Chapter 493

1965 REPLACEMENT PART
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Aircraft Operation

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493.010 Exemptions of certain aircraft from requirements of registration and reporting for tax purposes. ORS 493.030 and 493.080 to 493.130 do not apply to:

(1) Aircraft owned by any person, firm or corporation and certificated by the Civil Aeronautics Board for domestic or foreign scheduled air commerce; military aircraft of the United States of America, and aircraft licensed by a foreign country with which the United States has reciprocal relations exempting aircraft registered by the United States, or any political subdivision thereof, from registration within such foreign country.

(2) Aircraft owned by a nonresident of this state until such aircraft has been within Oregon for a period of 90 days and, during such period, has not engaged in air transportation of passengers, freight, express or mail for compensation within the state.

493.020 Federal pilot certificate required. No person shall fly aircraft in this state unless holding a pilot certificate of competency issued by the Department of Commerce of the United States.

493.030 Registration of aircraft; reporting for tax purposes. Unless exempted by ORS 493.010, no person shall fail to register any aircraft, or report any aircraft for taxation when required by ORS 493.080 to 493.130.

493.040 Registration of airmen; renewal. (1) In the interest of public safety and the safety of those people traveling by air or receiving aeronautic instruction, every airman operating within this state shall register with the board within 60 days of issuance of any appropriate effective federal certificate, permit, rating or license relating to his competency as an airman except that student pilots shall register prior to their first solo flight. A non-resident pilot of a scheduled or nonscheduled airline, certificated by the Civil Aeronautics Board of the United States, is not required to register under the provisions of this section unless he engages in the piloting of aircraft other than such certificated operation. Nonresidents operating within this state, other than in a commercial operation, shall register with the board within 60 days of the date of arrival within the state. Pilots operating commercially shall register prior to any commercial operation.

(2) Every such airman shall renew such registration at the beginning of each calendar year thereafter in which he is active as a pilot.

493.050 Requirements; fee; certificate. (1) Possession of the appropriate effective federal certificate, permit, rating or license relating to competency of the airman and payment of a fee of $2 shall be the requisite for registration of an airman under ORS 493.040. A filing of a written statement containing the information reasonably required by the board is sufficient to effect a registration. No originals or copies of federal certificates, permits, ratings or licenses shall be required of the applicant.

(2) The board may issue certificates of registration and may prescribe requirements for possession and exhibition of such certificates.

[Amended by 1965 c.414 §1]

493.060 Exhibition of certificate on demand. Every airman operating within this state shall present his federal certificate of competency and state certificate of registration on demand. The certificate of registration shall be kept in the personal possession of the licensee when operating aircraft within this state and must be presented for inspection upon demand of any passenger, peace officer, official manager in charge of any airport, other aircraft operator or federal or state agent.

493.070 Disposition of moneys received for registration of pilot licenses. All moneys received by the State Board of Aeronautics for the registration of pilot licenses as prescribed in ORS 493.040 shall be paid by the board to the State Treasurer, who shall deposit it in the General Fund to a special account to be known as the Aeronautical Search and Rescue Account. Such amount as may be necessary, and no more, is appropriated out of such account for the payment of all expenses incurred by the board of aeronautics for the search for lost planes and lost persons and the rescue of lost persons. The Secretary of State shall audit all claims for such purposes, duly approved by the chairman of the board of aeronautics or the Aeronautics Administrator, and draw his warrants on the State Treasurer for the payment thereof, payable out of the Aeronautical Search and Rescue Account.

493.080 Registration of aircraft. Except as exempted by ORS 493.010 and except

for aircraft assessed by the Department of Revenue under ORS 308.515, every owner of any civil aircraft, before he operates or flies it over the lands or waters of this state, even though the aircraft has an appropriate effective certificate, permit or license issued by the United States, if such certificate, permit or license is required by the United States, shall cause to be filed in the office of the State Board of Aeronautics, an application for registration of the aircraft, duly signed by the owner, on a blank or blanks to be supplied by the board for such purpose, containing:

(1) The name, residence and business address of the owner of the aircraft.

(2) The name of the county in which the owner resides.

(3) A brief description of the aircraft sufficiently explicit for identification thereof.

493.090 Fee; time of registration; fee in lieu of personal property taxes. (1) The registration fee to be paid by owners under ORS 493.080 shall be $15. The registration fee shall be paid to the board for each aircraft for which application for registration is made.

(2) Any aircraft not registered prior to April 30 is subject to both registration and personal property tax. Aircraft purchased new or entering the state after April 30, shall be registered within 60 days after the date of purchase or entering this state, as the case may be; provided, that aircraft engaging in commercial operations shall be registered as provided in ORS 493.080 prior to any repeated flight in such commercial operations.

(3) The fees set by this section shall be in lieu of all personal property taxes on aircraft authorized by any law of this state or ordinance of a municipality thereof other than those on aircraft owned and used by aircraft companies whose properties are assessed by the Department of Revenue under ORS 308.515.

[Amended by 1965 c.414 §2]

493.100 Action on application; number plate and certificate; duplicate certificates; applications as public records. (1) Upon receipt of an application for registration of any aircraft and payment of the required license fee, the Aeronautics Administrator shall file the application in his office, assign to the application and the aircraft to be registered a distinctive number and register the facts stated in the application and the number in an index to be kept for that purpose.

(2) A number plate and a certificate of registration, bearing the same number assigned to the application, and in a form and design to be determined by the State Board of Aeronautics, shall be delivered to the owner of the aircraft without further expense to such applicant.

(3) The certificate of registration shall be carried in the aircraft at all times, and displayed in a conspicuous position on the aircraft at all times. No sign to denote registration of aircraft by the State of Oregon, other than those furnished by the Aeronautics Administrator, shall be used.

(4) Duplicate certificates of registration may be obtained, upon proof of loss or destruction of the original, by application therefor to the board of aeronautics and the payment of $1 for each additional certificate. The facts stated in any application for registration shall be a public record and open to inspection by the public during reasonable office hours.

493.110 Expiration and renewal of registrations; report to county assessors. (1) All registrations under ORS 493.080 shall expire on December 31 of each year and shall be renewed annually in the same manner as an original application for registration and upon the payment of the fee required by ORS 493.090. The renewal shall take effect on January 1 of each year. All renewals shall be made prior to April 30 of each year, otherwise the aircraft shall be subject to personal property tax as well as registration.

(2) On or before May 31 of each year, the office of the board of aeronautics shall supply the assessor of each county with a statement containing the name and address of the owner and a brief description of each aircraft located in such county, together with the date of registration of such aircraft.

493.120 Effect of paying registration fee with worthless check. Whenever any bank check issued in payment of any aircraft registration fee is returned to the Aeronautics Administrator as uncollectible, the Aeronautics Administrator shall charge to the person presenting such check to him an additional fee of $3, plus all protest fees to cover the costs of collection. If the fee and the charges for collecting the check, as provided in this section, and the proceeds of the

check then are not paid, the Aeronautics Administrator shall suspend the registration in payment of which the check was presented, and may delegate authority to any department employe or police officer to seize and recover the registration certificate and such other evidence of registration as has been issued.

493.130 Transfer of registration. Upon the purchase of any aircraft registered in accordance with ORS 493.080, title to the certificate of registration assigned thereto shall vest in the purchaser, and the purchaser, within five days after the date of purchase, shall file with the board of aeronautics an application to transfer the registration, stating his name and business address, the name of the seller, the registration number assigned to the aircraft, and a brief description of the aircraft as required for an original registration. Upon the receipt of the application and the payment of a fee of $1, the Aeronautics Administrator shall transfer the license and registration number to the purchaser, and shall record the transfer upon the records in his office. No sale or transfer of any aircraft registered under ORS 493.080 shall be valid without compliance with the provisions of this section. If an aircraft is not registered at the time of purchase, even though the aircraft may have been purchased within the state, new or used, the purchaser shall register it.

493.140 Aircraft dealer's license. (1) Any dealer in new or used aircraft, or both, may apply to the board of aeronautics for a dealer's license. Upon such application, the board shall issue an aircraft dealer's license to the applicant for an annual fee of $50. The dealer's license shall be in lieu of all other licenses and personal property taxes upon the dealer's aircraft within this state, so long as they are kept for resale and are not used in commercial operations within this state. If application for dealer's license is not made to the board prior to April 30 of the year for which the license is to be issued, the lien of the personal property tax shall attach as otherwise provided by law.

(2) This section does not prohibit the registering of a dealer's aircraft under ORS 493.080.

493.150 Regulation of aeronautical schools. The State Board of Aeronautics, exclusively, shall license, inspect and regulate all aeronautical schools within this state. The license, when granted, shall be at no cost to the school. The board also shall adopt standards for the operation of such schools and may make and promulgate all such reasonable rules and regulations as it may deem necessary to carry out the spirit, intent and purpose of this section.

493.160 Prohibited operation of aircraft. No person shall operate an aircraft in the air, or on the ground or water:

(1) While he is under the influence of intoxicating liquor, narcotic or other habit-forming drug.

(2) In a careless or reckless manner so as to endanger the life or property of another.

493.170 Dropping articles without permit prohibited; exceptions. (1) Unless a permit is granted by the Aeronautics Administrator or except in an emergency, no person shall throw or drop any missile or other article or substance from any aircraft in flight, except over ground temporarily or permanently devoted to flying, or over open water.

(2) This section does not prohibit, or require a permit for, the use of an airplane for crop dusting or any other agricultural purposes or for seeding any agricultural or horticultural crop or for dusting or spraying in furtherance of insect and pest control. Any such use of an airplane shall be made with due regard for the safety of others.

493.180 Landings on public highways and grounds prohibited. Except in an emergency, no person shall land aircraft on highways or public parks or other public grounds without permission from the authorities in charge thereof.

493.190 Flying over military and naval establishments; photographs from airplanes. No person shall fly over a government fort or tract of land set aside for military or naval purpose, nor shall any person make any photograph or map of such fort or land from any aircraft without written permission having been obtained from the person in command of the fort or land.

493.200 Prosecution of violators of aeronautics laws. The prosecuting and district attorneys of this state shall prosecute all persons charged with violation of any of the provisions of the laws of this state relating to aeronautics and all laws amendatory or supplementary thereof. The Aeronautics

Administrator shall, under the direction of the board, aid said attorneys in such prosecution.

493.990 Penalties. (1) Violation of ORS 493.030 is punishable, upon conviction, by a fine of not less than $10 nor more than $100.

(2) Violation of any of the laws of this state relating to aeronautics is punishable, upon conviction, by a fine of not more than $500, or by imprisonment in the county jail for not more than six months, or both. Each violation shall be a separate offense and shall be punished in like manner.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on November 15, 1965.

Sam R. Haley
Legislative Counsel

CHAPTERS 494 AND 495

[Reserved for expansion]