

AMENDMENT TO RULES COMMITTEE PRINT 118-

11

OFFERED BY MR. CASE OF HAWAII

At the end of title VIII, add the following:

1 **SEC. ____ . DELEGATED AUTHORITY TO STATE AND LOCAL**
2 **REGULATORS.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law, a State or locality may impose additional re-
5 quirements on commercial air tours (but may not waive
6 any requirements described in this Act or in the amend-
7 ments made by this Act), including—

8 (1) banning such tours;

9 (2) imposing day and time flight restrictions;

10 (3) regulating the total number of flights per
11 day;

12 (4) regulating route requirements over occupied
13 areas;

14 (5) prohibiting flights over State or local parks,
15 ocean recreation, cemeteries, and other areas of
16 State interest; and

17 (6) requiring commercial air tours to operate at
18 lower decibels for purposes of noise requirements.

1 (b) FAA EXCEPTIONS.—The Administrator of the
2 Federal Aviation Administration may invalidate a require-
3 ment imposed pursuant to subsection (a) if required for
4 flight operations for takeoff and landing.

5 (c) COMMERCIAL AIR TOUR DEFINED.—In this sec-
6 tion, the term “commercial air tour” means any flight con-
7 ducted for compensation or hire in a powered aircraft
8 where a purpose of the flight is sightseeing or intentional
9 parachuting. If the operator of a flight asserts that the
10 flight is not a commercial air tour, factors that can be
11 considered by the Administrator in making a determina-
12 tion of whether the flight is a commercial air tour in-
13 clude—

14 (1) whether there was a holding out to the pub-
15 lic of willingness to conduct a sightseeing or inten-
16 tional parachuting flight for compensation or hire;

17 (2) whether a narrative was provided that re-
18 ferred to areas or points of interest on the surface;

19 (3) the area of operation;

20 (4) the frequency of flights;

21 (5) the route of flight;

22 (6) the inclusion of sightseeing or intentional
23 parachuting flights as part of any travel arrange-
24 ment package; or

1 (7) whether the flight in question would or
2 would not have been canceled based on poor visibility
3 of the surface.

