

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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.

In subsection (d)(2), the words “lease or instrument” are substituted for “instrument” for clarity and consistency in this subchapter.

Editorial Notes

AMENDMENTS

2004—Subsec. (c)(2). Pub. L. 108-297 inserted “or the Cape Town Treaty, as applicable” before period at end.

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.

§ 44109. Reporting transfer of ownership

(a) FILING NOTICES.—A person having an ownership interest in an aircraft for which a certificate of registration was issued under section 44103 of this title shall file a notice with the Secretary of the Treasury that the Secretary requires by regulation, not later than 15 days after

a sale, conditional sale, transfer, or conveyance of the interest.

(b) EXEMPTIONS.—The Secretary—

(1) shall prescribe regulations that establish guidelines for exempting a person or class from subsection (a) of this section; and

(2) may exempt a person or class under the regulations.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1166.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44109(a)	49 App.:1509(f).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1109(f); added Oct. 27, 1986, Pub. L. 99-570, §3401(d)(1), 100 Stat. 3207-101.
44109(b)	49 App.:1509 (note).	Oct. 27, 1986, Pub. L. 99-570, §3401(d)(2), 100 Stat. 3207-102.

In subsection (a), the text of 49 App.:1509(f) (last sentence) is omitted as unnecessary.

In subsection (b)(1), the words “Within 30 days after the date of enactment of subsection (f) of section 1109 of the Federal Aviation Act of 1958 as added by this subsection” are omitted as obsolete.

§ 44110. Information about aircraft ownership and rights

The Administrator of the Federal Aviation Administration may provide by regulation for—

(1) endorsing information on each certificate of registration issued under section 44103 of this title and each certificate issued under section 44704 of this title about ownership of the aircraft for which each certificate is issued; and

(2) recording transactions affecting an interest in, and for other records, proceedings, and details necessary to decide the rights of a party related to, a civil aircraft of the United States, aircraft engine, propeller, appliance, or spare part.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1166.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44110	49 App.:1403(g). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §503(g), 72 Stat. 774. 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.

In clause (1), the words “each certificate of registration issued under section 44103 of this title and each certificate issued under section 44704 of this title” are substituted for “certificates of registration, or aircraft certificates” for clarity and because of the restatement.

In clause (2), the words “recording transactions” are substituted for “recording of discharges and satisfactions of recorded instruments, and other transactions” to eliminate unnecessary words. The words “title to” are omitted as being included in “interest in”. The words “to decide” are substituted for “to facilitate the determination” to eliminate unnecessary words. The words “related to” are substituted for “dealing with” for clarity. The word “spare” is added for consistency in this section.