

SECOND REGULAR SESSION

SENATE BILL NO. 1027

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR O'LAUGHLIN.

Read 1st time February 20, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5249S.011

AN ACT

To amend chapter 305, RSMo, by adding thereto six new sections relating to abandoned aircraft.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 305, RSMo, is amended by adding thereto six new sections, to be known as sections 305.800, 305.802, 305.804, 305.806, 305.808, and 305.810, to read as follows:

305.800. As used in sections 305.800 to 305.810, the following terms mean:

(1) "Abandoned aircraft", an aircraft left in a wrecked, inoperative, or partially dismantled condition at an airport; or an aircraft that has remained in an idle state at an airport for forty-five consecutive calendar days without a contractual agreement between the owner or operator of the aircraft and the airport for use of the airport premises;

(2) "Airport superintendent", the person or group of people authorized to make decisions on behalf of an airport;

(3) "Derelict aircraft", any aircraft that is not in a flyable condition, does not have a current certificate of airworthiness issued by the Federal Aviation Administration, and is not in the process of actively being repaired.

305.802. 1. If a derelict aircraft or abandoned aircraft is discovered on airport property, the airport superintendent shall:

(1) Make a record of the date the aircraft was discovered on the airport property; and

(2) Inquire as to the name and address of any person having an equitable or legal interest in the aircraft, including the owner and any

7 lienholders, by:

8 (a) Contacting the Federal Aviation Administration, aircraft
9 registration branch, and making a diligent search of the appropriate
10 records; or

11 (b) Contacting an aircraft title search company.

12 2. Within ten business days of receiving the information
13 requested under subsection 1 of this section, the airport superintendent
14 shall notify the owner and all other interested parties by certified mail,
15 return receipt requested:

16 (1) Of the location of the derelict or abandoned aircraft on the
17 airport property;

18 (2) That fees and charges for the use of the airport by the
19 aircraft have accrued and the amount of those fees and charges;

20 (3) That the aircraft is subject to a lien under section 305.806 for
21 any unpaid and accrued fees and charges for the use of the airport and
22 for the transportation, storage, and removal of the aircraft;

23 (4) That the lien is subject to enforcement under this section;

24 (5) That the airport may use, trade, sell, or remove the aircraft
25 as described in section 305.804 if, within thirty calendar days after the
26 date of receipt of the notice, the owner or other interested party has
27 not removed the aircraft from the airport and paid in full all accrued
28 fees and charges for the use of the airport and for the transportation,
29 storage, and removal of the aircraft; and

30 (6) That the airport superintendent may remove the aircraft in
31 less than thirty calendar days if the aircraft poses a danger to the
32 health or safety of users of the airport, as determined by the airport
33 superintendent.

34 3. (1) If the owner of the aircraft is unknown or cannot be found
35 after the inquiry required under subdivision (1) of subsection 2 of this
36 section, the airport superintendent shall place a notice upon the
37 aircraft in a conspicuous place containing the information required
38 under subdivisions (2), (3), (4), (5), and (6) of subsection 2 of this
39 section.

40 (2) The notice required under subdivision (1) of this subsection
41 shall be not less than eight inches by ten inches and shall be laminated
42 or otherwise sufficiently weatherproof to withstand normal exposure
43 to rain, snow, and other conditions.

305.804. 1. If the owner or other interested party has not removed the aircraft from the airport and paid in full all accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft, or shown reasonable cause for the failure to do so within thirty calendar days of the airport superintendent posting notice under section 305.802, the airport superintendent may:

(1) Retain the aircraft for use by the airport, the state, or the unit of local government owning or operating the airport;

(2) Trade the aircraft to another unit of local government or a state agency;

(3) Sell the aircraft; or

(4) Dispose of the aircraft through an appropriate refuse removal company or a company that provides salvage services for aircraft.

2. If the airport superintendent elects to sell the aircraft in accordance with subdivision (3) of subsection 1 of this section, the aircraft shall be sold at public auction after giving notice of the time and place of sale, at least ten calendar days prior to the date of sale, in a newspaper of general circulation within the county where the airport is located and after providing written notice of the intended sale to all parties known to have an interest in the aircraft.

3. If the airport superintendent elects to dispose of the aircraft in accordance with subdivision (4) of subsection 1 of this section, the airport superintendent shall be entitled to negotiate with the company for a price to be received from the company in payment for the aircraft, or, if circumstances so warrant, a price to be paid to the company by the airport superintendent for the costs of disposing of the aircraft. All information and records pertaining to the establishment of the price and the justification for the amount of the price shall be prepared and maintained by the airport superintendent.

4. If the sale price or the negotiated price is less than the airport superintendent's current fees and charges against the aircraft, the owner of the aircraft shall remain liable to the airport superintendent for the fees and charges that are not offset by the sale price or negotiated price.

5. All costs incurred by the airport superintendent in the removal, storage, and sale of any aircraft shall be recoverable against

38 the owner of the aircraft.

305.806. 1. The airport superintendent shall have a lien on a
2 derelict or abandoned aircraft for all unpaid fees and charges for the
3 use of the airport by the aircraft and for all unpaid costs incurred by
4 the airport superintendent for the transportation, storage, and removal
5 of the aircraft. As a prerequisite to perfecting a lien under this section,
6 the airport superintendent shall serve a notice on the last registered
7 owner and all persons having an equitable or legal interest in the
8 aircraft.

9 2. (1) For the purpose of perfecting a lien under this section, the
10 airport superintendent shall record a claim of lien that states:

11 (a) The name and address of the airport;

12 (b) The name of the last registered owner of the aircraft and all
13 persons having a legal or equitable interest in the aircraft;

14 (c) The fees and charges incurred by the aircraft for the use of
15 the airport and the costs for the transportation, storage, and removal
16 of the aircraft; and

17 (d) A description of the aircraft sufficient for identification.

18 (2) The claim of lien shall be signed and sworn to or affirmed by
19 the airport superintendent's director or the director's designee.

20 (3) The claim of lien shall be served on the last registered owner
21 of the aircraft and all persons having an equitable or legal interest in
22 the aircraft. The claim of lien shall be served before recordation.

23 (4) The claim of lien shall be recorded with the recorder of deeds
24 in the county where the airport is located. The recording of the claim
25 of lien shall be constructive notice to all persons of the contents and
26 effect of such claim. The lien shall attach at the time of recordation
27 and shall take priority as of that time.

305.808. 1. If the aircraft is sold, the airport superintendent shall
2 satisfy the airport superintendent's lien, plus the reasonable expenses
3 of notice, advertisement, and sale from the proceeds of the sale.

4 2. The balance of the proceeds of the sale, if any, shall be held by
5 the airport superintendent and delivered on demand to the owner of
6 the aircraft.

7 3. If no person claims the balance within twelve months of the
8 date of sale, the airport shall retain the funds and use the funds for
9 airport operations.

305.810. 1. Any person acquiring a legal interest in an aircraft
2 under sections 305.800 to 305.810 shall be the lawful owner of the
3 aircraft and all other legal or equitable interests in that aircraft shall
4 be divested; provided that, the holder of any legal or equitable interest
5 was notified of the intended disposal of the aircraft as required under
6 sections 305.800 to 305.810.

7 2. The airport superintendent may issue documents of
8 disposition to the purchaser or recipient of an aircraft disposed of
9 under sections 305.800 to 305.810.

Unofficial ✓

Bill

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