

Hot off the press from AOPA.org:

With the final signature on a measure delaying the implementation of controversial flight school regulations in California, aviation groups shifted their attention to developing a long-term solution.

Gov. Arnold Schwarzenegger signed the measure in a package of trailer bills to the state budget Oct. 19, finalizing a budget agreement from earlier in the month. The costly flight school regulations in the California Private Postsecondary Act of 2009 will not be implemented until July 1, 2011. That gives AOPA, the National Air Transportation Association, and state allies time to work with the legislature to hash out a more reasonable way to protect students without crippling the flight training industry.

"This bill signing marks an important day for GA in California as it will keep countless future pilots in the air and, importantly, keep thousands of instructors, mechanics, and other aviation personnel working in this troubled economy," said AOPA Director of State Government Affairs Mark Kimberling. "AOPA—and our allies—will continue to move forward aggressively to see this issue through to the completion."

The California Private Postsecondary Act of 2009 was intended to protect the financial wellbeing of students who seek an education at a postsecondary school, but it was not designed with flight schools specifically in mind; as a result, the regulations imposed a financial burden that many flight schools would have been unable to bear. In the coming months as lawmakers revisit the rules, AOPA will work to ensure that the outcome will not inflict damage on the already fragile training industry as the original proposal would have.

Lawmakers need to not "revisit" the Private Postsecondary legislation enacted by Assembly Bill 48, they need to exempt aviation from the state's clutches completely. How many masters must be answered by general aviation?

All General Aviation pilots have the FAA governing the privilege of flying, the NTSB governing reporting requirements, and the state for a government-issued id required by FAR (whether using a drivers license, passport or state-issued id card). GA pilots who are not citizens of the United States who wish to pursue their private, instrument or any multi-engine rating must register with the Department of Immigration and pay \$130 per each of those courses. Flight Instructors have initial and annual recurrent training requirements per TSA regulations. International students have to navigate a slew of agencies to flight train in the United States.

At Long Beach Airport, the city maintains noise abatement regulations which must be adhered to by pilots. Ground access to and from a general aviation aircraft has oversight by TSA, Long Beach airport security AND Long Beach Police Department.

Businesses must answer to all of the above plus a bevy of additional agencies, programs and mandates, including but not limited to: city business licenses, the Air Quality Management District, Workers Compensation, State Board of Equalization, Stormwater Runoff Management... and more. The city also has leasing requirements, with the associated rate adjustments, and insurance requirements. The county of Los Angeles imposes secured property taxes (real estate and business assets and unsecured property taxes (aircraft). Adding Part 141 certification, a repair station or Part 135 approval ups bureaucratic involvement exponentially. Each of these agencies have reporting requirements and impose periodic audits, which all takes time and money, and thus needs to be factored into the cost of doing business.

The AOPA press release deems that they "will work to ensure that the outcome will not inflict damage on the already fragile training industry as the original proposal would have." However, there is no way that general aviation industry can avoid severe hardship if the Private Postsecondary act is imposed in any way, shape or form.

Caveat emptor, Latin for "let the buyer beware," prevails, especially for international students without the knowledge, time or finances to enforce a contract for services in the United States. Per britannica.com, "caveat emptor in the law of commercial transactions is the principle that the buyer purchases at his own risk. As a maxim of the early common law, the rule was well suited to buying and selling carried on in the open marketplace." Due diligence and common sense by flight students is essential when determining a flight training instruction. A simple google search of "large deposit to flight school" will quickly provide the information, "NEVER, EVER place large sums of money on deposit at ANY flight schools. ...www.airlinepilotforums.com."

There are some less invasive procedures that can be implemented by enhancing oversight already in place. FAA.gov can offer guidance (or warnings) regarding flight school selection. Part 141 certification and oversight, which is to protect the consumer, can be expanded to include financial policies by the certified flight school. Most importantly, the Department of Immigration currently requires financial policies of the flight schools approved to issue M1 Visas to alien students. If schools issuing those student visas are not abiding by their approval, then they should be sanctioned or lose their authority. There also are schools who are subcontracting with entities that can issue M1 Visas. Are the protections already in place for the consumer being policed adequately. Let's be assured that the current system is working before incorporating additional regulations.