

cluding any amendments made by this Act, shall take effect on the date the Cape Town Treaty (as defined in section 44113 of title 49, United States Code) enters into force with respect to the United States and shall not apply to any registration or recordation that was made before such effective date under chapter 441 of such title or any legal rights relating to such registration or recordation.” [The Cape Town Treaty entered into force with respect to the United States on Mar. 1, 2006. See 71 F.R. 8457.]

REGULATIONS

Pub. L. 108-297, §4, Aug. 9, 2004, 118 Stat. 1096, provided that:

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall issue regulations necessary to carry out this Act [see Short Title of 2004 Amendment note set out under section 40101 of this title], including any amendments made by this Act.

“(b) CONTENTS OF REGULATIONS.—Regulations to be issued under this Act shall specify, at a minimum, the requirements for—

“(1) the registration of aircraft previously registered in a country in which the Cape Town Treaty is in effect; and

“(2) the cancellation of registration of a civil aircraft of the United States based on a request made in accordance with the Cape Town Treaty.

“(c) EXPEDITED RULEMAKING PROCESS.—

“(1) FINAL RULE.—The Administrator shall issue regulations under this section by publishing a final rule by December 31, 2004.

“(2) EFFECTIVE DATE.—The final rule shall not be effective before the date the Cape Town Treaty enters into force with respect to the United States [Mar. 1, 2006, see Effective Date of 2004 Amendment note above].

“(3) ECONOMIC ANALYSIS.—The Administrator shall not be required to prepare an economic analysis of the cost and benefits of the final rule.

“(d) APPLICABILITY OF TREATY.—Notwithstanding parts 47.37(a)(3)(ii) and 47.47(a)(2) of title 14, of the Code of Federal Regulations, Articles IX(5) and XIII of the Cape Town Treaty shall apply to the matters described in subsection (b) until the earlier of the effective date of the final rule under this section or December 31, 2004.”

CAPE TOWN TREATY; FINDINGS AND PURPOSE

Pub. L. 108-297, §2, Aug. 9, 2004, 118 Stat. 1095, provided that:

“(a) FINDINGS.—Congress finds the following:

“(1) The Cape Town Treaty (as defined in section 44113 of title 49, United States Code) extends modern commercial laws for the sale, finance, and lease of aircraft and aircraft engines to the international arena in a manner consistent with United States law and practice.

“(2) The Cape Town Treaty provides for internationally established and recognized financing and leasing rights that will provide greater security and commercial predictability in connection with the financing and leasing of highly mobile assets, such as aircraft and aircraft engines.

“(3) The legal and financing framework of the Cape Town Treaty will provide substantial economic benefits to the aviation and aerospace sectors, including the promotion of exports, and will facilitate the acquisition of newer, safer aircraft around the world.

“(4) Only technical changes to United States law and regulations are required since the asset-based financing and leasing concepts embodied in the Cape Town Treaty are already reflected in the United States in the Uniform Commercial Code.

“(5) The new electronic registry system established under the Cape Town Treaty will work in tandem with current aircraft document recordation systems of the Federal Aviation Administration, which have served United States industry well.

“(6) The United States Government was a leader in the development of the Cape Town Treaty.

“(b) PURPOSE.—Accordingly, the purpose of this Act [see Short Title of 2004 Amendment note set out under section 40101 of this title] is to provide for the implementation of the Cape Town Treaty in the United States by making certain technical amendments to the provisions of chapter 441 of title 49, United States Code, directing the Federal Aviation Administration to complete the necessary rulemaking processes as expeditiously as possible, and clarifying the applicability of the Treaty during the rulemaking process.”

§ 44102. Registration requirements

(a) ELIGIBILITY.—An aircraft may be registered under section 44103 of this title only when the aircraft is—

(1) not registered under the laws of a foreign country and is owned by—

(A) a citizen of the United States;

(B) an individual citizen of a foreign country lawfully admitted for permanent residence in the United States; or

(C) a corporation not a citizen of the United States when the corporation is organized and doing business under the laws of the United States or a State, and the aircraft is based and primarily used in the United States; or

(2) an aircraft of—

(A) the United States Government; or

(B) a State, the District of Columbia, a territory or possession of the United States, or a political subdivision of a State, territory, or possession.

(b) DUTY TO DEFINE CERTAIN TERM.—In carrying out subsection (a)(1)(C) of this section, the Secretary of Transportation shall define “based and primarily used in the United States”.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1161.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44102(a)(1) ..	49 App.:1401(b) (1st sentence cl. (1)).	Aug. 23, 1958, Pub. L. 85-726, §501(b), 72 Stat. 772; re-stated Nov. 9, 1977, Pub. L. 95-163, §14, 91 Stat. 1283; Mar. 8, 1978, Pub. L. 95-241, 92 Stat. 119.
44102(a)(2) ..	49 App.:1401(b) (1st sentence cl. (2)).	
44102(b)	49 App.:1401(b) (last sentence).	

In subsection (a), before clause (1), the words “may be registered” are substituted for “shall be eligible for registration”, and the words “under section 44103 of this title” are added, for clarity. The words “only when” are substituted for “if, but only if” for consistency. In subclause (C), the words “not a citizen of the United States” are substituted for “(other than a corporation which is a citizen of the United States)” to eliminate unnecessary words. The word “lawfully” is omitted as surplus.

In subsection (b), the words “In carrying out subsection (a)(1)(C) of this section” are added because of the restatement. The words “by regulation” are omitted as unnecessary because of 49:322(a).

§ 44103. Registration of aircraft

(a) GENERAL.—(1) On application of the owner of an aircraft that meets the requirements of section 44102 of this title, the Administrator of the Federal Aviation Administration shall—

- (A) register the aircraft; and
- (B) issue a certificate of registration to its owner.

(2) The Administrator may prescribe the extent to which an aircraft owned by the holder of a dealer's certificate of registration issued under section 44104(2) of this title also is registered under this section.

(b) CONTROLLED SUBSTANCE VIOLATIONS.—(1) The Administrator may not issue an owner's certificate of registration under subsection (a)(1) of this section to a person whose certificate is revoked under section 44106 of this title during the 5-year period beginning on the date of the revocation, except—

(A) as provided in section 44106(e)(2) of this title; or

(B) that the Administrator may issue the certificate to the person after the one-year period beginning on the date of the revocation if the Administrator decides that the aircraft otherwise meets the requirements of section 44102 of this title and that denial of a certificate for the 5-year period—

- (i) would be excessive considering the nature of the offense or the act committed and the burden the denial places on the person; or
- (ii) would not be in the public interest.

(2) A decision of the Administrator under paragraph (1)(B)(i) or (ii) of this subsection is within the discretion of the Administrator. That decision or failure to make a decision is not subject to administrative or judicial review.

(c) CERTIFICATES AS EVIDENCE.—A certificate of registration issued under this section is—

(1) conclusive evidence of the nationality of an aircraft for international purposes, but not conclusive evidence in a proceeding under the laws of the United States; and

(2) not evidence of ownership of an aircraft in a proceeding in which ownership is or may be in issue.

(d) CERTIFICATES AVAILABLE FOR INSPECTION.—An operator of an aircraft shall make available for inspection a certificate of registration for the aircraft when requested by a United States Government, State, or local law enforcement officer.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1162.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44103(a)(1) ..	49 App.:1401(c), (d). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §§501(c), (d), (f), 505 (2d sentence), 72 Stat. 772, 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.
44103(a)(2) ..	49 App.:1405 (2d sentence). 49 App.:1655(c)(1).	
44103(b)	49 App.:1401(e)(2)(D), (E).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §501(e)(2)(D), (E); added Oct. 19, 1984, Pub. L. 98-499, §4(a), 98 Stat. 2315.
44103(c)	49 App.:1401(f).	
44103(d)	49 App.:1401(g).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §501(g); added Oct. 27, 1986, Pub. L. 99-570, §3401(a)(2), 100 Stat. 3207-99.

In subsection (a)(1), the words “On application” are substituted for “upon request”, and the words “meets the requirements of section 44102 of this title” are substituted for “eligible for registration”, for consistency in this subchapter. The text of 49 App.:1401(d) is omitted as unnecessary because of 49:322(a).

In subsection (b)(1)(B), before subclause (i), the words “after the one-year period beginning on the date of the revocation” are substituted for “before the end of such five-year period (but not before the end of the one-year period beginning on the date of such revocation)” for clarity and to eliminate unnecessary words. The words “otherwise meets the requirements of section 44102 of this title” are substituted for “is otherwise eligible for registration under this section” because of the restatement. The words “denial of a certificate” are substituted for “revocation of the certificate” for clarity.

In subsection (c), before clause (1), the words “A certificate of registration” are substituted for “Registration” for clarity. In clause (2), the words “by a particular person” are omitted as surplus.

Statutory Notes and Related Subsidiaries

AIRCRAFT REGISTRATION

Pub. L. 115-254, div. B, title V, §556, Oct. 5, 2018, 132 Stat. 3383, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall initiate a rulemaking to increase the duration of aircraft registrations for noncommercial general aviation aircraft to 7 years.

“(b) CONSIDERATIONS.—In promulgating the notice of proposed rulemaking described in subsection (a), the Administrator may consider any events, circumstances, changes in any ownership entity or structure, or other condition that would necessitate renewal prior to the expiration of an aircraft registration.”

RIGHT TO PRIVACY WHEN USING AIR TRAFFIC CONTROL SYSTEM

Pub. L. 115-254, div. B, title V, §566, Oct. 5, 2018, 132 Stat. 3385, provided that: “Notwithstanding any other provision of law, the Administrator [of the Federal Aviation Administration] shall, upon request of a private aircraft owner or operator, block the registration number of the aircraft of the owner or operator from any public dissemination or display, except in data made available to a Government agency, for the non-commercial flights of the owner or operator.”

AIRCRAFT SITUATIONAL DISPLAY DATA

Pub. L. 106-181, title VII, §729, Apr. 5, 2000, 114 Stat. 168, provided that:

“(a) IN GENERAL.—A memorandum of agreement between the Administrator [of the Federal Aviation Administration] and any person that directly obtains aircraft situational display data from the Federal Aviation Administration shall require that—

“(1) the person demonstrate to the satisfaction of the Administrator that the person is capable of selectively blocking the display of any aircraft-situational-display-to-industry derived data related to any identified aircraft registration number; and

“(2) the person agree to block selectively the aircraft registration numbers of any aircraft owner or operator upon the Administration's request.

“(b) EXISTING MEMORANDA TO BE CONFORMED.—Not later than 30 days after the date of the enactment of this Act [Apr. 5, 2000], the Administrator shall conform any memoranda of agreement, in effect on such date of enactment, between the Federal Aviation Administration and a person under which that person obtains aircraft situational display data to incorporate the requirements of subsection (a).”

§ 44104. Registration of aircraft components and dealers' certificates of registration

The Administrator of the Federal Aviation Administration may prescribe regulations—