

Federal Aviation Agency to recodify its regulatory material, in conformity with the "Outline and Analysis" for the proposed recodification contained in Draft Release No. 61-25, published in the FEDERAL REGISTER for November 15, 1961 (26 F.R. 10698).

In the new parts, provisions generally applicable to persons and transactions are brought together in one place, designated Subpart B in each part, to avoid redundancy. Substantively, the revision continues to permit operation of aircraft not last previously registered in a foreign country upon transmission of the registration application to the FAA (§ 47.31 (b)), and provides for the issuance of a temporary certificate of registration pending review of documents submitted and issuance of the permanent certificate. The revision also provides for increased registration and recordation fees, changes the procedures for special aircraft identification numbers, and introduces other changes designed to clarify the rules and implement their administration.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matters presented. Comments were received on several proposals. Thus, the date and time a conveyance is received by the FAA Aircraft Registry will be considered the effective date of filing for recordation (§ 49.19). This implements the provision of section 503(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1403) that a recorded conveyance should have effect from the time of its filing for recordation. For the latter reason, the new Part 47 also provides that the FAA will consider an aircraft, except one last previously registered in a foreign country, to be registered under it when the required documents are received by the FAA Aircraft Registry (§ 47.39(a)). Several comments urged that the date of mailing or delivery, as provided under Part 501, should be continued as the controlling time. However, the Agency has determined that the new provision permits a more precise determination of priority.

This revision does not change the rule of Part 501 that aircraft last previously registered in a foreign country may not be operated prior to registration (§§ 47.31(b) and 47.39(b)). This applies, of course, only to aircraft brought into this country for registration and does not affect aircraft of foreign registration which are merely flown in and out of this country. The FAA considers as registered an aircraft previously registered in a foreign country, only after the required documents have been received and examined by the FAA Aircraft Registry and the duplicate of the temporary certificate returned to the applicant (§ 47.39(b)). One comment objected to this provision. However, the provision merely clarifies the pre-existing rule.

Some comments were adverse to the increases in fees. Upon further consideration it was found possible to reduce the fee for special identification numbers from \$20 to \$10, but otherwise

the Agency adheres to its determination on the basis, stated in the notice, that these increases were derived from a consideration of the cost of the services involved as compared with the amounts of user charges collected for these activities. Opposition also was expressed to the bar against recording notices of Federal tax liens under new Part 49. This provision, is retained principally because, as stated in the notice of rule making, these notices are required to be filed elsewhere by the Internal Revenue Code.

In several instances, the suggestions made in comments have been adopted, at least in part. Thus, the reserve status of a special identification number reserved for later assignment may be renewed from year to year upon request accompanied each year by the fee for a special identification number (§ 47.15(h)). Also, the 30-day period specified in § 47.31(b) for temporary authorization to operate aircraft, upon transmission of an application for registration, is extended for such additional time as the applicant may need to begin carrying the temporary or regular certificate in the aircraft. This alleviates situations in which, for example, an aircraft is abroad and it is physically impossible to comply with the "carrying" requirement within the 30-day period. A number of other changes in language have been made, some stemming from comments received and others from the Agency's reconsideration of the provisions in the Notice, all without altering substantive meanings. Thus, it will not be necessary to attach a corporate seal to an application for registration made for a corporation; a certificate of a true copy may be made by the applicant or person submitting a conveyance for recordation (the sanction of section 1001 of Title 18 of the United States Code, punishment as for a felony, applies to use of a knowingly false copy in connection with registration or recordation); if a valid authorization to sign in behalf of a corporation already is on file with the FAA Aircraft Registry, a certificate need not accompany each document (§ 47.13(d) (2)); and the provision that registration expires upon the owner's death was changed to leave the deceased's registration in effect for 30 days after his death.

The Air Transport Association of America (ATA) requested a hearing on the issues raised in its comments. A meeting was held between representatives of ATA and Agency staff members at which these issues were discussed, and a summary report of the meeting was entered in the rule making docket.

The citation of form numbers has been changed from "Form FAA-818" (to give an example) to "FAA Form 818." At the same time, Parts A, B, and C of Form 500 have been redesignated Forms 500-1, 500-2, and 500-3, as appears in § 47.31 (a). The part of Form 500 which consists of the final registration certificate is being omitted and the certificate will be furnished by the FAA Aircraft Registry. A new Form 3475 for assignment of special identification numbers is being

See correction

Part 47

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

Subchapter C—Aircraft [New]

[Reg. Docket No. 1996]

AIRCRAFT REGISTRATION AND RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS

This rule making action adds Parts 47 "Aircraft Registration" [New] and 49 "Recording of Aircraft Titles and Security Documents" [New] to Chapter I of Title 14 of the Code of Federal Regulations, and deletes current Parts 501, 502, 503, 504, and 505, and § 406.14 (c) and (d) from Chapter III of Title 14. It is based on notice of proposed rule making No. 63-39 (28 F.R. 10793).

The purpose of the new parts is to revise Parts 501 "Registration of Aircraft," 502 "Dealers' Aircraft Registration Certificates," 503 "Recordation of Aircraft Ownership," 504 "Recordation of Encumbrances against Specifically Identified Aircraft Engines and Propellers," and 505 "Recordation of Encumbrances Against Aircraft Engines, Propellers, Appliances, or Sparts Parts," of the regulations of the Administrator. The new parts reduce to two the number of these related regulations on registration and recordation. Also, in order to avoid issuance and then immediate reissuance in a recodified form, the revision is issued as a part of the program of the

Recodification

introduced. No substantive amendments are involved in these changes.

In consideration of the foregoing, effective August 18, 1964, Chapter III of Title 14 of the Code of Federal Regulations is amended by deleting Parts 501, 502, 503, 504, and 505, and § 406.14 (c) and (d), of the regulations of the Administrator, and Chapter I of that title is amended by adding Parts 47 [New] and 49 [New] of the Federal Aviation Regulations as hereinafter set forth.

Issued in Washington, D.C., on May 13, 1964.

N. E. HALABY,
Administrator.

PART 47—AIRCRAFT REGISTRATION (NEW)

Subpart A—Introduction

- Sec.
47.1 Applicability.
47.3 Unlawful operation of unregistered aircraft.

Subpart B—General

- 47.11 Applicants.
47.13 Signatures, acknowledgments, and instruments made by representatives.
47.15 Identification number.
47.17 Fees for registration.
47.19 FAA Aircraft Registry.

Subpart C—Owners' Certificates of Registration

- 47.31 Application for registration.
47.33 Registration of aircraft not previously registered anywhere.
47.35 Registration of aircraft last previously registered in the United States.
47.37 Registration of aircraft last previously registered in a foreign country.
47.39 Effective date of registration.
47.41 Duration of registration and return of certificate of registration.
47.43 Invalid registration.
47.45 Notice of change of address.
47.47 Cancellation of registration for export purpose.
47.49 Replacement of certificate.

Subpart D—Dealers' Aircraft Registration Certificates

- 47.61 Applicability.
47.63 Application for registration.
47.65 Eligibility.
47.67 Dealers' ownership of aircraft.
47.69 Operating limitations.
47.71 Duration of registration and notice of change of status.

AUTHORITY: The provisions of this Part 47 issued under secs. 313(a), 501, 503, 505, and 1102 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1401, 1403, 1405, 1502), and the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830).

Subpart A—Introduction

§ 47.1 Applicability.

This part applies to the registration of aircraft required or permitted by section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401). Subpart B of this part provides rules which govern, where applicable by their terms, all persons and transactions subject to this part. Subpart C of this part applies to registration of aircraft by owners other than manufacturers and dealers who are eligible for dealers' aircraft registration certificates under Subpart D of this part.

§ 47.3 Unlawful operation of unregistered aircraft.

(a) Except as provided by § 47.31(b), no person may operate any aircraft eligible for registration under this part, other than aircraft of the national-defense forces, unless that aircraft has been registered by its owner.

(b) Eligibility for registration is defined by section 501(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1401) as follows:

(b) An aircraft shall be eligible for registration if, but only if—

(1) It is owned by a citizen of the United States and it is not registered under the laws of any foreign country; or

(2) It is an aircraft of the Federal Government, or of a State, Territory, or possession of the United States, or the District of Columbia, or of a political subdivision thereof.

Subpart B—General

§ 47.11 Applicants.

(a) A citizen of the United States or governmental unit that wishes to register an aircraft in this country must apply for a certificate of registration under this part. "Citizen of the United States" is defined by section 101(13) of the Federal Aviation Act of 1958 (49 U.S.C. 1301). Governmental units are those named in § 47.3(b) and Puerto Rico.

(b) An aircraft may be registered only by, and in the legal name of, its owner. However, section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401) states that "registration shall not be evidence of ownership of aircraft in any proceeding in which such ownership by a particular person is, or may be, in issue." The FAA does not issue any certificate of ownership or endorse information with respect to ownership on certificates of registration. It issues the certificate of registration to the person who appears to be the owner on the basis of the evidence of ownership the applicant submits to it.

(c) For the purposes of this part, "owner" includes the buyer in possession, bailee, or lessee, of an aircraft under a contract of conditional sale, within the meaning of the definition of "conditional sale" in section 101(16) of the Federal Aviation Act of 1958 (49 U.S.C. 1301), and the assignee of the interest of such a person.

(d) When he applies for registration, the buyer, bailee, or lessee under a contract of conditional sale must submit the contract as proof of ownership, and the contract must be eligible for recording under § 49.17(d) of this chapter. When an assignee applies for registration, he must submit the original contract (unless it has already been recorded by the FAA) and his assignment from the original buyer, bailee, or lessee, or prior assignee thereof. The assignment also must be eligible for recording under § 49.17(d) of this chapter and must bear the assent in writing of the seller, bailor, or lessor under the contract of conditional sale, or his assignee.

(e) An applicant for registering an aircraft that he obtained by repossession must submit, as evidence of his ownership, a certificate of repossession on FAA

Form 909, or its equivalent, executed by him, stating that the aircraft has been repossessed or otherwise seized under the financing agreement involved and applicable law. Unless the financing agreement has been previously recorded with the FAA, he must also submit the original or a true copy of it, imprinted on paper permanent in nature, to which is attached his certificate stating that the copy has been compared with the original and that it is a true copy. If the repossession was through foreclosure proceedings resulting in sale, he must also submit a bill of sale that is eligible for recording under Part 49 of this chapter, executed by the sheriff, auctioneer, or other authorized person responsible for conducting the sale and stating that the sale was made under applicable law.

(f) An applicant for registering an aircraft that he bought at a judicial sale or at a sale to satisfy a lien or charge must submit, as evidence of his ownership, a bill of sale that is eligible for recording under Part 49 of this chapter, executed by the sheriff, auctioneer, or other authorized person responsible for conducting the sale and stating that the sale was made under applicable law.

(g) An applicant for registering an aircraft, the title to which has been in controversy and has been determined by a court, must submit, as evidence of his ownership, a certified copy of the decision of the court.

(h) The administrator or executor of the estate of the deceased former owner of an aircraft may apply for registering it in his name as administrator or executor. He must submit with the application a certified copy of the letters of administration or letters testamentary appointing him administrator or executor.

(i) An applicant for registering an aircraft that he bought from the estate of a deceased former owner must submit, as evidence of his ownership, a bill of sale, executed for the estate and acknowledged by the administrator or executor, and a certified copy of the letters of administration or letters testamentary. However, if no executor or administrator has been or is to be appointed, the bill of sale must be executed and acknowledged by the heir-at-law of the deceased former owner and be accompanied by an affidavit of the seller that no application has been made for appointment of an administrator or executor, that so far as he can determine none will be made, and that, under the law of the jurisdiction having authority, he is the person entitled to the aircraft or has the right to dispose of it.

(j) The appointed guardian of the property of another person may apply for registering an aircraft in his name as guardian. He must submit with his application a certified copy of the order of the court appointing him guardian.

(k) The appointed trustee of property including an aircraft may apply for registering the aircraft in his name as trustee. He must submit with his application a certified copy of the order of the court appointing him trustee or, if he was appointed without order of a court, a complete copy of the trust instrument

naming him, imprinted on material permanent in nature, to which is attached his certificate stating that the copy has been compared with the original and that it is a true copy.

§ 47.13 Signatures, acknowledgments, and instruments made by representatives.

(a) The signature on an application for a certificate of registration or instrument submitted as evidence of ownership must be in ink.

(b) Any acknowledgment of a conveyance instrument must be made before a notary public or other officer authorized by the United States, a possession, Puerto Rico, a State, or the District of Columbia, to take acknowledgments of deeds. A formal acknowledgment is required. Neither an affidavit of good faith nor a jurat alone is acceptable.

(c) An application for registration, or for cancellation of registration, made by one or more persons doing business under a trade name must be executed by or on behalf of each person who shares title to the aircraft.

(d) An application for registration, or for cancellation of registration, made by a representative of the owner, must comply with the following:

(1) An application made by an agent must bear the names of both the applicant and the agent and indicate that the agent signs as agent or attorney-in-fact. It must be accompanied by a signed and acknowledged power of attorney or a true copy thereof, imprinted on paper permanent in nature, to which is attached the agent's certificate stating that the copy has been compared with the original and that it is a true copy of the power of attorney.

(2) An application made for a corporation must show on it the title of the signer's office. No person other than the president, a vice president, secretary, or treasurer of a corporation may sign the document in its behalf unless the document is accompanied by a copy of his authorization to sign from the board of directors of the corporation, certified as true by one of the officers named, or unless a valid authorization already is on file with the FAA Aircraft Registry.

(3) An application made for a partnership must show the full name of the partnership and the names of all of the general partners, and have the word "partner" following the signature of the person who signs for it.

(4) An application made for co-owners who are not engaged in business as partners must bear the signature of each person who shares title to the aircraft under that arrangement.

(e) A power of attorney or other evidence of a person's authority to execute a document for another submitted under this part is considered by the FAA to be valid for not more than two years after the date of its execution or, in the case of an instrument submitted before August 18, 1964, two years after that date.

§ 47.15 Identification number.

(a) An applicant for registering an aircraft must first obtain the identification number ("registration mark") he

places on FAA Forms 500-1, 500-2, and 500-3. Sections 1.100 through 1.109 of Part 1 of this chapter describe and provide rules for the display and maintenance of this identification number. The identification number assigned to the aircraft remains with it unless the owner obtains a different number under paragraphs (d) through (g) of this section. If the aircraft was not last previously registered in a foreign country, the applicant must obtain the identification number, without charge, from the nearest FAA inspector in the field. However, he applies for a group of identification numbers as an aircraft manufacturer, or for a special identification number, under paragraph (c), (d), (e), (f), or (g) of this section. If the aircraft was last previously registered in a foreign country, the applicant must obtain the identification number, without charge, from the FAA Aircraft Registry. A U.S. identification number is assigned only after the foreign registration has been terminated or found to be invalid by the FAA Aircraft Registry.

(b) In addition to the prefix "N", the identification number does not exceed five symbols. These may all be digits, or one to four digits may be followed by one letter, or one to three digits may be followed by two letters. A number followed by a suffix letter that has been assigned to an aircraft is not assigned concurrently to another aircraft even with an additional suffix letter. For example, if number N100A is assigned, then that number with an additional suffix, such as "N100AB", is not concurrently assigned. However, if the owner requests, he may be permitted, without charge, to add a second suffix letter to an assigned one to three digit number followed by a letter.

(c) An aircraft manufacturer may apply to the FAA Aircraft Registry for a group of identification numbers sufficient in number to supply his estimated production for the ensuing 18 months. No charge is made for this series.

(d) Unassigned identification numbers are available as special identification numbers. However, identification numbers of one to three symbols are reserved for assignment to FAA-owned aircraft and other aircraft which will not accommodate a larger number. If the owner wants a special identification number, or if he wants to change the identification number of his aircraft, he may apply to the FAA Aircraft Registry, accompanying his request with the fee provided in § 47.17.

(e) Any application for an identification number of one to three symbols must be accompanied by a statement of an FAA inspector that the aircraft is of such structural configuration or design as to preclude the placing of a registration number of more than three symbols on either its fuselage or vertical tail surface.

(f) Assignment of a special identification number is made by the FAA Aircraft Registry on FAA Form 3475. The owner must complete and sign the receipt contained therein, acknowledge that he has affixed the number to his aircraft on the date designated, and return the original of that form to the FAA Aircraft Regis-

try within five days after affixing the number. Upon receipt, the FAA provides to the owner a revised certificate of registration, together with a new certificate of airworthiness changed only to show the special identification number. The owner shall carry the duplicate of FAA Form 3475 in his aircraft together with the existing certificate of registration, if any, to serve as temporary proof of authority to operate the aircraft with the special identification number pending receipt of the revised certificates of registration and airworthiness, at which time the temporary authority expires.

(g) The owner of an aircraft to which a one to three symbol identification number was assigned before August 18, 1964, need not surrender that number. He may, before selling his aircraft, request the FAA Aircraft Registry to reassign that number to another aircraft owned by him or reserve it for later assignment, accompanying his request with the fee provided in § 47.17 for the number being reassigned or reserved. At the same time he must apply to the FAA Aircraft Registry for a new identification number for the aircraft being sold, accompanying his application with the fee provided in § 47.17 for a special identification number.

(h) The FAA holds a special identification number reserved for later assignment in a reserve status for no longer than one year. However, a number so reserved before August 18, 1964, will be held in a reserve status for one year after that date. In either case, the reserve status may be renewed from year to year upon request accompanied each year by the fee for a special identification number.

§ 47.17 Fees for registration.

(a) The fees for registering aircraft under this part are as follows:

(1) Registration of individual aircraft	-----	\$5.00
(2) Dealer's aircraft registration certificate	-----	10.00
(3) Additional dealer's aircraft registration certificate issued to same dealer	-----	2.00
(4) Special identification number (each number)	-----	10.00
(5) Changed, reassigned, or reserved identification number	-----	20.00
(6) Duplicate certificate of registration	-----	2.00

(b) Each application must be accompanied by the proper fee, that may be paid by check or money order to the Federal Aviation Agency.

§ 47.19 FAA Aircraft Registry.

Except as provided in § 47.15(a), all applications, requests, notifications, and other communications transmitted to the FAA under this part must be mailed or delivered only to the FAA, Aircraft Registration Branch, Oklahoma City, Oklahoma, 73101, which is called the "FAA Aircraft Registry" elsewhere in this part.

Subpart C—Owners' Certificates of Registration

§ 47.31 Application for registration.

(a) Application for registration of an aircraft under this subpart is made by

RULES AND REGULATIONS

sending to the FAA Aircraft Registry FAA Forms 500-1, 500-2, and 500-3 fully executed. The name of the applicant must be identical throughout FAA Forms 500-1, 500-2, and 500-3. It must be accompanied by the fee required by § 47.17. The applicant must submit—

(1) The original and a duplicate copy of FAA Form 500-1, "Temporary Certificate of Registration";

(2) The original of FAA Form 500-2, "Application for Registration"; and

(3) The original of FAA Form 500-3, "Bill of Sale," or other evidence of ownership authorized by §§ 47.33, 47.35, or 47.37.

(b) Upon transmitting his application for registration the applicant shall carry the duplicate copy of FAA Form 500-2 within the aircraft while operating it. From the date of transmission, this serves as temporary authorization to operate the aircraft, valid for not over 30 days after the date of execution, until he receives back FAA Form 500-1, Temporary Certificate of Registration, or the regular certificate of registration, and for such additional time as is necessary to begin carrying the temporary or regular certificate in the aircraft. However, this paragraph does not apply to an applicant under § 47.37 for registration of an aircraft last previously registered in a foreign country.

§ 47.33 Registration of aircraft not previously registered anywhere.

(a) A U.S. citizen who is the owner of an aircraft that has not been registered under the Federal Aviation Act of 1958 (49 U.S.C. 1301), or other law of the United States, or under foreign law, is entitled to have it registered under this part if he—

(1) Complies with §§ 47.11, 47.13, 47.15, and 47.17; and

(2) Submits with his application a conveyance on FAA Form 500-3 completed by the seller or an equivalent bill of sale, acknowledged in either case, or other proof of his ownership authorized

by § 47.11. If, for good reason, the applicant cannot produce this proof, he must submit other evidence of ownership that is satisfactory to the Administrator. This evidence may be a verified instrument setting forth why he cannot produce the required conveyance or other proof, accompanied by whatever further evidence is available to prove the transaction.

(b) The owner of an amateur-built aircraft who applies for registration under paragraph (a) of this section must describe the aircraft by class (airplane, rotorcraft, glider or balloon), serial number, number of seats, type of power plant installed (piston, reciprocal, turbo-prop, ramjet, or turbine air generator), number of engines installed, and make, model, and serial number of each engine installed; and must state whether the aircraft is built for land or water operation. Also, he must submit as proof of ownership a verified instrument giving the FAA identification number and stating that the aircraft was built from parts and that he is the owner. If he built the aircraft from a kit, the applicant

must also submit an acknowledged bill of sale from the manufacturer of the kit.

(c) The owner, other than the holder of the type certificate, of an aircraft which he assembles from parts to conform to the approved type design, must describe the aircraft and engine in the manner required by paragraph (b) of this section and also submit evidence of ownership satisfactory to the Administrator, such as acknowledged bills of sale, for all major components of the aircraft.

§ 47.35 Registration of aircraft last previously registered in the United States.

(a) A U.S. citizen who is the owner of an aircraft last previously registered under the Federal Aviation Act of 1958 (49 U.S.C. 1301), or other law of the United States, is entitled to have it registered under this part if he complies with §§ 47.11, 47.13, 47.15, and 47.17 and submits with his application a conveyance on FAA Form 500-3 completed by the seller or an equivalent bill of sale, acknowledged in either case, or other proof of his ownership authorized by § 47.11.

(1) If the applicant bought the aircraft from the last registered owner, the conveyance must be from that owner to him.

(2) If he did not buy the aircraft from the last registered owner, he must submit bills of sale or similar documents showing consecutive transactions from the last registered owner, through each intervening owner, to him.

(b) If, for good reason, the applicant cannot produce the evidence of ownership required by paragraph (a) of this section, he must submit other proof that is satisfactory to the Administrator. This evidence may be a verified instrument setting forth why he cannot produce the required conveyance or other proof, accompanied by whatever further evidence is available to prove the transaction.

§ 47.37 Registration of aircraft last previously registered in a foreign country.

(a) A U.S. citizen who is the owner of an aircraft last previously registered under the law of a foreign country is entitled to have it registered under this part if he—

(1) Complies with §§ 47.11, 47.13, 47.15, and 47.17;

(2) Submits with the application a bill of sale from the foreign seller or other proof satisfactory to the Administrator that he owns the aircraft; and

(3) Submits evidence satisfactory to the Administrator that—

(i) If the country in which the aircraft was registered has not ratified the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830), the foreign registration has ended or is invalid; or

(ii) If that country has ratified the Convention, the foreign registration has ended or is invalid, and each holder of a recorded right against the aircraft has been satisfied or has consented to the transfer, or ownership in the country of export has been ended by a sale in execution under the terms of the Convention.

(b) For the purposes of paragraph (a) (3) of this section, satisfactory evidence of termination of the foreign registration may consist of—

(1) A statement, by the official having jurisdiction over the national aircraft registry of the foreign country, that the registration has ended or is invalid, and showing that official's name and title and describing the aircraft by make, model, and serial number; or

(2) A final judgment or decree of a court of competent jurisdiction that determines, under the law of the country concerned, that the registration has in fact become invalid.

§ 47.39 Effective date of registration.

(a) The FAA considers an aircraft, except one last previously registered in a foreign country, to be registered under this subpart upon the date and at the time the documents required by § 47.33 or 47.35, whichever applies, are received by the FAA Aircraft Registry.

(b) The FAA considers an aircraft last previously registered in a foreign country to be registered under this subpart only after the documents required by § 47.37 have been received and examined by the FAA Aircraft Registry and the duplicate of FAA Form 500-1 has been returned to the applicant.

§ 47.41 Duration of registration and return of certificate of registration.

(a) Each certificate of registration issued by the FAA under this subpart is effective, unless suspended or revoked, until the date upon which—

(1) Subject to the Convention on the International Recognition of Rights in Aircraft when applicable, the aircraft is registered under the laws of a foreign country;

(2) The registration is canceled at the written request of the owner;

(3) The aircraft is totally destroyed or scrapped;

(4) Ownership of the aircraft is transferred;

(5) The registered owner loses his United States citizenship; or

(6) 30 days have elapsed since the registered owner's death.

(b) The certificate of registration, with the reverse side thereof completed, must be returned to the FAA Aircraft Registry—

(1) In case of registration under the laws of a foreign country, by the person who was the owner of the aircraft before that registration;

(2) Within 60 days after the former owner's death, by the administrator or executor of his estate, or by his heir-at-law if no administrator or executor has been or is to be appointed; or

(3) Upon the termination of the registration, by the holder of the certificate of registration in all other cases mentioned in paragraph (a) of this section.

§ 47.43 Invalid registration.

(a) The registration of an aircraft is invalid if, at the time it is made—

(1) The aircraft is registered in a foreign country;

(2) The applicant is not the owner;

(3) The applicant is not a citizen of the United States; or

(4) The applicant is a citizen of the United States, but his interest in the aircraft was created by a transaction that was not entered into in good faith and was made to avoid (with or without the owner's knowledge) compliance with section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401), that prevents registration of an aircraft owned by a person who is not a citizen of the United States.

(b) Each holder of an invalid certificate of registration shall return it as soon as possible to the FAA Aircraft Registry.

§ 47.45 Notice of change of address.

Within 30 days after any change in his permanent mailing address, the registered owner of an aircraft shall notify the FAA Aircraft Registry of his new address. A revised certificate of registration thereupon is issued, without charge.

§ 47.47 Cancellation of registration for export purpose.

The registration of an aircraft is canceled for the purpose of export only upon the written request of the owner and, in the case of an aircraft under a contract of conditional sale, with the written consent of the conditional seller, bailor, or lessor, sent to the FAA Aircraft Registry. The request must state the registration number, describe the aircraft by make, model, and serial number, and state the country to which the aircraft will be exported. The FAA notifies that country of the cancellation by ordinary mail, or by airmail at the owner's request. The transmission of this notice by means other than ordinary mail or airmail must be arranged and paid for by the owner.

§ 47.49 Replacement of certificate.

(a) If a certificate of registration is lost, stolen, or mutilated, the person to whom it was issued may apply to the FAA Aircraft Registry for a duplicate certificate, accompanying his request with the fee required by § 47.17.

(b) If a person has applied for a duplicate certificate and needs to operate his aircraft before receiving it, the FAA Aircraft Registry, upon the owner's request, issues a temporary certificate, by a collect telegram, to be carried in the aircraft. This temporary certificate is valid until he receives the duplicate certificate.

Subpart D—Dealers' Aircraft Registration Certificates

§ 47.61 Applicability.

(a) This subpart applies to the registration of aircraft by manufacturers and dealers, so as to—

- (1) Allow manufacturers to make required production flight checks; and
- (2) Facilitate operating, demonstrating, and merchandising aircraft by the manufacturer or dealer without the burden of obtaining an individual certificate of registration for each aircraft with each transfer of ownership, as required by Subpart C of this part.

(b) A dealer's aircraft registration certificate is an alternative for the certificate of registration prescribed by Sub-

part C of this Part. A dealer may, under this subpart, obtain one or more dealers' aircraft registration certificates additional to his original certificate, and he may use such a certificate for any aircraft he owns.

§ 47.63 Application for registration.

Application for a dealer's aircraft registration certificate is made on FAA Form 1706, accompanied by the fee required by § 47.17.

§ 47.65 Eligibility.

To be eligible for a dealer's aircraft registration certificate, a person must have an established place of business in the United States and must be substantially engaged in manufacturing or selling aircraft.

§ 47.67 Dealers' ownership of aircraft.

Before using his dealer's aircraft registration certificate for operating an aircraft, the holder of the certificate (other than a manufacturer) must send to the FAA Aircraft Registry evidence satisfactory to the Administrator that he is the owner of that aircraft. FAA Form 500-3 or its equivalent may be used for this purpose, and no recording fee is required.

§ 47.69 Limitations.

A dealer's aircraft registration certificate is valid only in connection with use of aircraft—

(a) By the owner of the aircraft to whom it was issued, his agent or employee, or a prospective buyer, and in the case of a dealer other than a manufacturer, only after he has complied with § 47.67;

(b) Within the United States;

(c) While a certificate is carried within the aircraft; and

- (d) On a flight that is—
 - (1) For required flight tests; or
 - (2) In ordinary trade channels between any two or more of the following: the manufacturer, the seller, and the buyer from either of them; or
 - (3) For demonstration purposes necessary to sell the aircraft.

However, a prospective buyer may operate an aircraft for demonstration purposes only while he is under the direct supervision of the holder of the dealer's aircraft registration certificate or his agent.

§ 47.71 Duration of registration and notice of change of status.

(a) A dealer's aircraft registration certificate expires one year after the date on which it was issued. Each additional certificate expires upon the date of expiration of the original certificate.

(b) Immediately after any change in his name or his address or any change that affects his status as a citizen of the United States, or upon discontinuance of his business, the holder of a dealer's aircraft registration certificate shall notify the FAA Aircraft Registry of that change or discontinuance.

NOTE: The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

PART 49—RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS [NEW]

Subpart A—Applicability

Sec.

49.1 Applicability.

Subpart B—General

- 49.11 FAA Aircraft Registry.
- 49.13 Signatures and acknowledgments.
- 49.15 Fees for recording.
- 49.17 Conveyances recorded.
- 49.19 Effective date of filing for recordation.
- 49.21 Return of original conveyance.

Subpart C—Aircraft Ownership and Encumbrances Against Aircraft

- 49.31 Applicability.
- 49.33 Eligibility for recording: general requirements.
- 49.35 Eligibility for recording: ownership requirements.
- 49.37 Claims for salvage or extraordinary expenses.

Subpart D—Encumbrances Against Specifically Identified Aircraft Engines and Propellers

- 49.41 Applicability.
- 49.43 Eligibility for recording: general requirements.
- 49.45 Recording of releases, cancellations, discharges, and satisfactions: special requirements.

Subpart E—Encumbrances Against Air Carrier Aircraft Engines, Propellers, Appliances, and Spare Parts

- 49.51 Applicability.
- 49.53 Eligibility for recording: general requirements.
- 49.55 Recording of releases, cancellations, discharges, and satisfactions: special requirements.

AUTHORITY: The provisions of this Part 49 issued under sec. 313(a), 501, 503, 505, and 1102 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1401, 1403, 1405, 1502), and the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830).

Subpart A—Applicability

§ 49.1 Applicability.

(a) This part applies to the recording of certain conveyances affecting title to, or any interest in—

(1) Any aircraft registered under section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401);

(2) Any specifically identified aircraft engine of 750 or more rated takeoff horsepower, or the equivalent of that horsepower;

(3) Any specifically identified aircraft propeller able to absorb 750 or more rated takeoff shaft horsepower; and

(4) Any aircraft engine, propeller, or appliance maintained by or for an air carrier certificated under section 604(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1424(b)), for installation or use in an aircraft, aircraft engine, or propeller, or any spare part, maintained at a designated location or locations by or for such an air carrier.

(b) Subpart B of this part governs, where applicable by its terms, conveyances subject to this part.

Subpart B—General

§ 49.11 FAA Aircraft Registry.

To be eligible for recording, a conveyance must be sent to the FAA, Aircraft

Registration Branch, Oklahoma City, Oklahoma, 73101, which is called the "FAA Aircraft Registry" elsewhere in this part.

§ 49.13 Signatures and acknowledgments.

(a) The signature on any conveyance must be in ink.

(b) Conveyances made by or on behalf of one or more persons doing business under a trade name, or by an agent, corporation, partnership, co-owner or unincorporated association, must comply with the rules for applications for registration set forth in § 47.13 (c) and (d) of this chapter.

(c) A conveyance or other instrument recorded under this part must be acknowledged before a notary public or other officer authorized by the United States, a possession, Puerto Rico, a State, or the District of Columbia, to take acknowledgments of deeds. A formal acknowledgment is required. Neither an affidavit of good faith nor a jurat alone is acceptable. This paragraph does not apply to a notice of a charge arising out of a claim for salvage of an aircraft or for extraordinary expenses indispensable for preserving the aircraft, covered by § 49.37.

(d) A power of attorney or other evidence of a person's authority to execute a conveyance for another submitted under this part is considered by the FAA to be valid for not more than two years after the date of its execution or, in the case of an instrument submitted before August 18, 1964, two years after that date.

§ 49.15 Fees for recording.

(a) The fees charged for recording conveyances under this part are as follows:

- | | |
|--|--------|
| (1) Conveyance of aircraft—
for each aircraft listed therein— | \$5.00 |
| (2) Conveyance, made for security purposes, of a specifically identified aircraft engine or propeller, or any assignment or amendment thereof, or supplement thereto, recorded under Subpart D—
for each engine or propeller— | 5.00 |
| (3) Conveyance, made for security purposes, of aircraft engines, propellers, appliances, or spare parts, maintained at a designated location or locations, or any assignment or amendment thereof, or supplement thereto, recorded under Subpart E—
for the group of items at each location | 5.00 |

(b) There is no fee for recording a bill of sale that accompanies an application for registration and the proper fee under Part 47 of this chapter.

(c) Each conveyance must be accompanied by the proper fee, that may be paid by check or money order to the Federal Aviation Agency.

§ 49.17 Conveyances recorded.

(a) Each instrument recorded under this part is a "conveyance" within the following definition in section 101(17) of the Federal Aviation Act of 1958 (49 U.S.C. 1301):

(17) "Conveyance" means a bill of sale, contract of conditional sale, mortgage, as-

ignment of mortgage, or other instrument affecting title to, or interest in, property.

A notice of Federal tax lien is not recordable under this part, since it is required to be filed elsewhere by the Internal Revenue Code (26 U.S.C. 6321, 6323; 26 CFR 301.6321-1, 301.6323-1).

(b) The kinds of conveyances recorded under this part include those used as proof of ownership under § 47.11 of this chapter, if they are properly acknowledged.

(c) The recording of a conveyance is not a decision of the FAA that the instrument does, in fact, affect title to, or an interest in, the aircraft or other property it covers.

(d) The following rules apply to contracts of conditional sale, that are defined in section 101(16) of the Federal Aviation Act of 1958 (49 U.S.C. 1301), and assignments thereof:

(1) A contract of conditional sale may be recorded by either party to it. It must be signed and acknowledged by both parties.

(2) An assignment of the interest of the seller, bailor, or lessor under a contract of conditional sale must be signed and acknowledged by the assignor and, unless it is attached to and is a part of the contract itself, must contain a description of the contract, including the date of the contract, the names of the parties, the date of FAA recording, and the recorded document number.

(3) An assignment of the interest of the buyer, bailee, or lessee under a contract of conditional sale must clearly identify the original contract, must be signed and acknowledged by the assignor (original conditional buyer, bailee, or lessee, or his assignee), and must bear the assent in writing of the seller, bailor, or lessor under the contract of conditional sale, or his assignee. The description of the contract must include its date, the names of the parties, the date of FAA recording, and the recorded document number.

(4) An amendment of or a supplement to a contract of conditional sale that has been recorded by the FAA must meet the requirements for recording a contract of conditional sale and describe the original contract in enough detail to identify it, including its date, the names of the parties, the date of FAA recording, and the recorded document number.

(5) Immediately after the conditions of a contract of conditional sale for the passing of title to the conditional buyer, bailee, or lessee have been met, the holder of the conditional seller's, bailor's, or lessor's interest shall execute a release on FAA Form 818 provided to him by the FAA when he recorded the conveyance to him, or its equivalent, and send it to the FAA Aircraft Registry for recording.

(e) The following rules apply to chattel mortgages:

(1) A chattel mortgage must be signed and acknowledged by the mortgagor. If he is not the registered owner of the aircraft, the chattel mortgage must be accompanied by his application for registration, as prescribed in Part 47 of this chapter, unless—

(i) He holds a dealer's aircraft registration certificate and he submits docu-

ments proving his ownership as provided in § 47.67 of this chapter (if applicable);

(ii) He was the owner of the aircraft on the date the mortgage was executed, as shown by documents recorded by the FAA Aircraft Registry; or

(iii) He is the vendor, bailor, or lessor under a contract of conditional sale.

(2) The name of a co-signor may not appear in the mortgage as a mortgagor (owner). If a person other than the registered owner signs as co-signor, he must show the title "co-signor" under his signature.

(3) An assignment of a chattel mortgage must be signed and acknowledged by the mortgagor (assignor) and, unless it is attached to and is a part of the original mortgage, must describe the mortgage in enough detail to identify it, including its date, the names of the parties, the date of FAA recording, and the recorded document number.

(4) An amendment of or a supplement to a chattel mortgage that has been recorded by the FAA must meet the requirements for recording a chattel mortgage and describe the original mortgage in enough detail to identify it, including its date, the names of the parties, the date of FAA recording, and the recorded document number.

(5) Immediately after a debt secured by a chattel mortgage has been satisfied or any of the mortgaged aircraft have been released from the chattel mortgage, the holder shall execute a release on FAA Form 506 provided to him by the FAA when he recorded the conveyance made to him, or its equivalent, and shall send it to the FAA Aircraft Registry for recording. If the debt is secured by more than one aircraft and all of the collateral is released, the collateral need not be described in detail in the release document. However, the description of the mortgage must include its date, the names of the parties, the date of FAA recording, and the recorded document number.

§ 49.19 Effective date of filing for recordation.

A conveyance is filed for recordation upon the date and at the time it is received by the FAA Aircraft Registry.

§ 49.21 Return of original conveyance.

If a person submitting a conveyance for recording wants the original returned to him, he must submit a true copy with the original. After recording, the copy is kept by the FAA and the original is returned to the applicant stamped with the date and time of recording. The copy must be imprinted on paper permanent in nature, including dates, signatures, and acknowledgments, to which is attached a certificate of the person submitting the conveyance stating that the copy has been compared with the original and that it is a true copy.

Subpart C—Aircraft Ownership and Encumbrances Against Aircraft

§ 49.31 Applicability.

This subpart applies to the recording of the following kinds of conveyances:

(a) A bill of sale, contract of conditional sale, assignment of an interest under a contract of conditional sale,

mortgage, assignment of mortgage, lease, equipment trust, notice of tax lien or of other lien, or other instrument affecting title to, or any interest in, aircraft.

(b) A release, cancellation, discharge, or satisfaction of a conveyance named in paragraph (a) of this section.

§ 49.33 Eligibility for recording: general requirements.

A conveyance is eligible for recording under this subpart only if, in addition to the requirements of §§ 49.11, 49.13, and 49.17, the following requirements are met:

(a) It is in a form prescribed by, or acceptable to, the Administrator for that kind of conveyance;

(b) It describes the aircraft by make and model, manufacturer's serial number, and FAA registration number, or other detail that makes identification possible;

(c) It is an original document or a duplicate original of it, or if neither the original nor a duplicate original is available, a copy of a conveyance recorded under the laws of the United States, a possession, Puerto Rico, a State, or the District of Columbia, certified by the officer having custody of it;

(d) It affects aircraft registered under section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401); and

(e) It is accompanied by the recording fee required by § 49.15, but there is no fee for recording a conveyance named in § 49.31(b).

§ 49.35 Eligibility for recording: ownership requirements.

If the seller of an aircraft is not shown on the records of the FAA as the owner of the aircraft, a conveyance, including a contract of conditional sale, submitted for recording under this subpart must be accompanied by bills of sale or similar documents showing consecutive transfers from the last registered owner, through each intervening owner, to the seller.

§ 49.37 Claims for salvage or extraordinary expenses.

The right to a charge arising out of a claim for compensation for salvage of an aircraft or for extraordinary expenses indispensable for preserving the aircraft in operations terminated in a foreign country that is a party to the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830) may be noted on the FAA record by filing notice thereof with the FAA Aircraft Registry within three months after the date of termination of the salvage or preservation operations.

Subpart D—Encumbrances Against Specifically Identified Aircraft Engines and Propellers

§ 49.41 Applicability.

This subpart applies to the recording of the following kinds of conveyances:

(a) A lease, mortgage, equipment trust, contract of conditional sale, notice

of tax lien or of other lien, or other instrument executed for security purposes and affecting title to, or any interest in, a specifically identified aircraft engine of 750 or more rated takeoff horsepower, or the equivalent of that horsepower, or a specifically identified aircraft propeller capable of absorbing 750 or more rated takeoff shaft horsepower.

(b) An assignment or amendment of, or supplement to, an instrument named in paragraph (a) of this section.

(c) A release, cancellation, discharge, or satisfaction of a conveyance named in paragraph (a) or (b) of this section.

§ 49.43 Eligibility for recording: general requirements.

A conveyance is eligible for recording under this subpart only if, in addition to the requirements of §§ 49.11, 49.13, and 49.17, the following requirements are met:

(a) It affects and describes an aircraft engine or propeller to which this subpart applies, specifically identified by make, model, horsepower, and manufacturer's serial number; and

(b) It is accompanied by the recording fee required by § 49.15, but there is no fee for recording a conveyance named in § 49.41(c).

§ 49.45 Recording of releases, cancellations, discharges, and satisfactions: special requirements.

(a) A release, cancellation, discharge, or satisfaction of an encumbrance created by an instrument recorded under this subpart must be in a form equivalent to FAA Form 1991 and contain a description of the encumbrance, the recording information furnished to the holder at the time of recording, and the collateral released.

(b) If more than one engine or propeller, or both, are listed in an instrument, recorded under this subpart, that created an encumbrance thereon and all of them are released, they need not be listed by serial number, but the release, cancellation, discharge, or satisfaction must state that all of the encumbered engines or propellers are released. The original recorded document must be clearly identified by the names of the parties, the date of FAA recording, and the document date.

Subpart E—Encumbrances Against Air Carrier Aircraft Engines, Propellers, Appliances, and Spare Parts

§ 49.51 Applicability.

This subpart applies to the recording of the following kinds of conveyances:

(a) A lease, mortgage, equipment trust, contract of conditional sale, notice of tax lien or of other lien, or other instrument executed for security purposes and affecting title to, or any interest in, any aircraft engine, propeller, or appliance maintained by or for an air carrier certificated under section 604(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1424(b)), for installation

or use in aircraft, aircraft engines, or propellers, or any spare parts, maintained at a designated location or locations by or for such an air carrier.

(b) An assignment or amendment of, or supplement to, an instrument named in paragraph (a) of this section.

(c) A release, cancellation, discharge, or satisfaction of a conveyance named in paragraph (a) or (b) of this section.

§ 49.53 Eligibility for recording: general requirements.

(a) A conveyance is eligible for recording under this subpart only if, in addition to the requirements of §§ 49.11, 49.13, and 49.17, the following requirements are met:

(1) It affects any aircraft engine, propeller, appliance, or spare part, maintained at a designated location or locations by or for an air carrier certificated under section 604(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1424(b));

(2) It contains or is accompanied by a statement by the mortgagor, conditional purchaser, lessee, or other similar party that is an air carrier certificated under that section;

(3) It specifically describes the location or locations of each aircraft engine, propeller, appliance, or spare part covered by it; and

(4) It is accompanied by the recording fee required by § 49.15, but there is no fee for recording a conveyance named in § 49.51(c).

(b) The conveyance need only describe generally, by type, the engines, propellers, appliances, or spare parts covered by it.

§ 49.55 Recording of releases, cancellations, discharges, and satisfactions: special requirements.

(a) A release, cancellation, discharge, or satisfaction of an encumbrance on all of the collateral listed in an instrument recorded under this subpart, or on all of the collateral at a particular location, must be in a form equivalent to FAA Form 1991, acknowledged by the holder of all of the collateral at the particular location, and contain a description of the encumbrance, the recording information furnished to the holder at the time of recording, and the location of the released collateral.

(b) If the encumbrance on collateral at all of the locations listed in an instrument recorded under this subpart is released, canceled, discharged, or satisfied, the locations need not be listed. However, the document must state that all of the collateral at all of the locations listed in the encumbrance has been so released, canceled, discharged, or satisfied. The original recorded document must be clearly identified by the names of the parties, the date of recording by the FAA, and the document number.

NOTE: The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[F.R. Doc. 64-4042; Filed, May 18, 1964; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT [NEW]

[Reg. Docket No. 1996]

PART 47—AIRCRAFT REGISTRATION [NEW]

Miscellaneous Amendments

Part 47 [New], adopted on May 13, 1964, was published in the FEDERAL REGISTER on May 19, 1964 (29 F.R. 6485). The new part takes effect on August 18, 1964.

Several comments received on the notice of proposed rule making for the new part suggested that the fees for special identification numbers and for changed, reassigned or reserved identification numbers, be reduced from \$20 to a lower amount. The rule as published effected the first reduction but did not effect the second. Since there is a relationship between the two, they should be the same. Since the fee for special numbers was reduced to \$10, the fee for changed, reassigned, or reserved numbers is being reduced to \$10 by this amendment.

In the final rule, a list of types of "power plants" by which amateur-built aircraft are to be described is set forth in § 47.33(b). Since the publication date of the rule the Agency has devised a uniform terminology for the description of engine types for use throughout the Federal Aviation Regulations. The list in § 47.33(b) is therefore being amended in the interests of uniformity and consistency.

Since these corrections do not impose any burden on any person, notice and public procedure thereon are unnecessary. Part 47 shall be deemed corrected as of the date of publication of this amendment.

In consideration of the foregoing, Part 47 of the Federal Aviation Regulations, 14 CFR Part 47, is amended—

(1) By striking out the figure "\$20" in § 47.17(a) (5) and inserting the figure "\$10" in place thereof; and

(2) By striking out the words "power plant installed (piston, reciprocal, turbo-prop, ramjet, or turbine air generator)" in the first sentence of § 47.33(b) and inserting the words "engine installed (reciprocating, turbopropeller, turbojet, or other)" in place thereof.

(Sec. 313(a), Federal Aviation Act of 1958; 49 U.S.C. 1354(a))

Issued in Washington, D.C., on July 1, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-6794; Filed, July 8, 1964;
8:45 a.m.]

Recodification