

Chapter 493

1981 REPLACEMENT PART

Aircraft Operation

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CROSS REFERENCES

- Administrative procedures governing state agencies, 183.310 to 183.550
Definitions applicable to aeronautics statutes, 492.010
Drug offense, seizure of vehicle used in offense, 167.247
Liability to aircraft passengers, 30.115, 30.130
Taking or using aircraft without permission, 164.135
- 493.070**
Expenditures without allotment prohibited in certain cases, 291.238
- 493.170**
Aerial spraying of forest lands, 527.510, 527.540
- 493.180**
Aircraft-free zones on ocean shore, 390.668
Establishing landing field on ocean shore, 492.790, 492.800

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; such classes of aircraft as may be designated by rules and regulations of the department.

(2) Aircraft owned by a nonresident of this state until such aircraft has been within Oregon for a period of 60 days and, during such period, has not engaged in repeated air transportation of persons, or property or for providing services for compensation within the state. [Amended by 1975 c 302 §8]

493.020 Federal pilot certificate required. No person shall fly aircraft in this state unless holding a pilot certificate of competency issued by the appropriate federal agency. [Amended by 1973 c 312 §1]

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 pilots; renewal. (1) In the interest of public safety and the safety of those people traveling by air or receiving aeronautic instruction, every pilot operating within this state shall register with the Department of Transportation within 60 days of issuance of any appropriate effective federal certificate, permit, rating or license relating to his competency as a pilot except that student pilots shall register prior to their first solo flight. A nonresident 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 department within 60 days of the date of arrival within

the state. Pilots operating commercially shall register prior to any commercial operation.

(2) Every such pilot shall renew such registration at the beginning of the calendar year following his initial registration and at the beginning of each two-year period thereafter in which he is active as a pilot. [Amended by 1975 c 302 §9; 1977 c 398 §1]

493.050 Requirements for registration; fee; certificates issued. (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 for his initial registration and \$4 for each renewal of registration 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 department 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 department may issue certificates of registration and may prescribe requirements for possession and exhibition of such certificates. [Amended by 1965 c 414 §1, 1977 c 398 §2]

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 Department of Transportation for the registration of pilot licenses as prescribed in ORS 493.040 shall be paid by the department 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. The money in the account established under this section shall be used only for the following purposes or as otherwise provided by law:

(1) Such amount as may be necessary, and no more, is appropriated out of such account for the payment of all expenses incurred by the department for the search for lost planes

and lost persons, the rescue of lost persons and all other expenses directly attributable to the search and rescue program and the registration of pilot licenses. The Executive Department, after approval of claims for such purposes by the Director of Transportation or the Aeronautics Administrator, shall draw warrants on the State Treasurer for the payment thereof, payable out of the Aeronautical Search and Rescue Account.

(2) The Aeronautics Administrator may use money from the Aeronautical Search and Rescue Account to provide insurance to compensate any member of the division's volunteer air search and rescue organization for injuries or loss of life sustained in the scope of performing air search and rescue operations under the direction of the division. The insurance may be obtained from a public or private insurer. The scope, coverage and benefits provided under the insurance shall not exceed those provided for persons under ORS chapter 656. If the insurance is provided, the coverage provided by the insurance:

(a) Shall include all volunteer members accepted by the division.

(b) Regardless of negligence, is the exclusive remedy of a member of the division's air search and rescue organization against the State of Oregon, the Department of Transportation, the Aeronautics Division or any other person acting under the division's authority or direction for those injuries or losses resulting from the air search and rescue activities.

[Amended by 1975 c 59 §2, 1981 c 197 §1]

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 resident 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 Department of Transportation, an application for registration of the aircraft, duly signed by the owner, on a blank or blanks to be supplied by the department 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.

[Amended by 1975 c 302 §10]

493.090 Fee; time of registration; fee in lieu of personal property taxes. (1) As used in subsection (2) of this section, except where the context otherwise requires:

(a) "Small multiengine fixed wing" means any multiengine fixed wing aircraft with a maximum gross weight as listed by the manufacturer of less than 5,700 pounds.

(b) "Large multiengine fixed wing" means any multiengine fixed wing aircraft with a maximum gross weight as listed by the manufacturer of 5,700 pounds or more.

(2) The annual registration fee to be paid by owners under ORS 493.080 shall be paid to the Aeronautics Division for each aircraft for which application for registration is made, and shall be as follows:

Months elapsed since aircraft manufactured		Type of aircraft	Registration fee
Over	But not over		
0	59	Single engine fixed wing	\$ 40
0	59	Small multiengine fixed wing	50
0	59	Large multiengine fixed wing	65
0	59	Turboprop multiengine fixed wing	80
0	59	Turbojet multiengine fixed wing	125
0	59	Helicopter	75
59	119	Single engine fixed wing	35
59	119	Small multiengine fixed wing	45
59	119	Large multiengine fixed wing	55
59	119	Turboprop multiengine fixed wing	60
59	119	Turbojet multiengine fixed wing	100
59	119	Helicopter	55
119	179	Single engine fixed wing	30
119	179	Small multiengine fixed wing	40
119	179	Large multiengine fixed wing	45
119	179	Turboprop multiengine fixed wing	50
119	179	Turbojet multiengine fixed wing	75
119	179	Helicopter	50
179	239	Single engine fixed wing	25
179	239	Small multiengine fixed wing	35
179	239	Large multiengine fixed wing	40
179	239	Turboprop multiengine fixed wing	45
179	239	Turbojet multiengine fixed wing	50

179	239	Helicopter	40
239		Single engine fixed wing	20
239		Small multiengine fixed wing	30
239		Large multiengine fixed wing	35
239		Helicopter	35
All ages		Sailplane	20
All ages		Lighter than air	20
All ages		Multiengine ex-military	100
All ages		Multiengine ex-air carrier	100
All ages		Home built	20

(3) Any aircraft not registered prior to March 1 is subject to both registration and personal property tax. Aircraft purchased new or entering the state after March 1 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.

(4) 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, 1973 c.312 §2, 1973 c.567 §1, 1977 c.349 §1, 1979 c.381 §1]

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 Department of Transportation, 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 the number plate shall at all times be displayed in a conspicuous position in or on the aircraft so as to be readily visible from the exterior of the aircraft. 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 department and the payment of \$5 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.

[Amended by 1975 c.302 §11; 1979 c.381 §2]

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 March 1 of each year, otherwise the aircraft shall be subject to personal property tax as well as registration.

(2) On or before March 31 of each year, the office of the Department of Transportation 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.

[Amended by 1973 c.312 §3; 1979 c.381 §3]

493.120 Effect of paying aircraft or pilot registration fee with worthless check.

Whenever any bank check issued in payment of any aircraft or pilot 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 \$10, 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. [Amended by 1979 c.381 §4]

493.130 Notice of sale of aircraft; transfer of registration.

(1) 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. Within five days after the date of:

(a) Purchase, the purchaser shall file with the Department of Transportation 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.

(b) Sale, the seller shall notify the Aeronautics Administrator of the sale with the name and address of the purchaser, registration number assigned to the aircraft and a brief description of the aircraft as required for an original registration.

(2) Upon the receipt of the application and the payment of a fee of \$5, 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.

[Amended by 1979 c 381 §5]

493.140 Aircraft dealer's license. (1) Any dealer in new or used aircraft, or both, shall apply to the Department of Transportation for a dealer's license. Upon such application, the department shall issue an aircraft dealer's license to the applicant for an annual fee of \$100. The dealer's license shall be in lieu of all other licenses or registration required by ORS 493.080 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.

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

(3) Upon the sale by a dealer of an aircraft which is not registered under ORS 493.080, the dealer shall advise the purchaser of the registration requirements under ORS 493.080 to 493.130. [Amended by 1975 c 302 §12; 1979 c 381 §6, 1979 c.692 §15]

493.150 Regulation of flight schools. The Department of Transportation, exclusively, shall license, inspect and regulate all flight schools within this state. The license, when granted, shall be at no cost to the school. The department 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. [Amended by 1975 c 302 §13]

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

(1) While the person is under the influence of intoxicating liquor, drugs or controlled substances.

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

[Amended by 1979 c.744 §48]

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 de-

partment, aid said attorneys in such prosecution.

493.225 Infraction procedure. (1) The aeronautics infractions that are established by this chapter and ORS chapters 491 and 492 are infractions that are subject to ORS 8.665, 153.110 to 153.310 and 153.990. Except as otherwise specifically provided in this chapter or ORS chapter 491 or 492 any offense that is designated as aeronautics infraction is subject to citation and enforcement as provided under ORS 8.665, 153.110 to 153.310, 153.435 and 153.990.

(2) All fines and court costs recovered from violations of aeronautics infractions shall be paid to the clerk of the court involved. The clerk, after deductions of court costs pro-

vided by law for the proceeding, shall pay the remainder of the money to the State Treasurer to be deposited in the General Fund for use for general government purposes. [1981 c 702 §33]

493.990 [Repealed by 1981 c.702 §1]

493.991 Penalties. Any person commits a Class A aeronautics infraction if the person violates any provision of ORS chapters 491, 492 and 493, except those provisions governing official regulatory actions of governmental bodies, or any rule adopted thereunder.

[1981 c 702 §3]
