

2015 -- H 5832

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO AERONAUTICS - AIRPORTS AND LANDING FIELDS

Introduced By: Representatives Malik, and Hull

Date Introduced: March 11, 2015

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 1-2-1.1 of the General Laws in Chapter 1-2 entitled "Airports and  
2 Landing Fields" is hereby amended to read as follows:

3 **1-2-1.1. Powers relating to vehicular traffic accessing airport facilities -- T.F. Green**  
4 **State Airport.** -- (a) (1) The Rhode Island airport corporation is authorized:

5 (i) To impose charges on customers of rental companies, as defined in § 31-34.1-1, who  
6 directly or indirectly use Warwick Station or the T.F. Green State Airport, at the rates that the  
7 Rhode Island airport corporation may deem necessary to provide adequate revenue to pay all  
8 costs of constructing, reconstructing, expanding, reconfiguring, operating, and maintaining  
9 Warwick Station regardless of whether those charges may have an anticompetitive effect;  
10 provided, however, that ancillary services provided to customers unrelated to airport access shall  
11 be exempt from these charges; and

12 (ii) To regulate the access of vehicular traffic to airport properties including by excluding  
13 one or more classes of vehicular traffic from accessing portions of airport roadways, parking lots,  
14 curbsides and other vehicular facilities.

15 (2) Nothing in this section shall be construed to limit the authority of Rhode Island  
16 airport corporation to impose other fees, charges, rates, or rentals including any other fees,  
17 charges, rates, or rentals imposed on rental companies or to adopt other regulations.

18 (b) All customer facility charges collected under the authority of paragraph (a)(1)(i) of  
19 this section and all customer facility charges collected by any rental company from customers

1 under color of those provisions, or pursuant to regulations adopted by the airport corporation,  
2 constitute a trust fund for the airport corporation until paid. That trust is enforceable against: (1)  
3 the rental company; (2) any officer, agent, servant, or employee of any rental company  
4 responsible for either the collection or payment, or both, of the customer facility charge; (3) any  
5 person receiving any part of the fund without consideration, or knowing that the rental company  
6 or any officer, agent, servant, or employee of any rental company is committing a breach of trust;  
7 and (4) the estates, heirs, and representatives of persons or entities described in subdivisions (1) --  
8 (3) of this subsection; provided, that a customer to whom a refund has been properly made, or any  
9 person who receives payment of a lawful obligation of the rental company from that fund, is  
10 presumed to have received that amount in good faith and without any knowledge of the breach of  
11 trust.

12 (c) If the airport corporation or any officer of the corporation believes that the payment  
13 to the airport corporation of the trust fund established under subsection (b) of this section will be  
14 jeopardized by delay, neglect, or misappropriation, the airport corporation or officer shall notify  
15 the rental company that the trust fund shall be segregated, and kept separate and apart from all  
16 other funds and assets of the rental company and shall not be commingled with any other funds or  
17 assets. The notice shall be given by either hand delivery or by registered mail, return receipt  
18 requested. Within four (4) days after the sending of the notice, all of the customer facility charges  
19 which thereafter either become collectible or are collected shall be deposited daily in any  
20 financial institution in the state as defined in title 19 and those customer facility charges  
21 designated as a special fund in trust for the airport corporation and payable to the airport  
22 corporation by the rental company as trustee of that fund.

23 (d) The penalty for misappropriations provided by § 44-19-37 shall apply as though that  
24 section referred to "customer facility charge" in each place where it refers to "tax".

25 (e) The provisions of subsections (b), (c), and (d) of this section are not exclusive, and  
26 are in addition to all other remedies which the airport corporation may employ in the enforcement  
27 and collection of customer facility charges.

28 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO AERONAUTICS - AIRPORTS AND LANDING FIELDS

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- 1           This act would exempt ancillary services provided to customers of rental companies that
- 2           are unrelated to airport access from airport access fees.
- 3           This act would take effect upon passage.

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