

## **BILL ANALYSIS**

Senate Research Center  
79R5617 AJA-D

C.S.S.B. 149  
By: Wentworth  
Jurisprudence  
3/24/2005  
Committee Report (Substituted)

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Currently, an aircraft repair and maintenance lien may only be filed with the Federal Aviation Administration (FAA) on an aircraft that is registered with the FAA. Only aircraft owned by a United States citizen, a resident alien, a United States corporation, or a government entity is eligible for registration. C.S.S.B. 149 allows an aircraft repair and maintenance lien to be filed on any aircraft, whether domestic or foreign-owned, with the Texas secretary of state's office.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the secretary of state in SECTION 2 (Section 70.3031, Property Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Section 70.303, Property Code, to read as follows:

Sec. 70.303. RECORDING OF LIEN: AIRCRAFT REGISTERED IN UNITED STATES.

SECTION 2. Amends Subchapter D, Chapter 70, Property Code, by adding Section 70.3031, as follows:

Sec. 70.3031. RECORDING OF LIEN: AIRCRAFT NOT REGISTERED IN UNITED STATES. (a) Authorizes the holder of a lien under this subchapter on an aircraft that is registered in a nation other than the United States or that is not registered in any national jurisdiction to record the lien on the aircraft by filing with the secretary of state not later than the 180th day after the date of the completion of the contractual storage period or the performance of the last repair, fueling, or maintenance an affidavit that states certain information.

(b) Provides that an inaccurate address stated under Subsection (a)(4) does not invalidate the affidavit.

(c) Requires the secretary of state to maintain a record of information filed with the secretary of state under this section and index the records in the name of the owner of the aircraft.

(d) Sets forth the fees for filing information with the secretary of state under this section.

SECTION 3. Amends Section 70.304(a), Property Code, to change the deadline for a holder of a lien to notify the owner shown on the certificate of registration from the 30th to the 60th day after the date of the completion of the contractual storage period. Makes conforming changes.

SECTION 4. Amends Section 70.305, Property Code, to change the deadline after which the holder of a lien is authorized to sell the aircraft at a public sale from the 60th to the 90th day after the date of the completion of the contractual storage period.

SECTION 5. Amends Subchapter D, Chapter 70, Property Code, by adding Section 70.307, as follows:

Sec. 70.307. CRIMINAL OFFENSE: IMPROPERLY OBTAINING POSSESSION OF AIRCRAFT SUBJECT TO LIEN. (a) Provides that a person commits an offense if the person, through surreptitious removal or by trick, fraud, or device perpetrated on the holder of the lien, obtains possession of all or part of an aircraft that is subject to a lien under this subchapter.

(b) Provides that an offense under this section is a Class B misdemeanor.

(c) Authorizes the actor, if conduct that constitutes an offense under this section also constitutes an offense under any other law, to be prosecuted under this section or the other law.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: upon passage or September 1, 2005.