

In this section, the word “civil” is added before “penalty” for consistency in the revised title and with other titles of the United States Code.

In subsections (b) and (c), the word “Administrator” in section 902(b)(2) and (3) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 786) is retained on authority of 49:106(g). The words “Attorney General” are substituted for “United States attorney for the judicial district in which the seizure is made” and “United States attorney” because of 28:503 and 509.

In subsection (b), the words “report on the seizure” are substituted for “report of the cause” for clarity. The words “bring a civil action in rem” are substituted for “institute proceedings” for clarity and consistency in the revised title and with other titles of the Code and the Federal Rules of Civil Procedure (28 App. U.S.C.). The words “that the action will not be brought” are substituted for “of his failure to so act” for clarity.

In subsection (c)(3), the words “under a civil action in rem” are substituted for “in pursuance of process of any court in proceedings in rem” to eliminate unnecessary words and for consistency.

Editorial Notes

AMENDMENTS

2018—Subsec. (b). Pub. L. 115-254 substituted “or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration” for “or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator”.

2003—Subsec. (a). Pub. L. 108-176 struck out “, (2), or (3)” after “section 46301(a)(1)(A)–(C)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108-176, set out as a note under section 106 of this title.

§ 46305. Actions to recover civil penalties

A civil penalty under this chapter may be collected by bringing a civil action against the person subject to the penalty, a civil action in rem against an aircraft subject to a lien for a penalty, or both. The action shall conform as nearly as practicable to a civil action in admiralty, regardless of the place an aircraft in a civil action in rem is seized. However, a party may demand a jury trial of an issue of fact in an action involving a civil penalty under this chapter (except a penalty imposed by the Secretary of Transportation that formerly was imposed by the Civil Aeronautics Board) if the value of the matter in controversy is more than \$20. Issues of fact tried by a jury may be reexamined only under common law rules.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1235.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46305	49 App.:1473(b)(1).	Aug. 23, 1958, Pub. L. 85-726, §903(b)(1), 72 Stat. 786; Oct. 24, 1978, Pub. L. 95-504, §36, 92 Stat. 1741.
	49 App.:1473(b)(4).	Aug. 23, 1958, Pub. L. 85-726, §903(b)(4), 72 Stat. 787.

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
	49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704.

The text of 49 App.:1473(b)(4) is omitted because of 28:ch. 131. The words “imposed or assessed” are omitted as surplus. The words “bringing a civil action” are substituted for “proceedings in personam”, the words “civil action in rem” are substituted for “proceedings in rem”, and the words “civil action” are substituted for “civil suits”, for consistency in the revised title and with other titles of the United States Code and the Federal Rules of Civil Procedure (28 App. U.S.C.). The words “regardless of the place an aircraft in a civil action in rem is seized” are substituted for 49 App.:1473(b)(1) (last sentence) to eliminate unnecessary words. The word “civil” is added after “involving a” for clarity. The words “(except a penalty imposed by the Secretary of Transportation that formerly was imposed by the Civil Aeronautics Board)” are substituted for “other than those assessed by the Board” because the Civil Aeronautics Board went out of existence and its duties and powers were transferred to the Secretary of Transportation.

§ 46306. Registration violations involving aircraft not providing air transportation

(a) APPLICATION.—This section applies only to aircraft not used to provide air transportation.

(b) GENERAL CRIMINAL PENALTY.—Except as provided by subsection (c) of this section, a person shall be fined under title 18, imprisoned for not more than 3 years, or both, if the person—

- (1) knowingly and willfully forges or alters a certificate authorized to be issued under this part;
- (2) knowingly sells, uses, attempts to use, or possesses with the intent to use, such a certificate;
- (3) knowingly and willfully displays or causes to be displayed on an aircraft a mark that is false or misleading about the nationality or registration of the aircraft;
- (4) obtains a certificate authorized to be issued under this part by knowingly and willfully falsifying or concealing a material fact, making a false, fictitious, or fraudulent statement, or making or using a false document knowing it contains a false, fictitious, or fraudulent statement or entry;
- (5) owns an aircraft eligible for registration under section 44102 of this title and knowingly and willfully operates, attempts to operate, or allows another person to operate the aircraft when—

(A) the aircraft is not registered under section 44103 of this title or the certificate of registration is suspended or revoked; or

(B) the owner knows or has reason to know that the other person does not have proper authorization to operate or navigate the aircraft without registration for a period of time after transfer of ownership;

(6) knowingly and willfully operates or attempts to operate an aircraft eligible for registration under section 44102 of this title knowing that—

(A) the aircraft is not registered under section 44103 of this title;