304, § 7, effective August 5.

43-10-117. Towers - marking - definitions

(1) As used in this section, unless the context otherwise requires:

(a) "Height" means the distance from the original grade at the base of a tower to the highest point of the tower.

(b) "Tower" means a structure that is either self-standing or supported by guy wires and ground anchors, is smaller than six feet in diameter at the base, and has accessory facilities on which an antenna, sensor, camera, meteorological instrument, or other equipment is mounted. "Tower" does not include a structure that is located adjacent to a building, house, barn, or electric utility substation or in the curtilage of a farmstead.

(2) Where the appearance of a tower is not otherwise governed by state or federal law, rule, or regulation, any tower over fifty feet in height that is located outside the boundaries of an incorporated city or town on land that is primarily rural or undeveloped or used for agricultural purposes must be marked and painted or otherwise constructed to be visible in clear air during daylight hours from a distance of not less than two thousand feet. Towers must also comply with the following additional requirements:

(a) A tower must be painted in equal alternating bands of aviation orange and white, beginning with orange at the top of the tower;

(b) One marker ball must be attached to the top third of each outside guy wire; and

(c) Guy wires must have a seven-foot-long safety sleeve at each anchor point that extends from the anchor point along each guy wire attached to the anchor point.

(3) Any tower that was erected prior to August 6, 2014, must be marked as required by the provisions of this section within one year of August 6, 2014. Any tower that is erected on or after August 6, 2014, must be marked as required by this section at the time it is erected.

(4) (a) This section does not apply to:

(I) Towers or poles that support electric utility transmission lines or distribution lines;

(II) Facilities licensed by the federal communications commission or any structure with the primary purpose of supporting telecommunications equipment, including microwave relay facilities and towers erected for the purpose of providing commercial mobile radio service or commercial mobile data service as defined in 47 CFR 20.3;

(III) Towers within a ski area boundary;

(IV) Wind-powered electrical generators with a rotor blade radius greater than six feet; or

(V) Street lights erected or maintained by the department of transportation.

(b) Notwithstanding paragraph (a) of this subsection (4), this section applies to towers or poles with a primary purpose of providing private mobile radio services other than commercial mobile data service as defined in 47 CFR 20.3.

(5) Any person who violates a provision of this section and a collision with the tower at issue results in the injury or death of another person is guilty of a class 2 misdemeanor and shall be punished as provided in [section 18-1.3-501, C.R.S.](#) Any person who violates a provision of this section and the violation does not result in the injury or death of another person is guilty of a misdemeanor and shall be punished by a fine of not more than two hundred fifty dollars.

HISTORY: Source: L. 2014: Entire section added, ([HB 14-1216](#)), ch. 228, p. 848, [§ 2](#), effective August 6.