

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 13, 47****[Docket No. 18958; Amdt. Nos. 13-16 and 47-21]****Triennial Aircraft Registration Report****AGENCY: Federal Aviation Administration (FAA), DOT.****ACTION: Final Rule.**

SUMMARY: This rule requires that a holder of a Certificate of Aircraft Registration file a report with the FAA Aircraft Registry on the current eligibility of the aircraft for registration whenever 3 years have elapsed since the Registry received information indicating continued registration eligibility. It replaces the annual reporting requirement previously imposed on all certificate holders. The rule is intended to help ensure that continued aircraft registration is limited to eligible persons only and that, to the extent practicable, data on aircraft ownership is kept current, without imposing unnecessary reporting requirements on certificate holders. It is needed to supplement eligibility information that is received by the FAA Aircraft Registry in the ordinary course of business.

EFFECTIVE DATE: April 30, 1980.

FOR FURTHER INFORMATION CONTACT: Virginia Swimmer, Technical Section, FAA Aircraft Registry, AAC-251, Mike Monroney Aeronautical Center, P.O. Box 25082, Oklahoma City, OK 73125, Telephone: (405) 686-2284.

SUPPLEMENTARY INFORMATION:**A. Background**

Former § 47.44 of the Federal Aviation Regulations (14 CFR 47.44) required a holder of a Certificate of Aircraft Registration to file a report before April 1 of each year providing information relative to the aircraft's eligibility for registration. That requirement enabled the FAA to obtain updated knowledge of the registration eligibility of aircraft.

Section 47.44 was revoked on January 25, 1979, by Amendment No. 47-19 (43 FR 3900; January 30, 1978), because the FAA determined that the aircraft register could now be kept current, for the most part, with the use of information that is submitted to the FAA in the ordinary course of business. However, in the preamble to Amendment No. 47-19, the FAA stated that it might be necessary to implement another updating procedure for aircraft for which no information indicating continued registration eligibility is received within a reasonable period of time.

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Subsequently, Notice of Proposed Rule Making No. 79-10 (44 FR 24573; April 26, 1979) proposed to amend Part 47 to require certificate holders to file a report with the FAA Aircraft Registry on the current eligibility of an aircraft for registration whenever 3 years have elapsed since a registration activity has occurred indicating continued registration eligibility.

B. Comments Received

Eighteen public comments were received in response to Notice 79-10. Seven comments were in general agreement with the proposed rule and eleven believed that the program was unnecessary.

One commenter suggested that the filing of a notice of lien with the Registry should be included in § 47.51(b) as one of the registration activities which would indicate current eligibility for registration. This commenter contended that these notices indicate the current owner and mortgagee of the aircraft. However, a notice of aircraft lien is not usually filed by the owner of the aircraft, and may not provide accurate information on the aircraft, such as the mailing address, or even the identity, of the current owner of the aircraft. For this reason, the suggestion has not been adopted.

Commenters criticized proposed § 47.51(d) which provides for suspension or revocation of a Certificate of Aircraft Registration when an applicant fails to submit the required triennial report. One stated that it cannot be assumed that in every case the report form mailed by the Registry will reach the aircraft owner, and that the Registry will receive the returned report and accurately enter the information in the aircraft record.

When a certificate holder fails to comply with § 47.51(a), the Aeronautical Center Counsel will send the certificate holder a notice of proposed certificate action, accompanied by a second Triennial Aircraft Registration Report, by certified mail, return receipt requested. This will ensure that either the report will be received by the addressee, or it will be returned to the FAA Aircraft Registry if delivery cannot be made by the Postal Service. An opportunity will be given to the aircraft owner to file the second copy of the report form within 20 days, before further action is taken. Whenever action is taken to suspend or revoke a certificate, due process will be ensured by compliance with applicable requirements of Part 13, Investigation and Enforcement Procedures, of the Federal Aviation Regulations (14 CFR Part 13).

Four opposing commenters stated that filing the Triennial Aircraft Registration Report would be an undue burden on the aircraft owner, and that essentially the same information is submitted to the Internal Revenue Service on the aircraft use tax form when the annual aircraft use tax is paid. They felt that the Federal Aviation Administration should be able to obtain the needed registration information from the Internal Revenue Service.

The FAA does not agree that filing the triennial report would be an undue burden. Not all owners will be required to file the report. In addition, the previous burden on the aircraft owner will be significantly reduced because the triennial report will replace the annual report.

Use of information filed with the IRS would not provide adequate eligibility information. The FAA could not obtain all of the required information from the IRS, nor could it be sure that the information is accurate for the Registry's purpose. Some aircraft owners are not subject to the aircraft use tax. Other owners never file the Aircraft Use Tax Form because they are not aware of the requirement to do so. In addition, many owners sell aircraft before they are billed for taxes on them and, by the time the IRS forms are filed, title to the aircraft may have been transferred to another owner.

One commenter complained that an aircraft insurer might deny an owner's claim under a policy if the owner failed to file the report and, as a result, the FAA revoked the Certificate of Aircraft Registration. This commenter also contended that the report is unnecessary since the information is already required under existing regulations.

Proper insurance coverage and compliance with the terms of the policy are responsibilities which must be assumed by the aircraft owner. For its part, the FAA will not suspend or revoke a certificate without the procedural safeguards already discussed.

Aircraft owners are presently required to advise the FAA Aircraft Registry of changed circumstances which affect registration eligibility. Past experience has shown, however, that some certificate holders do not comply with these requirements. Therefore, these regulations are necessary to limit registration to eligible persons and to keep aircraft records reasonably current.

C. Registration Activities

An additional registration activity has been added to § 47.51(b) as a result of Amendment No. 47-20 (44 FR 61937; October 29, 1979). Among other things, that amendment provided procedures in a new § 47.9 for the registration of aircraft by U.S. corporations which are not U.S. citizens, when the aircraft is based and primarily used in the United States. Section 47.9 requires that the continuing eligibility of these aircraft must be established every six months by a report or statement on the flight hours of the aircraft in the United States. Since the required report or statement will indicate current eligibility for registration, § 47.51(b), as adopted, provides that submission of the report or statement is a registration activity under that section.

Failure to submit this six-month report or statement would most likely result in suspension or revocation of the Certificate of Registration long before a triennial report form would have been sent to the certificate holder. Accordingly, proposed § 47.51(5), which would have included a certification in the triennial report as to whether the aircraft is based and primarily used in the United States, has not been adopted.

D. Editorial Change

Former § 47.44 required holders of a Certificate of Aircraft Registration to annually submit Part 1 of AC Form 8050-73, Aircraft Registration Eligibility Identification and Activity Report. The new Triennial Aircraft Registration Report will use the same form number without a Part 1. References to this form and to § 47.44 in Part 13, Enforcement Procedures, are corrected in this amendment by deleting "Part 1" and replacing § 47.44 with new § 47.51.

The Amendments

Accordingly, Parts 13 and 47 of the Federal Aviation Regulations (14 CFR Parts 13 and 47) are amended, effective April 30, 1980, as follows:

PART 13—INVESTIGATION AND ENFORCEMENT PROCEDURES

§§ 13.19 and 13.27 [Amended]

1. By deleting from §§ 13.19(b) and 13.27(a), the phrase "Part 1, AC Form 8050-73, as required by § 47.44" and substituting therefor the phrase "AC Form 8050-73, as required by § 47.51".

PART 47—AIRCRAFT REGISTRATION

2. By adding a new § 47.51 to read as follows:

§ 47.51 Triennial aircraft registration report.

(a) Unless one of the registration activities listed in paragraph (b) of this section has occurred within the preceding 36 calendar months, the holder of each Certificate of Aircraft Registration issued under this subpart shall submit, on the form provided by the FAA Aircraft Registry and in the manner described in paragraph (c) of this section, a Triennial Aircraft Registration Report, certifying—

(1) The current identification number (registration mark) assigned to the aircraft;

(2) The name and permanent mailing address of the certificate holder;

(3) The name of the manufacturer of the aircraft and its model and serial number;

(4) Whether the certificate holder is—

(i) A citizen of the United States;

(ii) An individual citizen of a foreign country who has lawfully been admitted for permanent residence in the United States; or

(iii) A corporation (other than a corporation which is a citizen of the United States) lawfully organized and doing business under the laws of the United States or any State thereof; and

(5) Whether the aircraft is currently registered under the laws of any foreign country.

(b) The FAA Aircraft Registry will forward a Triennial Aircraft Registration Report to each holder of a Certificate of Aircraft Registration whenever 36 months has expired since the latest of the following registration activities occurred with respect to the certificate holder's aircraft:

(1) The submission of an Application for Aircraft Registration.

(2) The submission of a report or statement required by § 47.9(f).

(3) The filing of a notice of change of permanent mailing address.

(4) The filing of an application for a duplicate Certificate of Aircraft Registration.

(5) The filing of an application for a change of aircraft identification number.

(6) The submission of an Aircraft Registration Eligibility, Identification, and Activity Report, Part 1, AC Form 8050-73, under former § 47.44.

(7) The submission of a Triennial Aircraft Registration Report under this section.

(c) The holder of the Certificate of Aircraft Registration shall return the Triennial Aircraft Registration Report to the FAA Aircraft Registry within 60 days after issuance by the FAA Aircraft Registry. The report must be dated, legibly executed, and signed by the certificate holder in the manner prescribed by § 47.13, except that any co-owner may sign for all co-owners.

(d) Refusal or failure to submit the Triennial Aircraft Registration Report with the information required by this section may be cause for suspension or revocation of the Certificate of Aircraft Registration in accordance with Part 13 of this chapter.

(Secs. 313(a), 501, 601(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1401, and 1421(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Note: The FAA has determined that this document involves proposed regulations which are not significant under Executive Order 12044, as implemented by the Department of Transportation Regulatory Policies and Procedures published in the Federal Register February 28, 1979 (44 FR 11034). In addition, the Federal Aviation Administration has determined that the expected impact of the proposed regulations is so minimal that they do not require an evaluation.

Issued in Washington, D.C., on March 20, 1980.

Langhorne Bond,
Administrator.

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