

TITLE 20

AERONAUTICS

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CHAPTER 1

General Provisions

SECTIONS

§ 101. Definitions.

§ 101. Definitions.

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

- (1) "Aeronautics" means the science and art of flight.

(2) "Air carrier" means any citizen of the Federated States of Micronesia who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage in air transportation: PROVIDED, that the Secretary may by order relieve air carriers who are not directly engaged in the operation of aircraft in air transportation from the provisions of this title to the extent and for such periods as may be in the public interest.

(3) "Air commerce" means domestic or international air commerce or the transportation of mail by aircraft or any operation or navigation of aircraft within the limits of any National airway or any operation or navigation of aircraft that directly affects, or that may endanger safety in, domestic or international air commerce.

(4) "Air navigation facility" means any facility used in, available for use in, or designed for use in, aid of air navigation, including landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio-directional finding, or for radio or other electrical communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft.

(5) "Air transportation" means domestic or international air transportation or the transportation of mail by aircraft.

(6) "Aircraft engine" means an engine used, or intended to be used, for propulsion of aircraft and includes all parts and accessories thereof other than propellers.

(7) "Aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air.

(8) "Airman" means any individual who engages, as the person in command or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way; and (except to the extent the Secretary may otherwise provide with respect to individuals employed outside the Federated States of Micronesia) any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or appliances; and any individual who serves in the capacity of aircraft dispatcher or air-traffic control-tower operator.

(9) "Airport" means a landing area used regularly by aircraft for receiving or discharging passengers or cargo.

(10) "Airport operator" means any person, state or state port authority engaged in the operation of an airport as defined herein.

(11) "Appliances" means instruments, equipment, apparatus, parts, or accessories, of whatever description, that are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including parachutes and including communication equipment and any other mechanism or mechanisms installed in or attached to aircraft during flight), and that are not a part or parts of aircraft, aircraft engines, or propellers.

(12) "Attorney General" means the Attorney General of the Federated States of Micronesia.

(13) "Charter air carrier" means an air carrier holding a certificate of public convenience and necessity authorizing it to engage in charter air transportation.

(14) "Charter air transportation" means charter trips, including inclusive tour charter trips, in air transportation, rendered pursuant to authority conferred under this title under regulations prescribed by the Secretary.

(15) "Citizen of the Federated States of Micronesia" means:

(a) an individual who is a citizen of the Federated States of Micronesia or of one of its possessions, or

(b) a partnership, corporation, or association considered to be a citizen under the laws of the Federated States of Micronesia.

(16) "Civil aircraft of the Federated States of Micronesia" means any aircraft registered as provided in this title.

(17) "Civil aircraft" means any aircraft other than a public aircraft.

(18) "Civil Aviation Division" means the Civil Aviation Division of the Department of Transportation and Communications.

(19) "Conditional sale" means

(a) any contract for the sale of an aircraft, aircraft engine, propeller, appliance, or spare part under which possession is delivered to the buyer and the property is to vest in the buyer at a subsequent time, upon the payment of part or all of the price, or upon the performance of any other condition or the happening of any contingency; or

(b) any contract for the bailment or leasing of an aircraft, aircraft engine, propeller, appliance, or spare part, by which the bailee or lessee contracts to pay as compensation a sum substantially equivalent to the value thereof, and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner thereof upon full compliance with the terms of the contract. The buyer, bailee, or lessee shall be deemed to be the person by whom any such contract is made or given.

(20) "Conveyance" means a bill of sale, contract of conditional sale, mortgage, assignment of mortgage, or other instrument affecting title to, or interest in, property.

(21) "Department" means the Department of Transportation and Communications of the Federated States of Micronesia.

(22) "Domestic air commerce" , and "international air commerce" , respectively, mean the carriage by aircraft of persons or property for compensation or hire, or the carriage of mail by aircraft, or the operation or navigation of aircraft in the conduct or furtherance of a business or vocation, in commerce between, respectively:

(a) a place in the Federated States of Micronesia and any other place in the Federated States of Micronesia; and

(b) a place in the Federated States of Micronesia and any place outside thereof.

(23) "Domestic air transportation", and "international air transportation", respectively, mean the carriage by aircraft of persons or property as a common carrier for compensation or hire or the carriage of mail by aircraft, in commerce between, respectively:

(a) a place in the Federated States of Micronesia and any other place in the Federated States of Micronesia; and

(b) a place in the Federated States of Micronesia and any place outside thereof.

(24) "The Federated States of Micronesia" means the states of the Federated States of Micronesia, including the territorial waters and the overlying airspace thereof.

(25) "Foreign air carrier" means any person, not a citizen of the Federated States of Micronesia, who undertakes, whether directly or indirectly or by lease or any other arrangement, to engage in international air transportation.

(26) "Landing area" means any location, either on land or water, including airports and intermediate landing fields, that is" used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

(27) "Mail" means FSM mail and foreign-transit mail.

(28) "National airway" means a portion of the navigable airspace of the Federated States of Micronesia designated by the Secretary as a National airway.

(29) "Navigable airspace" means airspace above the minimum altitudes of flight prescribed by regulations issued under this title, and shall include airspace needed to insure safety in take-off and landing of aircraft.

(30) "Navigation of aircraft" or "navigate aircraft" includes the piloting of aircraft.

(31) "Operation of aircraft" or "operate aircraft" means the use of aircraft, for the purpose of air navigation and includes the navigation of aircraft. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of the aircraft, shall be deemed to be engaged in the operation of aircraft within the meaning of this title.

(32) "Person" means any individual, firm, partnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(33) "Propeller" includes all parts and accessories thereof.

(34) "Public aircraft" means any aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of any province, territory, or possession of the Federated States of Micronesia, but not including any government owned aircraft engaged in carrying persons or property for commercial purposes.

(35) "Secretary" means the Secretary of Department of Transportation and Communications.

(36) "Spare parts" means parts and accessories of aircraft (other than aircraft engines and propellers), of aircraft engines (other than propellers), of propellers and of appliances, maintained for installation or use in an aircraft, aircraft engine, propeller, or appliance, but that at the time are not installed therein or attached thereto.

(37) "Special aircraft jurisdiction of the Federated States of Micronesia" includes:

(a) civil aircraft of the Federated States of Micronesia;

(b) any other aircraft within the Federated States of Micronesia;

(c) any other aircraft outside the Federated States of Micronesia:

(i) that has its next scheduled destination or last point of departure in the Federated States of Micronesia, if that aircraft next actually lands in the Federated States of Micronesia;

(ii) having "an offense" , as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, committed aboard, if that aircraft lands in the Federated States of Micronesia with the alleged offender still aboard; or

(iii) regarding which an offense as defined in subsection (d) or (e) of article I, section I of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, September 23, 1971) is committed if the aircraft lands in the Federated States of Micronesia with an alleged offender still on board; and

(d) other aircraft leased without crew to a lessee who has his principal place of business in the Federated States of Micronesia, or if none, who has his permanent residence in the Federated States of Micronesia; while that aircraft is in flight, which is from the moment when all external doors are closed following embarkation until the moment when one such door is opened for disembarkation or in the case of a

forced landing, until the competent authorities take over the responsibility for the aircraft and for the persons and property aboard.

(38) "Supreme Court" means the Supreme Court of the Federated States of Micronesia.

(39) "Ticket agent" means any person, not an air carrier or a foreign air carrier and not a bona fide employee of an air carrier or foreign air carrier, who, as principal or agent, sells or offers for sale any air transportation, or negotiates for, or holds himself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts or arranges for, such transportation.

Source: PL 9-138 § 4.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code. The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code.

The website of the FSM National Government contains announcements, press releases, news, forms, and other information on the National Government at <http://fsmgov.org>.

The FSM Supreme Court website contains court decisions, rules, calendar, and other information of the court, the Constitution, the code of the Federated States of Micronesia, and other legal resource information at <http://www.fmsupremecourt.org/>.

The official website of the Congress of the Federated States of Micronesia contains the public laws enacted by the Congress, sessions, committee hearings, rules, and other Congressional information at <http://www.fsmcongress.fm/>.

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