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New FAA Rules on Aircraft Re-Registration and Renewal

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The Federal Aviation Administration (“FAA”) has adopted a final rule amending U.S. aircraft registration requirements under Part 47 of the Federal Aviation Regulations. This change, among other things: (i) terminates, over a three year period between March 31, 2011, and December 31, 2013, the registration of all U.S. civil aircraft that were registered before October 1, 2010; (ii) requires that such aircraft be re-registered with the FAA; and (iii) establishes a new system of 3-year recurrent expiration and renewal deadlines for aircraft issued registration certificates under the new system, *i.e.* certificates issued after October 1, 2010. 75 Fed. Reg. 41968 (Jul. 20, 2010). The effective date of registration under the new rule is the date on which the Civil Aviation Registry (“FAA Registry”) determines that the applicant’s submissions meet all the registration requirements of Part 47.

The FAA issued the final rule in response “to the concerns of law enforcement and other government agencies to provide more accurate, up-to-date aircraft registration information.” *Id.* In this regard, the FAA estimates that, as a result of the final rule, the number of inaccurate aircraft records in the FAA Registry will drop from 132,100 to 18,800, representing a decrease in the error rate from 36.5 percent to 5.7 percent. The FAA believes the new rule will also yield significant cost savings and efficiency gains given that both the agency and manufacturers rely on registration records to disseminate emergency airworthiness directives and safety notices to operators.

Under the new rule, approximately six months before registration expiration, the FAA will notify the aircraft owner of record of: (i) the exact expirations date; and (ii) the three month time-window during which an application for re-registration should be made. If, two months before expiration, an application has not been received, the FAA will send a second and final notice to the aircraft owner. Once the expiration date has passed, the FAA will send a notice of scheduled cancellation of the aircraft’s N-number (the cancellation date will be approximately 90 days after the expiration date), with instructions on reserving the N-number. Once cancelled, however, an N-number will be unavailable for assignment or reservation for five years.

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The FAA will shortly unveil a new application form for purposes of re-registration under Part 47, which will be available at <http://registry.faa.gov/renewregistration>. Where the re-registration does not involve any change in information, aircraft owners may apply on-line for re-registration, up to two months before expiration; changes to registration information however will require the re-registration application to be printed, completed, signed, and mailed to the FAA.

The final rule makes a number of other important changes, including the cancellation of aircraft N-numbers when ownership has been transferred if: (i) an application for registration is not filed with the FAA within six months following a notice of ownership transfer (i.e., notice of aircraft sale or other evidence); or (ii) the new owner has not, within 12 months of filing an application for registration, met the requirements for registration under Part 47. The final rule also cancels N-numbers issued to aircraft dealers if the dealer has not met the registration requirements within six months of submitting evidence of ownership in the form of an aircraft bill of sale. Moreover, the final rule limits the duration of temporary authority to operate, under a “pink” copy of the application for registration, an aircraft last registered in the U.S., to no more than one year after the application is filed, inclusive of all FAA extensions. Finally, the final rule eliminates the FAA’s longstanding Triennial Registration Program under 14 C.F.R. § 47.51, pursuant to which the FAA previously required reports for aircraft for which no registration changes had occurred in the preceding 36 months.

Given that the FAA will rely on the addresses contained in the FAA Registry to provide notification of the exact expiration date and re-registration period, aircraft owners should consult that registry to confirm the contact information on file with the FAA is correct. For questions regarding the new rule and FAA aircraft registration requirements in general, please contact Malcolm L. Benge via e-mail at mlbenge@zsrlaw.com, or Jonathon H. Foglia via e-mail at jhfoglia@zsrlaw.com, or by phone at (202) 298-8660.