

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7788; Amdts. 47-2, 49-2]

PART 47—AIRCRAFT REGISTRATION

PART 49—RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS

Validity of Powers of Attorney

The purpose of these amendments is to relieve the limitations imposed by §§ 47.13(g) and 49.13(d) on authorizations for a person to sign for another, including powers of attorney. As currently written, both sections limit the validity of these authorizations, for the purposes of registration of aircraft and recordation of aircraft titles and security documents, to a period of 2 years. However, the validity of authorizations submitted before August 18, 1964, was preserved until August 18, 1966. The 2-year validity requirements of §§ 47.13(g) and 49.13(d) were imposed solely for the purpose of improving the efficiency of the Agency's registration and recordation systems by purging obsolete records. They were in no way intended to affect the validity of the documents as between any private persons involved.

The Agency has now discovered that the requirements of §§ 47.13(g) and 49.13(d) have been overlooked by some persons and that a number of documents filed since August 18, 1966, were signed by persons whose authorizations were more than 2 years old. Accordingly, while otherwise the authorizations, on their face, were in full force and effect, they did not meet the procedural requirements imposed by §§ 47.13(g) and 49.13(d). One method of partially correcting this situation would be to have the principals issue new authorizations and have each document in question re-executed. However, this process would be onerous and time consuming, especially in cases where action by a corporate board of directors would be required, and would not have any retroactive effect. Another alternative would be to leave the documents as recorded with the question unsolved. This method is rejected as likely to create more problems in the future, thereby necessitating a more complex solution in the future. Therefore, the purpose of this amendment is to remove a procedural requirement that does not affect the substantive validity of any document. The amendments are made effective retroactively to August 18, 1966, to correct the administrative deficiency and to generally extend the validity of authorizations until

August 18, 1967.

The intent of the amendments is to specifically validate each recording or filing, under part 47 or 49 of the Federal Aviation Regulations, of any document that would otherwise be technically ineligible for recording or filing by operation of § 47.13(g) or § 49.13(d) as they read immediately before the date of adoption of these amendments.

These amendments do not postpone or otherwise affect the expiration date of any power of attorney or other authorization beyond the time fixed by its terms or otherwise. In addition, they in no way constitute Agency disposition of the proposal to amend § 47.13 in the notice of proposed rule making 66-27 of July 28, 1966 (31 F.R. 10282). Since these amendments are procedural in nature, and relieve a restriction, notice and public procedure thereon are unnecessary and the effective date provisions of 5 U.S.C. section 553(d) do not apply.

These amendments are made under section 313(a) and Title V of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1401-1406).

In consideration of the foregoing, Chapter I of Title 14 of the Code of Federal Regulations is hereby amended as follows:

1. By amending § 47.13(g) to read as follows:

§ 47.13 Signatures and instruments made by representatives.

(g) A power of attorney, or other evidence of a person's authority to sign for another, that is submitted under this part is valid for the purposes of this section for not more than 3 years after the date it is signed. However, any instrument submitted before August 18, 1964, is considered to be valid until August 18, 1967.

2. By amending § 49.13(d) to read as follows:

§ 49.13 Signatures and acknowledgments.

(d) A power of attorney, or other evidence of a person's authority to sign for another, that is submitted under this part is valid for the purposes of this section for not more than 3 years after the date it is signed. However, any instrument submitted before August 18, 1964, is considered to be valid until August 18, 1967.

These amendments are effective as of August 18, 1966.

Issued in Washington, D.C., December 6, 1966.

WILLIAM F. MCKEE,
Administrator.