

1 AVIATION AMENDMENTS

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Wayne A. Harper**

5 House Sponsor: Walt Brooks

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to aviation.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ incorporates statewide amendments to the International Building Code relating to
13 certain aircraft hangars;

14 ▶ provides for the Department of Transportation to regulate aerial corridor
15 infrastructure;

16 ▶ establishes a procedure for an airport operator to take possession and dispose of an
17 abandoned aircraft; and

18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **15A-3-103**, as last amended by Laws of Utah 2019, Chapter 20

26 **63A-2-101.5**, as last amended by Laws of Utah 2019, Chapter 488

27 **72-1-102**, as last amended by Laws of Utah 2019, Chapters 431 and 479

28 ENACTS:

29 **72-10-205.5**, Utah Code Annotated 1953

30

31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **15A-3-103** is amended to read:

33 **15A-3-103. Amendments to Chapters 4 through 6 of IBC.**

34 (1) IBC Section 403.5.5 is deleted.

35 (2) In IBC, Section 407.2.5, the words "and assisted living facility" are added in the
36 title and first sentence after the words "nursing home."

37 (3) In IBC, Section 407.2.6, the words "and assisted living facility" are added in the
38 title after the words "nursing home."

39 (4) In IBC, Section 407.11, a new exception is added as follows: "Exception: An
40 essential electrical system is not required in assisted living facilities."

41 (5) In IBC, Section 412.3.1, a new exception is added as follows: "Exception: Aircraft
42 hangars of Type I or II construction that are less than 5,000 square feet (464.5 m²) in area."

43 [~~(5)~~] (6) A new IBC, Section 422.2.1 is added as follows: " 422.2.1 Separations:
44 Ambulatory care facilities licensed by the Department of Health shall be separated from
45 adjacent tenants with a fire partition having a minimum one hour fire-resistance rating. Any
46 level below the level of exit discharge shall be separated from the level of exit discharge by a
47 horizontal assembly having a minimum one hour fire-resistance rating.

48 Exception: A fire barrier is not required to separate the level of exit discharge when:

- 49 1. Such levels are under the control of the Ambulatory Care Facility.
50 2. Any hazardous spaces are separated by horizontal assembly having a minimum one hour
51 fire-resistance rating."

52 [~~(6)~~] (7) A new IBC Section 429, Day Care, is added as follows:

53 " 429.1 Detailed Requirements. In addition to the occupancy and construction requirements in
54 this code, the additional provisions of this section shall apply to all Day Care in accordance
55 with Utah Administrative Code R710-8 Day Care Rules.

56 429.2 Definitions.

57 429.2.1 Authority Having Jurisdiction (AHJ): State Fire Marshal, his duly authorized deputies,
58 or the local fire enforcement authority code official.

59 429.2.2 Day Care Facility: Any building or structure occupied by clients of any age who
60 receive custodial care for less than 24 hours by individuals other than parents, guardians,
61 relatives by blood, marriage or adoption.

62 429.2.3 Day Care Center: Providing care for five or more clients in a place other than the home
63 of the person cared for. This would also include Child Care Centers, Out of School Time or
64 Hourly Child Care Centers licensed by the Department of Health.

65 429.2.4 Family Day Care: Providing care for clients listed in the following two groups:

66 429.2.4.1 Type 1: Services provided for five to eight clients in a home. This would also
67 include a home that is certified by the Department of Health as Residential Certificate Child
68 Care or licensed as Family Child Care.

69 429.2.4.2 Type 2: Services provided for nine to sixteen clients in a home with sufficient
70 staffing. This would also include a home that is licensed by the Department of Health as
71 Family Child Care.

72 429.2.5 R710-8: Utah Administrative Code, R710-8, Day Care Rules, as enacted under the
73 authority of the Utah Fire Prevention Board.

74 429.3 Family Day Care.

75 429.3.1 Family Day Care units shall have on each floor occupied by clients, two separate
76 means of egress, arranged so that if one is blocked the other will be available.

77 429.3.2 Family Day Care units that are located in the basement or on the second story shall be
78 provided with two means of egress, one of which shall discharge directly to the outside.

79 429.3.2.1 Residential Certificate Child Care and Licensed Family Child Care with five to eight
80 clients in a home, located on the ground level or in a basement, may use an emergency escape
81 or rescue window as allowed in IFC, Chapter 10, Section 1030.

82 429.3.3 Family Day Care units shall not be located above the second story.

83 429.3.4 In Family Day Care units, clients under the age of two shall not be located above or
84 below the first story.

85 429.3.4.1 Clients under the age of two may be housed above or below the first story where
86 there is at least one exit that leads directly to the outside and complies with IFC, Section 1011
87 or Section 1012 or Section 1027.

88 429.3.5 Family Day Care units located in split entry/split level type homes in which stairs to
89 the lower level and upper level are equal or nearly equal, may have clients housed on both
90 levels when approved by the AHJ.

91 429.3.6 Family Day Care units shall have a portable fire extinguisher on each level occupied by
92 clients, which shall have a classification of not less than 2A:10BC, and shall be serviced in
93 accordance with NFPA, Standard 10, Standard for Portable Fire Extinguishers.

94 429.3.7 Family Day Care units shall have single station smoke detectors in good operating
95 condition on each level occupied by clients. Battery operated smoke detectors shall be
96 permitted if the facility demonstrates testing, maintenance, and battery replacement to insure
97 continued operation of the smoke detectors.

98 429.3.8 Rooms in Family Day Care units that are provided for clients to sleep or nap, shall
99 have at least one window or door approved for emergency escape.

100 429.3.9 Fire drills shall be conducted in Family Day Care units quarterly and shall include the
101 complete evacuation from the building of all clients and staff. At least annually, in Type I
102 Family Day Care units, the fire drill shall include the actual evacuation using the escape or
103 rescue window, if one is used as a substitute for one of the required means of egress.

104 429.4 Day Care Centers.

105 429.4.1 Day Care Centers shall comply with either I-4 requirements or E requirements of the
106 IBC, whichever is applicable for the type of Day Care Center.

107 429.4.2 Emergency Evacuation Drills shall be completed as required in IFC, Chapter 4, Section
108 405.

109 429.4.3 Location at grade. Group E child day care centers shall be located at the level of exit

110 discharge.

111 429.4.3.1 Child day care spaces for children over the age of 24 months may be located on the
112 second floor of buildings equipped with automatic fire protection throughout and an automatic
113 fire alarm system.

114 429.4.4 Egress. All Group E child day care spaces with an occupant load of more than 10 shall
115 have a second means of egress. If the second means of egress is not an exit door leading
116 directly to the exterior, the room shall have an emergency escape and rescue window
117 complying with Section 1030.

118 429.4.5 All Group E Child Day Care Centers shall comply with Utah Administrative Code,
119 R430-100 Child Care Centers, R430-60 Hourly Child Care Centers, and R430-70 Out of
120 School Time.

121 429.5 Requirements for all Day Care.

122 429.5.1 Heating equipment in spaces occupied by children shall be provided with partitions,
123 screens, or other means to protect children from hot surfaces and open flames.

124 429.5.2 A fire escape plan shall be completed and posted in a conspicuous place. All staff shall
125 be trained on the fire escape plan and procedure."

126 [~~(7)~~] (8) In IBC, Section 504.4, a new section is added as follows: "504.4.1
127 Notwithstanding the exceptions to Section 504.2, Group I-2 Assisted Living Facilities shall be
128 allowed on each level of a two-story building of Type V-A construction when all of the
129 following apply:

130 1. All secured units are located at the level of exit discharge in compliance with Section
131 1010.1.9.3 as amended;

132 2. The total combined area of both stories shall not exceed the total allowable area for a
133 one-story building; and

134 3. All other provisions that apply in Section 407 have been provided."

135 [~~(8)~~] (9) In IBC, Section 504.4, a new section is added as follows: "504.4.2 Group I-2
136 Assisted Living Facilities. Notwithstanding the allowable number of stories permitted by Table

137 504.4 Group I-2 Assisted Living Facilities of type VA, construction shall be allowed on each
138 level of a two-story building when all of the following apply:

139 1. The total combined area of both stories does not exceed the total allowable area for a
140 one-story, above grade plane building equipped throughout with an automatic sprinkler system
141 installed in accordance with Section 903.3.1.1.

142 2. All other provisions that apply in Section 407 have been provided."

143 [~~9~~] (10) A new IBC, Section 504.5, is added as follows: "504.5 Group 1-2 Secured
144 areas in Assisted Living Facilities. In Type IIIB, IV, and V construction, all areas for the use
145 and care of residents required to be secured shall be located on the level of exit discharge with
146 door operations in compliance with Section 1010.1.9.7, as amended."

147 Section 2. Section **63A-2-101.5** is amended to read:

148 **63A-2-101.5. Definitions.**

149 As used in this chapter:

150 (1) "Division" means the Division of Purchasing and General Services created under
151 Section **63A-2-101**.

152 (2) "Federal surplus property" means surplus property of the federal government of the
153 United States.

154 (3) "Information technology equipment" means equipment capable of downloading,
155 accessing, manipulating, storing, or transferring electronic data, including:

156 (a) a computer;

157 (b) a smart phone, electronic tablet, personal digital assistant, or other portable
158 electronic device;

159 (c) a digital copier or multifunction printer;

160 (d) a flash drive or other portable electronic data storage device;

161 (e) a server; and

162 (f) any other similar device.

163 (4) "Person with a disability" means a person with a severe, chronic disability that:

164 (a) is attributable to a mental or physical impairment or a combination of mental and
165 physical impairments; and

166 (b) is likely to continue indefinitely.

167 (5) "Property act" means the Federal Property and Administrative Services Act of
168 1949, 40 U.S.C. Sec. 549.

169 (6) "Purchasing director" means the director of the division appointed under Section
170 [63A-2-102](#).

171 (7) "Smart phone" means an electronic device that combines a cell phone with a
172 hand-held computer, typically offering Internet access, data storage, and text and email
173 capabilities.

174 (8) "State agency" means any executive branch department, division, or other agency of
175 the state.

176 (9) "State surplus property":

177 (a) means state-owned property, whether acquired by purchase, seizure, donation, or
178 otherwise:

179 (i) that is no longer being used by the state or no longer usable by the state;

180 (ii) that is out of date;

181 (iii) that is damaged and cannot be repaired or cannot be repaired at a cost that is less
182 than the property's value;

183 (iv) whose useful life span has expired; or

184 (v) that the state agency possessing the property determines is not required to meet the
185 needs or responsibilities of the state agency;

186 (b) includes:

187 (i) a motor vehicle;

188 (ii) equipment;

189 (iii) furniture;

190 (iv) information technology equipment; ~~and~~

- 191 (v) a supply; and
192 (vi) an aircraft; and
193 (c) does not include:
194 (i) real property;
195 (ii) an asset of the School and Institutional Trust Lands Administration, established in
196 Section [53C-1-201](#);
197 (iii) a firearm or ammunition; or
198 (iv) an office or household item made of aluminum, paper, plastic, cardboard, or other
199 recyclable material, without any meaningful value except for recycling purposes.
200 (10) "State surplus property contractor" means a person in the private sector under
201 contract with the state to provide one or more services related to the division's program for the
202 management and disposition of state surplus property.
203 (11) "Surplus property program" means the program relating to state surplus property
204 under Part 4, Surplus Property Service.
205 (12) "Surplus property program administrator" means:
206 (a) the purchasing director, if the purchasing director administers the surplus property
207 program; or
208 (b) the state surplus property contractor, if the state surplus property contractor
209 administers the surplus property program.
210 Section 3. Section **72-1-102** is amended to read:
211 **72-1-102. Definitions.**
212 As used in this title:
213 (1) "Commission" means the Transportation Commission created under Section
214 [72-1-301](#).
215 (2) "Construction" means the construction, reconstruction, replacement, and
216 improvement of the highways, including the acquisition of rights-of-way and material sites.
217 (3) "Department" means the Department of Transportation created in Section [72-1-201](#).

218 (4) "Executive director" means the executive director of the department appointed
219 under Section 72-1-202.

220 (5) "Farm tractor" has the meaning set forth in Section 41-1a-102.

221 (6) "Federal aid primary highway" means that portion of connected main highways
222 located within this state officially designated by the department and approved by the United
223 States Secretary of Transportation under Title 23, Highways, U.S.C.

224 (7) "Highway" means any public road, street, alley, lane, court, place, viaduct, tunnel,
225 culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned to the
226 public, or made public in an action for the partition of real property, including the entire area
227 within the right-of-way.

228 (8) "Highway authority" means the department or the legislative, executive, or
229 governing body of a county or municipality.

230 (9) "Implement of husbandry" has the meaning set forth in Section 41-1a-102.

231 (10) "Interstate system" means any highway officially designated by the department
232 and included as part of the national interstate and defense highways, as provided in the Federal
233 Aid Highway Act of 1956 and any supplemental acts or amendments.

234 (11) "Limited-access facility" means a highway especially designated for through
235 traffic, and over, from, or to which neither owners nor occupants of abutting lands nor other
236 persons have any right or easement, or have only a limited right or easement of access, light,
237 air, or view.

238 (12) "Motor vehicle" has the same meaning set forth in Section 41-1a-102.

239 (13) "Municipality" has the same meaning set forth in Section 10-1-104.

240 (14) "National highway systems highways" means that portion of connected main
241 highways located within this state officially designated by the department and approved by the
242 United States Secretary of Transportation under Title 23, Highways, U.S.C.

243 (15) (a) "Port-of-entry" means a fixed or temporary facility constructed, operated, and
244 maintained by the department where drivers, vehicles, and vehicle loads are checked or

245 inspected for compliance with state and federal laws as specified in Section 72-9-501.

246 (b) "Port-of-entry" includes inspection and checking stations and weigh stations.

247 (16) "Port-of-entry agent" means a person employed at a port-of-entry to perform the
248 duties specified in Section 72-9-501.

249 (17) "Public transit" means the same as that term is defined in Section 17B-2a-802.

250 (18) "Public transit facility" means a transit vehicle, transit station, depot, passenger
251 loading or unloading zone, parking lot, or other facility:

252 (a) leased by or operated by or on behalf of a public transit district; and

253 (b) related to the public transit services provided by the district, including:

254 (i) railway or other right-of-way;

255 (ii) railway line; and

256 (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by
257 a transit vehicle.

258 (19) "Right-of-way" means real property or an interest in real property, usually in a
259 strip, acquired for or devoted to a highway.

260 (20) "Sealed" does not preclude acceptance of electronically sealed and submitted bids
261 or proposals in addition to bids or proposals manually sealed and submitted.

262 (21) "Semitrailer" has the meaning set forth in Section 41-1a-102.

263 (22) "SR" means state route and has the same meaning as state highway as defined in
264 this section.

265 (23) "State highway" means those highways designated as state highways in Title 72,
266 Chapter 4, Designation of State Highways Act.

267 (24) "State transportation purposes" has the meaning set forth in Section 72-5-102.

268 (25) "State transportation systems" means all streets, alleys, roads, highways,
269 pathways, and thoroughfares of any kind, including connected structures, airports, aerial
270 corridor infrastructure, spaceports, public transit facilities, and all other modes and forms of
271 conveyance used by the public.

- 272 (26) "Trailer" has the meaning set forth in Section 41-1a-102.
- 273 (27) "Truck tractor" has the meaning set forth in Section 41-1a-102.
- 274 (28) "UDOT" means the Utah Department of Transportation.
- 275 (29) "Vehicle" has the same meaning set forth in Section 41-1a-102.
- 276 Section 4. Section 72-10-205.5 is enacted to read:
- 277 **72-10-205.5. Abandoned aircraft on airport property -- Seizure and disposal.**
- 278 (1) (a) As used in this section, "abandoned aircraft" means an aircraft that:
- 279 (i) remains in an idle state on airport property for 45 consecutive calendar days;
- 280 (ii) is in a wrecked, inoperative, derelict, or partially dismantled condition; and
- 281 (iii) is not in the process of actively being repaired.
- 282 (b) "Abandoned aircraft" does not include an aircraft:
- 283 (i) that has current FAA registration;
- 284 (ii) that has current state registration;
- 285 (iii) for which evidence is shown indicating repairs are in process, including:
- 286 (A) receipts for parts and labor; or
- 287 (B) a statement from a mechanic making the repairs.
- 288 (2) An airport operator may take possession and dispose of an abandoned aircraft in
- 289 accordance with Subsections (3) through (5).
- 290 (3) Upon determining that an aircraft located on airport property is abandoned, the
- 291 airport operator shall:
- 292 (a) send, by registered mail, a notice containing the information described in
- 293 Subsection (4) to the last known address of the last registered owner of the aircraft; and
- 294 (b) publish a notice containing the information described in Subsection (4) in a
- 295 newspaper of general circulation in the county where the airport is located if:
- 296 (i) the owner or the address of the owner of the aircraft is unknown; or
- 297 (ii) the mailed notice is returned to the airport operator without a forwarding address.
- 298 (4) The notice described in Subsection (3) shall include:

299 (a) the name, if known, and the last known address, if any, of the last registered owner
300 of the aircraft;

301 (b) a description of the aircraft, including the identification number, the location of the
302 aircraft, and the date the aircraft is determined abandoned;

303 (c) a statement describing the specific grounds for the determination that the aircraft is
304 abandoned;

305 (d) the amount of any accrued or unpaid airport charges; and

306 (e) a statement indicating that the airport operator intends to take possession and
307 dispose of the aircraft if the owner of the aircraft fails to remove the aircraft from airport
308 property, after payment in full of any charges described in Subsection (4)(d), within the later
309 of:

310 (i) 30 days after the day on which the notice is sent in accordance with Subsection
311 (3)(a); or

312 (ii) 30 days after the day on which the notice is published in accordance with
313 Subsection (3)(b), if applicable.

314 (5) If the owner of the abandoned aircraft fails to remove the aircraft from airport
315 property, after payment in full of any charges described in Subsection (4)(d), within the time
316 specified in Subsection (4)(e):

317 (a) the abandoned aircraft becomes the property of the airport operator; and

318 (b) the airport operator may dispose of the abandoned aircraft:

319 (i) in the manner provided in Title 63A, Chapter 2, Part 4, Surplus Property Service; or

320 (ii) in accordance with any other lawful method or procedure established by rule or
321 ordinance adopted by the airport operator.

322 (6) If an airport operator complies with the provisions of this section, the airport
323 operator is immune from liability for the seizure and disposal of an abandoned aircraft in
324 accordance with this section.