

Chapter 493

1985 REPLACEMENT PART

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, 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 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 the nonresident pilot 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 follow-

ing the initial registration of the pilot and at the beginning of each two-year period thereafter in which the pilot 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 \$4 for initial registration and \$8 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, 1983 c 448 §1]

493.060 Exhibition of certificate on demand. Every airman operating within this state shall present a 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 in conducting activities authorized under ORS 491.190 to search for lost planes and lost persons, the rescue of lost persons, pilot survival education and training 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 Admin-

istrator, 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, 1983 c 66 §9]

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, physically capable of operation or flight as determined by the Aeronautics Administrator, when such aircraft is located in this state or before it is operated or flown 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, 1985 c 614 §5]

493.090 Fee; time of registration; penalty for late registration. (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	\$ 60
0	59	Helicopter piston engine	60
0	59	Small multiengine fixed wing	75
0	59	Large multiengine fixed wing	100
0	59	Turboprop multiengine fixed wing	120
0	59	Helicopter turbine engine	120
0	59	Turbojet multiengine fixed wing	190
59	119	Single engine fixed wing	55
59	119	Helicopter piston engine	55
59	119	Small multiengine fixed wing	70
59	119	Large multiengine fixed wing	85
59	119	Turboprop multiengine fixed wing	90
59	119	Helicopter turbine engine	90
59	119	Turbojet multiengine fixed wing	150
119	179	Single engine fixed wing	45
119	179	Helicopter piston engine	45
119	179	Small multiengine fixed wing	60
119	179	Large multiengine fixed wing	70
119	179	Turboprop multiengine fixed wing	75
119	179	Helicopter turbine engine	75
119	179	Turbojet multiengine fixed wing	115
179	239	Single engine fixed wing	40
179	239	Helicopter piston engine	40
179	239	Small multiengine fixed wing	55
179	239	Large multiengine fixed wing	60
179	239	Turboprop multiengine fixed wing	70
179	239	Helicopter turbine engine	70

179	239	Turbojet multiengine fixed wing	75
		Single engine fixed wing	30
		Helicopter piston engine	30
		Small multiengine fixed wing	45
		Large multiengine fixed wing	55
		Turboprop multiengine fixed wing	65
		Helicopter turbine engine	65
		Turbojet multiengine fixed wing	70
		Sailplane	30
		Lighter than air	30
		Multiengine ex-military	150
		Multiengine ex-air carrier	150
		Home built	30
		Gyrocopter	30
		Ultralight	20

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 following apply to the use and display of number plates, certificates of registration and other signs denoting registration for aircraft

(a) 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

(b) The administrator, by rule, may establish the place where the number plate shall be displayed

(c) No sign to denote registration of aircraft by the State of Oregon, other than those furnished by the Aeronautics Administrator, shall be used

(3) Any aircraft not registered prior to March 1 is subject to both the registration fee and a penalty in an amount equal to the registration fee Aircraft newly purchased, entering the state or otherwise becoming subject to registration under ORS 493 080 shall be registered within 60 days after the date the aircraft was purchased, entered the state or otherwise became subject to registration under ORS 493 080, 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) If an aircraft that was not subject to registration on January 1 of any year becomes subject to registration during that year, the registration fee required by this section shall be reduced 25 percent for each calendar quarter that elapsed before the aircraft became subject to registration and shall be rounded up to the nearest full dollar amount [Amended by 1965 c 414 §2, 1973 c 312 §2, 1973 c 567 §1, 1977 c 349 §1, 1979 c 381 §1, 1983 c 448 §2, 1985 c 346 §1, 1985 c 614 §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 the office of the administrator, 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

(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

(5) Registration of an aircraft does not require, nor does it constitute evidence of legal ownership of the aircraft [Amended by 1975 c 302 §11, 1979 c 381 §2, 1983 c 448 §3, 1985 c 109 §1]

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 the administrator 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 the name and business address of the purchaser, 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 the office of the administrator. 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 [Amended by 1975 c 302 §13, repealed by 1983 c 66 §12]

493.160 Prohibited operation of aircraft. (1) A person commits the offense of prohibited operation of an aircraft if the person operates an aircraft in the air, or on the ground or water.

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

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

(2) The offense described in this section, prohibited operation of an aircraft, is punishable as provided under ORS 493 991 [Amended by 1979 c 744 §48, 1983 c 66 §10]

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 [Repealed by 1983 c 66 §12]

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 and 153 990.

(2) In addition to any other persons permitted to enforce infractions under ORS 8 665, 153 110 to 153 310 and 153 990, the Aeronautics Administrator and any employe of the Aeronautics Division specifically designated by the administrator have jurisdiction of and may enforce infractions established under ORS 493 991 (3) in the manner provided under ORS 8 665, 153 110 to 153 310 and 153 990 for the enforcement of infractions.

(3) 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 provided by law for the proceeding, shall pay the remainder of the money to the State Treasurer to be deposited in the State Aeronautic Account in the General Fund [1981 c 702 §33, 1985 c 614 §3]

493 990 [Repealed by 1981 c 702 §1]

493.991 Penalties. (1) Except as otherwise provided in this section, 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.

(2) The offense described in ORS 493 160, prohibited aircraft operation, is a Class B misdemeanor.

(3) A person commits the offense of failure to register if the person fails to register an aircraft as required by ORS 493 080 [1981 c 702 §3, 1983 c 66 §11, 1985 c 614 §4]

