

Subsec. (c)(2). Pub. L. 108-458, § 4027(c)(2), substituted “Secretary of Homeland Security” for “Under Secretary of Transportation for Security”.

2001—Subsec. (c)(2). Pub. L. 107-71 inserted “or the Under Secretary of Transportation for Security” after “Federal Aviation Administration”.

§ 46304. Liens on aircraft

(a) AIRCRAFT SUBJECT TO LIENS.—When an aircraft is involved in a violation referred to in section 46301(a)(1)(A)–(C) of this title and the violation is by the owner of, or individual commanding, the aircraft, the aircraft is subject to a lien for the civil penalty.

(b) SEIZURE.—An aircraft subject to a lien under this section may be seized summarily and placed in the custody of a person authorized to take custody of it under regulations of the Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration). A report on the seizure shall be submitted to the Attorney General. The Attorney General promptly shall bring a civil action in rem to enforce the lien or notify the Secretary or Administrator that the action will not be brought.

(c) RELEASE.—An aircraft seized under subsection (b) of this section shall be released from custody when—

- (1) the civil penalty is paid;
- (2) a compromise amount agreed on is paid;
- (3) the aircraft is seized under a civil action in rem to enforce the lien;
- (4) the Attorney General gives notice that a civil action will not be brought under subsection (b) of this section; or
- (5) a bond (in an amount and with a surety the Secretary or Administrator prescribes), conditioned on payment of the penalty or compromise, is deposited with the Secretary or Administrator.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1235; Pub. L. 108-176, title V, §503(d)(2), Dec. 12, 2003, 117 Stat. 2559; Pub. L. 115-254, div. K, title I, §1991(g)(2), Oct. 5, 2018, 132 Stat. 3644.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46304(a)	49 App.:1471(b).	Aug. 23, 1958, Pub. L. 85-726, §§ 901(b), 903(b)(2), (3), 72 Stat. 784, 786.
46304(b)	49 App.:1473(b)(2). 49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704.
	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.
46304(c)	49 App.:1473(b)(3). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	

In this section, the word “civil” is added before “penalty” for consistency in the revised title and with other titles of the United States Code.

In subsections (b) and (c), the word “Administrator” in section 902(b)(2) and (3) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 786) is retained on authority of 49:106(g). The words “Attorney General” are substituted for “United States attorney for the judicial district in which the seizure is made” and “United States attorney” because of 28:503 and 509.

In subsection (b), the words “report on the seizure” are substituted for “report of the cause” for clarity. The words “bring a civil action in rem” are substituted for “institute proceedings” for clarity and consistency in the revised title and with other titles of the Code and the Federal Rules of Civil Procedure (28 App. U.S.C.). The words “that the action will not be brought” are substituted for “of his failure to so act” for clarity.

In subsection (c)(3), the words “under a civil action in rem” are substituted for “in pursuance of process of any court in proceedings in rem” to eliminate unnecessary words and for consistency.

AMENDMENTS

2018—Subsec. (b). Pub. L. 115-254 substituted “or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration” for “or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator”.

2003—Subsec. (a). Pub. L. 108-176 struck out “, (2), or (3)” after “section 46301(a)(1)(A)–(C)”.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108-176, set out as a note under section 106 of this title.

§ 46305. Actions to recover civil penalties

A civil penalty under this chapter may be collected by bringing a civil action against the person subject to the penalty, a civil action in rem against an aircraft subject to a lien for a penalty, or both. The action shall conform as nearly as practicable to a civil action in admiralty, regardless of the place an aircraft in a civil action in rem is seized. However, a party may demand a jury trial of an issue of fact in an action involving a civil penalty under this chapter (except a penalty imposed by the Secretary of Transportation that formerly was imposed by the Civil Aeronautics Board) if the value of the matter in controversy is more than \$20. Issues of fact tried by a jury may be reexamined only under common law rules.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1235.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46305	49 App.:1473(b)(1).	Aug. 23, 1958, Pub. L. 85-726, §903(b)(1), 72 Stat. 786; Oct. 24, 1978, Pub. L. 95-504, §36, 92 Stat. 1741.
	49 App.:1473(b)(4).	Aug. 23, 1958, Pub. L. 85-726, §903(b)(4), 72 Stat. 787.
	49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704.

The text of 49 App.:1473(b)(4) is omitted because of 28:ch. 131. The words “imposed or assessed” are omitted as surplus. The words “bringing a civil action” are substituted for “proceedings in personam”, the words “civil action in rem” are substituted for “proceedings in rem”, and the words “civil action” are substituted for “civil suits”, for consistency in the revised title and with other titles of the United States Code and the Federal Rules of Civil Procedure (28 App. U.S.C.). The words “regardless of the place an aircraft in a civil action in rem is seized” are substituted for 49