

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1163.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44105	49 App.:1401(e)(1). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §501(e)(1), 72 Stat. 772; Oct. 19, 1984, Pub. L. 98-499, §4(a), 98 Stat. 2314. Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.

The words “when the aircraft no longer meets” are substituted for “for any cause which renders the aircraft ineligible” for consistency.

§ 44106. Revocation of aircraft certificates for controlled substance violations

(a) DEFINITION.—In this section, “controlled substance” has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(b) REVOCATIONS.—(1) The Administrator of the Federal Aviation Administration shall issue an order revoking the certificate of registration for an aircraft issued to an owner under section 44103 of this title and any other certificate of registration that the owner of the aircraft holds under section 44103, if the Administrator finds that—

- (A) the aircraft was used to carry out, or facilitate, an activity that is punishable by death or imprisonment for more than one year under a law of the United States or a State related to a controlled substance (except a law related to simple possession of a controlled substance); and
- (B) the owner of the aircraft permitted the use of the aircraft knowing that the aircraft was to be used for the activity described in clause (A) of this paragraph.

(2) An aircraft owner that is not an individual is deemed to have permitted the use of the aircraft knowing that the aircraft was to be used for the activity described in paragraph (1)(A) of this subsection only if a majority of the individuals who control the owner of the aircraft or who are involved in forming the major policy of the owner permitted the use of the aircraft knowing that the aircraft was to be used for the activity described in paragraph (1)(A).

(c) ADVICE TO HOLDERS AND OPPORTUNITY TO ANSWER.—Before the Administrator revokes a certificate under subsection (b) of this section, the Administrator shall—

- (1) advise the holder of the certificate of the charges or reasons on which the Administrator bases the proposed action; and
- (2) provide the holder of the certificate an opportunity to answer the charges and state why the certificate should not be revoked.

(d) APPEALS.—(1) A person whose certificate is revoked by the Administrator under subsection (b) of this section may appeal the revocation order to the National Transportation Safety Board. The Board shall affirm or reverse the order after providing notice and a hearing on the record. In conducting the hearing, the Board

is not bound by the findings of fact of the Administrator.

(2) When a person files an appeal with the Board under this subsection, the order of the Administrator revoking the certificate is stayed. However, if the Administrator advises the Board that safety in air transportation or air commerce requires the immediate effectiveness of the order—

- (A) the order remains effective; and
- (B) the Board shall dispose of the appeal not later than 60 days after notification by the Administrator under this paragraph.

(3) A person substantially affected by an order of the Board under this subsection may seek judicial review of the order under section 46110 of this title. The Administrator shall be made a party to that judicial proceeding.

(e) ACQUITTAL.—(1) The Administrator may not revoke, and the Board may not affirm a revocation of, a certificate of registration under this section on the basis of an activity described in subsection (b)(1)(A) of this section if the holder of the certificate is acquitted of all charges related to a controlled substance in an indictment or information arising from the activity.

(2) If the Administrator has revoked a certificate of registration of a person under this section because of an activity described in subsection (b)(1)(A) of this section, the Administrator shall reissue a certificate to the person if the person—

- (A) subsequently is acquitted of all charges related to a controlled substance in an indictment or information arising from the activity; and
- (B) otherwise meets the requirements of section 44102 of this title.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1163.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44106(a)	49 App.:1401(e)(2)(C).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §501(e)(2)(A)-(C), (F); added Oct. 19, 1984, Pub. L. 98-499, §4(a), 98 Stat. 2314, 2315.
44106(b)	49 App.:1401(e)(2)(A) (less last sentence).	
44106(c)	49 App.:1401(e)(2)(B) (1st sentence).	
44106(d)	49 App.:1401(e)(2)(B) (2d-last sentences).	
44106(e)	49 App.:1401(e)(2)(A) (last sentence), (F).	

In subsection (b)(2), the words “knowing that the aircraft was to be used for the activity described in paragraph (1)(A) of this subsection” are substituted for “with knowledge of such intended use” for clarity.

§ 44107. Recordation of conveyances, leases, and security instruments

(a) ESTABLISHMENT OF SYSTEM.—The Administrator of the Federal Aviation Administration shall establish a system for recording—

- (1) conveyances that affect an interest in civil aircraft of the United States;
- (2) leases and instruments executed for security purposes, including conditional sales con-

tracts, assignments, and amendments, that affect an interest in—

(A) a specifically identified aircraft engine having at least 550 rated takeoff horsepower or its equivalent;

(B) a specifically identified aircraft propeller capable of absorbing at least 750 rated takeoff shaft horsepower;

(C) an aircraft engine, propeller, or appliance maintained for installation or use in an aircraft, aircraft engine, or propeller, by or for an air carrier holding a certificate issued under section 44705 of this title; and

(D) spare parts maintained by or for an air carrier holding a certificate issued under section 44705 of this title; and

(3) releases, cancellations, discharges, and satisfactions related to a conveyance, lease, or instrument recorded under paragraph (1) or (2).

(b) GENERAL DESCRIPTION REQUIRED.—A lease or instrument recorded under subsection (a)(2)(C) or (D) of this section only has to describe generally the engine, propeller, appliance, or spare part by type and designate its location.

(c) ACKNOWLEDGMENT.—Except as the Administrator otherwise may provide, a conveyance, lease, or instrument may be recorded under subsection (a) of this section only after it has been acknowledged before—

(1) a notary public; or

(2) another officer authorized under the laws of the United States, a State, the District of Columbia, or a territory or possession of the United States to acknowledge deeds.

(d) RECORDS AND INDEXES.—The Administrator shall—

(1) keep a record of the time and date that each conveyance, lease, and instrument is filed and recorded with the Administrator; and

(2) record each conveyance, lease, and instrument filed with the Administrator, in the order of their receipt, and index them by—

(A) the identifying description of the aircraft, aircraft engine, or propeller, or location specified in a lease or instrument recorded under subsection (a)(2)(C) or (D) of this section; and

(B) the names of the parties to each conveyance, lease, and instrument.

(e) INTERNATIONAL REGISTRY.—

(1) DESIGNATION OF UNITED STATES ENTRY POINT.—As permitted under the Cape Town Treaty, the Federal Aviation Administration Civil Aviation Registry is designated as the United States Entry Point to the International Registry relating to—

(A) civil aircraft of the United States;

(B) an aircraft for which a United States identification number has been assigned but only with regard to a notice filed under paragraph (2); and

(C) aircraft engines.

(2) SYSTEM FOR FILING NOTICE OF PROSPECTIVE INTERESTS.—

(A) ESTABLISHMENT.—The Administrator shall establish a system for filing notices of prospective assignments and prospective international interests in, and prospective

sales of, aircraft or aircraft engines described in paragraph (1) under the Cape Town Treaty.

(B) MAINTENANCE OF VALIDITY.—A filing of a notice of prospective assignment, interest, or sale under this paragraph and the registration with the International Registry relating to such assignment, interest, or sale shall not be valid after the 60th day following the date of the filing unless documents eligible for recording under subsection (a) relating to such notice are filed for recording on or before such 60th day.

(3) AUTHORIZATION FOR REGISTRATION OF AIRCRAFT.—A registration with the International Registry relating to an aircraft described in paragraph (1) (other than subparagraph (C)) is valid only if (A) the person seeking the registration first files documents eligible for recording under subsection (a) and relating to the registration with the United States Entry Point, and (B) the United States Entry Point authorizes the registration.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1164; Pub. L. 108–297, § 3, Aug. 9, 2004, 118 Stat. 1096.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44107(a)(1) ..	49 App.:1403(a)(1).	Aug. 23, 1958, Pub. L. 85–726, § 503(a)(1), (3), (b), 72 Stat. 772.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, § 7(b), 96 Stat. 2444.
44107(a)(2)(A), (B).	49 App.:1403(a)(2).	Aug. 23, 1958, Pub. L. 85–726, § 503(a)(2), 72 Stat. 772; re-stated July 8, 1959, Pub. L. 86–81, § 1, 73 Stat. 180.
44107(a)(2)(C), (D).	49 App.:1655(c)(1). 49 App.:1403(a)(3) (less words between 13th comma and semicolon).	
44107(a)(3) ..	49 App.:1655(c)(1). 49 App.:1403(b).	
44107(b)	49 App.:1655(c)(1). 49 App.:1403(a)(3) (words between 13th comma and semicolon).	
44107(c)	49 App.:1403(e).	Aug. 23, 1958, Pub. L. 85–726, § 503(e), 72 Stat. 773; re-stated June 30, 1964, Pub. L. 88–346, § 2, 78 Stat. 236.
44107(d)	49 App.:1655(c)(1). 49 App.:1403(f).	Aug. 23, 1958, Pub. L. 85–726, § 503(f), 72 Stat. 773; July 8, 1959, Pub. L. 86–81, § 4, 73 Stat. 181.
	49 App.:1655(c)(1).	

In subsection (a)(1) and (2), the words “title to” are omitted as being included in “interest in”.

In subsection (a)(2), before subclause (A), the word “instruments” is substituted for “any mortgage, equipment trust . . . or other instrument” because it is inclusive. The word “supplement” is omitted as being included in “amendments”.

In subsection (a)(3), the words “The Secretary of Transportation shall also record under the system” are omitted as unnecessary because of the restatement.

In subsections (a)(3) and (c), the words “lease, or instrument” are substituted for “other instrument” for clarity and consistency in this subchapter.

In subsections (b) and (d), the words “or locations” are omitted because of 1:1.

In subsection (b), the words “recorded under subsection (a)(2)(C) or (D) of this section” are added for clarity. The words “lease or instrument” are substituted for “instrument” for clarity and consistency in this subchapter.

In subsection (c), before clause (1), the words “by regulation” are omitted because of 49:322(a). In clause (2), the words “possession of the United States” are substituted for “possession thereof” for clarity.

In subsection (d), the words “lease, and instrument” are substituted for “other instruments” for clarity and consistency in this subchapter. In clause (1), the words “of the time and date of” before “recordation” are omitted as unnecessary because of the restatement. In clause (2), before subclause (A), the words “in files to be kept for that purpose” are omitted as unnecessary. In subclause (A), the words “location specified in a lease or instrument recorded under subsection (a)(2)(C) or (D) of this section” are substituted for “in the case of an instrument referred to in subsection (a)(3) of this section, the location or locations specified therein” for clarity and consistency in this subchapter.

Editorial Notes

AMENDMENTS

2004—Subsec. (a)(2)(A). Pub. L. 108–297, §3(a)(1), substituted “550” for “750”.

Subsec. (a)(3). Pub. L. 108–297, §3(a)(2), substituted “paragraph (1) or (2)” for “clause (1) or (2) of this subsection”.

Subsec. (e). Pub. L. 108–297, §3(b), added subsec. (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108–297 effective Mar. 1, 2006, and not applicable to any registration or recordation that was made before such date under this chapter or any legal rights relating to such registration or recordation, see section 7 of Pub. L. 108–297, set out as a note under section 44101 of this title.

§ 44108. Validity of conveyances, leases, and security instruments

(a) **VALIDITY BEFORE FILING.**—Until a conveyance, lease, or instrument executed for security purposes that may be recorded under section 44107(a)(1) or (2) of this title is filed for recording, the conveyance, lease, or instrument is valid only against—

- (1) the person making the conveyance, lease, or instrument;
- (2) that person’s heirs and devisees; and
- (3) a person having actual notice of the conveyance, lease, or instrument.

(b) **PERIOD OF VALIDITY.**—When a conveyance, lease, or instrument is recorded under section 44107 of this title, the conveyance, lease, or instrument is valid from the date of filing against all persons, without other recordation, except that—

- (1) a lease or instrument recorded under section 44107(a)(2)(A) or (B) of this title is valid for a specifically identified engine or propeller without regard to a lease or instrument previously or subsequently recorded under section 44107(a)(2)(C) or (D); and
- (2) a lease or instrument recorded under section 44107(a)(2)(C) or (D) of this title is valid only for items at the location designated in the lease or instrument.

(c) **APPLICABLE LAWS.**—(1) The validity of a conveyance, lease, or instrument that may be recorded under section 44107 of this title is subject to the laws of the State, the District of Columbia, or the territory or possession of the United States at which the conveyance, lease, or

instrument is delivered, regardless of the place at which the subject of the conveyance, lease, or instrument is located or delivered. If the conveyance, lease, or instrument specifies the place at which delivery is intended, it is presumed that the conveyance, lease, or instrument was delivered at the specified place.

(2) This subsection does not take precedence over the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830) or the Cape Town Treaty, as applicable.

(d) **NONAPPLICATION.**—This section does not apply to—

- (1) a conveyance described in section 44107(a)(1) of this title that was made before August 22, 1938; or
- (2) a lease or instrument described in section 44107(a)(2) of this title that was made before June 20, 1948.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1165; Pub. L. 108–297, §5, Aug. 9, 2004, 118 Stat. 1097.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44108(a)	49 App.:1403(c) (less words after semicolon).	Aug. 23, 1958, Pub. L. 85–726, §503(c), 72 Stat. 773.
44108(b)	49 App.:1403(d).	Aug. 23, 1958, Pub. L. 85–726, §503(d), 72 Stat. 773; July 8, 1959, Pub. L. 86–81, §3, 73 Stat. 181.
44108(c)(1) ..	49 App.:1406.	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §506; added June 30, 1964, Pub. L. 88–346, §1(a), 78 Stat. 236.
44108(c)(2) ..	49 App.:1406 (note).	June 30, 1964, Pub. L. 88–346, §1(c), 78 Stat. 236.
44108(d)	49 App.:1403(c) (words after semicolon).	

In subsection (a), before clause (1), the words “conveyance, lease, or instrument executed for security purposes” are substituted for “conveyance or instrument” for clarity and consistency in this subchapter. The words “in respect of such aircraft, aircraft engine or engines, propellers, appliances, or spare parts” are omitted as surplus. The text of 49 App.:1403(c) (proviso words before semicolon) is omitted because of section 7(d) of this bill. In clause (1), the words “person making the conveyance, lease, or instrument” are substituted for “the person by whom the conveyance or other instrument is made or given” to eliminate unnecessary words and for consistency in this subchapter.

In subsection (b), before clause (1), the words “When a conveyance, lease, or instrument is recorded under section 44107 of this title . . . from the date of filing” are substituted for “Each conveyance or other instrument recorded by means of or under the system provided for in subsection (a) or (b) of the section shall from the time of its filing for recordation” for clarity and consistency in this subchapter and to eliminate unnecessary words. In clause (1), the words “is valid” are substituted for “Provided, That . . . shall not be affected” for consistency in this subchapter. The words “or engines . . . or propellers” are omitted because of 1:1. In clause (2), the words “is valid” are substituted for “shall be effective” for consistency in this subchapter. The words “for items at the location designated in the lease or instrument” are substituted for “which may from time to time be situated at the designated location or locations and only while so situated” for clarity and to eliminate unnecessary words.

In subsection (c)(1), the words “conveyance, lease, or” are added for consistency in this subchapter. The words “the conveyance, lease, or instrument” are substituted for “therein”, and the words “it is presumed” are substituted for “it shall constitute presumptive evidence”, for clarity.