

[Docket No. 7523; Amdts. 1-3]

**PART 47—AIRCRAFT REGISTRATION
PART 49—RECORDING OF AIRCRAFT
TITLES AND SECURITY DOCUMENTS**

Miscellaneous Amendments

The purpose of this action is to dispose of the proceedings instituted by Federal Aviation Agency notice of proposed rule making 66-27, Changes in Certain FAA Aircraft Registry Procedures (31 F.R. 10282; Docket 7523). Notice 66-27 proposed to limit the activities of the FAA Aircraft Registry to those essential to the discharge of its legally required functions, for the purposes of simplifying and speeding procedures and further increasing the efficiency and reducing the operating costs of the Registry. The principal specific proposals were (1) severance, to the extent possible, of the interrelationship between aircraft registration and recordation of rights in aircraft; (2) permitting registration to continue (for purposes other than operation of the aircraft) in a former owner's name as long as title remained in a U.S. citizen, and correspondingly permitting recordation of documents indicating ownership in a U.S. citizen other than the holder of the last-issued registration certificate; and (3) discontinuation of the "chain of title" requirement. The notice set forth the actual changes proposed in the text of the regulations and explained them in detail.

Certain comments received indicated a belief that the Agency intended the proposed changes to diminish the nationwide notice effect of recordation under section 503(d) of the Federal Aviation Act (49 U.S.C. 1403(d)), and the protection from unrecorded prior claims that section 503(c) (49 U.S.C. 1403(c)) affords to persons acquiring rights in aircraft without actual knowledge of those claims. These changes were not intended, and the FAA has no authority under the Federal Aviation Act to make them. Contrary to suggestions in other comments, the FAA has no authority to require the recording of a lien by a holder in any case in which section 503 (c) and (d) does not induce him to record it.

A number of comments were received that expressed disagreement with the proposals on practical grounds and as a matter of policy. These comments indicated considerable sentiment in the aviation community for an increase rather than a decrease in the level of its services the FAA should perform in this area. Thus, several comments suggested that FAA should issue title certificates or prima facie evidence of title as do the motor vehicle departments of some States. Other comments suggested implementation of section 503(g) of the Federal Aviation Act, which authorizes (but does not require) the Administrator to provide for the endorsement of title information on aircraft certificates and for other facilitation of determining rights in aircraft.

The comments received almost unanimously opposed the proposal to eliminate the chain of title requirement. The proposal to allow aircraft to remain registered in the name of a former owner for nonoperative purposes drew more opposition than support, and the proposal to sever the connection between registration and recordation of rights was also opposed by many of the comments.

In light of these comments, the FAA has determined that a further study of these matters is necessary before determining what policy it will adopt. If, after further study of the matter, the FAA determines to propose further changes to the rules in this area it will issue a new notice of proposed rule making. Those parts of Notice 66-27 that are not adopted as rules by this action are hereby withdrawn.

However, the proposed amendments to §§ 47.13 and 47.47 are substantially adopted at this time. At present § 47.13 (d) requires submission of a copy of an authorization from the Board of Directors of a corporation if a person other than the president, vice president, treasurer, or secretary signs for the corporation, and this requirement is made applicable to the recordation of conveyances by § 49.13(b). The notice proposed deletion of the requirement for submission of an authorization from the Board of Directors and acceptance by the Registry of a conveyance signed by any "authorized person" who has any "title" of an "office" in the corporation. One comment opposed this change on the ground that it could mislead third persons to rely on the action of an agent of a corporation who is actually exceeding his authority. In light of this comment § 47.13(d) is amended to extend the present rule applicable to the four named corporate officers to all persons holding a corporate office or managerial position in the corporation, but not to outside agents.

The proposed amendment of § 47.47(b) is being adopted so far as it codifies the existing practice protecting lien holders in compliance with the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830) of which the United States is a member.

In addition, as an editorial matter, §§ 47.19 of Part 47 and 49.11 of Part 49 are amended to reflect the correct address of the FAA Registry.

(Sec. 313, Title V, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1401 et seq.)

In consideration of the foregoing, FAR Parts 47 and 49 (14 CFR Parts 47 and 49) are amended, effective June 1, 1967, as set forth below.

Issued in Washington, D.C., on April 24, 1967.

WILLIAM F. MCKEE,
Administrator.

1. Section 47.13 is amended by amending paragraph (a), subdivision (1) of subparagraph (3) of paragraph (d), and subparagraph (3) of paragraph (e), to read as follows:

§ 47.13 Signatures and instruments made by representatives.

(a) Each signature on an Application for Aircraft Registration, on a request for cancellation of a Certificate of Aircraft Registration or on a document submitted as supporting evidence under this part, must be in ink.

* * * * *
(d) * * *
(3) * * *

(1) The signer is a corporate officer or holds a managerial position in the corporation and the title of his office is stated in connection with his signature; or

* * * * *
(e) * * *

(3) Have a general partner sign the application or request.

2. Section 47.19 is amended to read as follows:

§ 47.19 FAA Aircraft Registry.

Each application, request, notification, or other communication sent to the FAA under this part must be mailed to the FAA Aircraft Registry, Post Office Box 25082, Oklahoma City, Okla. 73125, or delivered to the Registry at 6400 South MacArthur Boulevard, Oklahoma City, Okla.

3. Section 47.47 is amended by amending paragraph (b), and adding a new paragraph (c), to read as follows:

§ 47.47 Cancellation of certificate for export purpose.

* * * * *
(b) If the aircraft is to be exported to a foreign country that has ratified or adheres to the Convention on the International Recognition of Rights in Aircraft, the holder must also submit evidence satisfactory to the Administrator that each holder of a recorded right has been satisfied, or has consented to the transfer.

(c) The FAA notifies the country to which the aircraft is to be exported of the cancellation by ordinary mail, or by airmail at the owner's request. The owner must arrange and pay for the transmission of this notice by means other than ordinary mail or airmail.

4. Section 49.11 is amended to read as follows:

§ 49.11 FAA Aircraft Registry.

To be eligible for recording, a conveyance must be mailed to the FAA Aircraft Registry, Post Office Box 25082, Oklahoma City, Okla. 73125, or delivered to the Registry at 6400 South MacArthur Boulevard, Oklahoma City, Okla.

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