

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 1005 (Delegate Pitkin, *et al.*)
Commerce and Government Matters

Maryland Aviation Administration - Air School Students - Criminal Background
Checks

This bill requires the Maryland Aviation Administration (MAA) to apply for a national and State criminal history records check of an applicant for flight school before providing instruction to that applicant; provides requirements for flight school applications; and authorizes the MAA executive director to deny applications that do not meet certain requirements.

Fiscal Summary

State Effect: The increased administrative requirements under the bill could likely be handled with existing resources.

Local Effect: None.

Small Business Effect: Potential meaningful. The costs and requirements of the flight school application will be borne by prospective students, but could lower the number of applications. Flight schools, which include many small businesses, may be adversely affected to the extent that the new requirements mean a delay or decline in the number of students.

Analysis

Bill Summary: The bill prohibits an air school from giving instruction in flying or ground subjects related to aeronautics to a person whose application has not been approved by the executive director of MAA. The bill requires the application to include

the following: (1) two complete sets of the applicant's fingerprints; (2) the State and federal fees authorized for State and national criminal background checks, respectively; (3) personal identification and physical description information; and (4) a statement by the applicant made under penalty of perjury that the applicant:

- has never been convicted of: (1) a crime of violence; (2) a felony; (3) a misdemeanor in the State that carries a statutory penalty of more than two years imprisonment; or (4) any common law offense for which the applicant received a term of imprisonment of more than two years;
- is not a fugitive from justice;
- is not a habitual drunkard;
- is not an addict or habitual user of any controlled dangerous substances; and
- has never spent more than 30 consecutive days in any medical institution for treatment of a mental disorder, unless a physician's certificate, issued within 30 days prior to the date of application, certifies that the applicant is capable of operating an aircraft without undue danger to the applicant or to others.

Applicants under 30 years of age must attest that they have not been found to be delinquent by a juvenile court for: a crime of violence; a felony in the State; or any misdemeanor in the State that carries a statutory penalty of more than two years imprisonment.

Upon receipt of the application, the executive director must apply to the Criminal Justice Information System (CJIS) Central Repository for a State and national criminal history records check. The repository must forward the information to the applicant and the executive director. Information obtained by the background check is confidential and may not be disseminated and must be used only for the purpose authorized by the bill.

Upon receipt of the criminal records check, the executive director must approve the application unless it is determined that the applicant has supplied false statements, the application is incomplete, or written notification is received that the applicant is suffering from a mental disorder and is a danger to the applicant and others. The executive director must promptly notify the prospective air school in writing of the approval or disapproval of any application.

Current Law: Prospective flight school students are not required to submit to a criminal history background check under State law. Under new federal regulations issued by the Transportation Security Administration, flight schools must receive clearance from the Department of Justice to provide flight training to foreign nationals (including simulators) for aircraft weighing more than 12,500 pounds. Flight schools must also participate in security awareness training.

Background: Two events regarding flight school security have occurred within the last year. On September 11, 2001, a coordinated terrorist attack involving four commercial airplanes resulted in the death of several thousand people in New York, Pennsylvania, and Virginia. Federal investigators learned later that some of the terrorists had taken lessons from U.S. flight schools.

In January 2002, a 15-year-old student pilot in Florida took an aircraft without authorization from the flight school where he was enrolled and without runway clearance. The student died after he crashed into a 42-story building; however, no one inside the building or nearby was injured. The Federal Aviation Administration (FAA) sent guidance to all public use airport and airfield owners for improving flight school security. FAA recommended that each flight school evaluate operations and institute policies commensurate with their specific business. Recommendations included changing ignition key procedures, securing unattended aircraft, establishing a positive identification of any student pilot before every lesson, and requiring supervision of a flight instructor at all times.

The Maryland State Police advises that State background checks generally take about four weeks to complete; national checks by the FBI can take up to two or three months.

State Fiscal Effect: For a national criminal history records check, the CJIS Central Repository collects an \$18 fee for State background checks, a \$24 FBI fee, and \$10 for two sets of fingerprint cards. State fee revenue is used to provide the service. If only a State check is required, the applicant must only pay an \$18 background check fee and \$5 for one set of fingerprints.

Based on the number of Maryland flight school students who passed the required pilot exam administered by FAA in 2001 (1,096), the Department of Public Safety and Correctional Services would collect approximately \$19,800 in fees that will cover its costs to process criminal records checks for flight school applicants. The Department of Legislative Services advises that the number of applicants will likely exceed the number of people who passed the pilot exam. However, that information is not available at this time.

This estimate assumes that organizations such as the State Police or the CJIS Customer Service Center will take the fingerprints required by the bill, rather than MAA. MAA advises that it would need to hire two additional personnel if it assumes that responsibility.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Transportation, U.S. Department of Transportation, Department of Public Safety and Correctional Services, Department of State Police, National Association of Flight School Instructors, National Air Transportation Association, Department of Legislative Services

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