

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 782, Page 65, Section 305.800, Line 1-10,  
2 by deleting all of said section and lines and inserting in lieu thereof the following:

3  
4 "305.800. As used in sections 305.800 to 305.810, the following terms mean:

5 (1) "Abandoned aircraft", an aircraft left in a wrecked, inoperative, or partially dismantled  
6 condition at an airport; or an aircraft that has remained in an idle state at an airport for forty-five  
7 consecutive calendar days without a contractual agreement between the owner or operator of the  
8 aircraft and the airport for use of the airport premises;

9 (2) "Airport superintendent", the person or group of people authorized to make decisions on  
10 behalf of an airport, including but not limited to , an airport operated by a city, county, or other  
11 political subdivision;

12 (3) "Derelict aircraft", any aircraft that is not in a flyable condition, does not have a current  
13 certificate of airworthiness issued by the Federal Aviation Administration, and is not in the process  
14 of actively being repaired."; and

15  
16 Further amend said bill, Page 66, Section 305.802, Lines 1-34, by deleting all of said section and  
17 lines and inserting in lieu thereof the following:

18  
19 "305.802. 1. If a derelict aircraft or abandoned aircraft is discovered on airport property, the  
20 airport superintendent shall:

21 (1) Make a record of the date the aircraft was discovered on the airport property; and

22 (2) Inquire as to the name and address of any person having an equitable or legal interest in  
23 the aircraft, including the owner and any lienholders, by:

24 (a) Contacting the Federal Aviation Administration, aircraft registration branch, and making  
25 a diligent search of the appropriate records; or

26 (b) Contacting an aircraft title search company.

27 2. Within ten business days of receiving the information requested under subsection 1 of this  
28 section, the airport superintendent shall notify the owner and all other interested parties by certified  
29 mail, return receipt requested:

30 (1) Of the location of the derelict or abandoned aircraft on the airport property;

31 (2) That fees and charges for the use of the airport by the aircraft have accrued and the  
32 amount of those fees and charges;

33 (3) That the aircraft is subject to a lien under section 305.806 for any unpaid and accrued  
34 fees and charges for the use of the airport and for the transportation, storage, and removal of the  
35 aircraft;

36 (4) That the lien is subject to enforcement under this section;

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           (5) That the airport may use, trade, sell, or remove the aircraft as described in section  
 2 305.804 if, within thirty calendar days after the date of receipt of the notice, the owner or other  
 3 interested party has not removed the aircraft from the airport and paid in full all accrued fees and  
 4 charges for the use of the airport and for the transportation, storage, and removal of the aircraft; and

5           (6) That the airport superintendent may remove the aircraft in less than thirty calendar days  
 6 if the aircraft poses a danger to the health or safety of users of the airport, as determined by the  
 7 airport superintendent.

8           3. (1) If the owner of the aircraft is unknown or cannot be found after the inquiry required  
 9 under subdivision (1) of subsection 2 of this section, the airport superintendent shall place a notice  
 10 upon the aircraft in a conspicuous place containing the information required under subdivisions (2),  
 11 (3), (4), (5), and (6) of subsection 2 of this section.

12           (2) The notice required under subdivision (1) of this subsection shall be not less than eight  
 13 inches by ten inches and shall be laminated or otherwise sufficiently weatherproof to withstand  
 14 normal exposure to rain, snow, and other conditions."; and

15  
 16 Further amend said bill, Pages 66-67, Section 305.804, Lines 1-30, by deleting all of said section  
 17 and lines and inserting in lieu thereof the following:

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 19           "305.804. 1. If the owner or other interested party has not removed the aircraft from the  
 20 airport and paid in full all accrued fees and charges for the use of the airport and for the  
 21 transportation, storage, and removal of the aircraft, or shown reasonable cause for the failure to do  
 22 so within thirty calendar days of the airport superintendent posting notice under section 305.802, the  
 23 airport superintendent may:

24           (1) Retain the aircraft for use by the airport, the state, or the unit of local government  
 25 owning or operating the airport;

26           (2) Trade the aircraft to another unit of local government or a state agency;

27           (3) Sell the aircraft; or

28           (4) Dispose of the aircraft through an appropriate refuse removal company or a company  
 29 that provides salvage services for aircraft.

30           2. If the airport superintendent elects to sell the aircraft in accordance with subdivision (3) of  
 31 subsection 1 of this section, the aircraft shall be sold at public auction after giving notice of the time  
 32 and place of sale, at least ten calendar days prior to the date of sale, in a newspaper of general  
 33 circulation within the county where the airport is located and after providing written notice of the  
 34 intended sale to all parties known to have an interest in the aircraft.

35           3. If the airport superintendent elects to dispose of the aircraft in accordance with  
 36 subdivision (4) of subsection 1 of this section, the airport superintendent shall be entitled to  
 37 negotiate with the company for a price to be received from the company in payment for the aircraft,  
 38 or, if circumstances so warrant, a price to be paid to the company by the airport superintendent for  
 39 the costs of disposing of the aircraft. All information and records pertaining to the establishment of  
 40 the price and the justification for the amount of the price shall be prepared and maintained by the  
 41 airport superintendent.

42           4. If the sale price or the negotiated price is less than the airport superintendent's current  
 43 fees and charges against the aircraft, the owner of the aircraft shall remain liable to the airport  
 44 superintendent for the fees and charges that are not offset by the sale price or negotiated price.

45           5. All costs incurred by the airport superintendent in the removal, storage, and sale of any  
 46 aircraft shall be recoverable against the owner of the aircraft."; and

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 48 Further amend said bill, Pages 67-68, Section 305.806, Lines 1-23, by deleting all of said section  
 49 and lines and inserting in lieu thereof the following:

1       "305.806. 1. The airport superintendent shall have a lien on a derelict or abandoned aircraft  
 2 for all unpaid fees and charges for the use of the airport by the aircraft and for all unpaid costs  
 3 incurred by the airport superintendent for the transportation, storage, and removal of the aircraft. As  
 4 a prerequisite to perfecting a lien under this section, the airport superintendent shall serve a notice  
 5 on the last registered owner and all persons having an equitable or legal interest in the aircraft.

6       2. (1) For the purpose of perfecting a lien under this section, the airport superintendent shall  
 7 file a claim of lien that states:

8           (a) The name and address of the airport;

9           (b) The name of the last registered owner of the aircraft and all persons having a legal or  
 10 equitable interest in the aircraft;

11           (c) The fees and charges incurred by the aircraft for the use of the airport and the costs for  
 12 the transportation, storage, and removal of the aircraft; and

13           (d) A description of the aircraft sufficient for identification.

14       (2) The claim of lien shall be signed and sworn to or affirmed by the airport superintendent's  
 15 director or the director's designee.

16       (3) The claim of lien shall be served on the last registered owner of the aircraft and all  
 17 persons having an equitable or legal interest in the aircraft. The claim of lien shall be served before  
 18 filing.

19       (4) The claim of lien shall be filed with the proper office according to section 400-9.501.  
 20 The filing of the claim of lien shall be constructive notice to all persons of the contents and effect of  
 21 such claim. The lien shall attach at the time of filing and shall take priority as of that time."; and  
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23 Further amend said bill, Page 68, Section 305.808, Lines 1-7, by deleting all of said section and  
 24 lines and inserting in lieu thereof the following:

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 26       "305.808. 1. If the aircraft is sold, the airport superintendent shall satisfy the airport  
 27 superintendent's lien, plus the reasonable expenses of notice, advertisement, and sale from the  
 28 proceeds of the sale.

29       2. The balance of the proceeds of the sale, if any, shall be held by the airport superintendent  
 30 and delivered on demand to the owner of the aircraft.

31       3. If no person claims the balance within twelve months of the date of sale, the airport shall  
 32 retain the funds and use the funds for airport operations."; and  
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34 Further amend said bill and page, Section 305.810, Lines 1-7, by deleting all of said section and  
 35 lines and inserting in lieu thereof the following:

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 37       "305.810. 1. Any person acquiring a legal interest in an aircraft under sections 305.800 to  
 38 305.810 shall be the lawful owner of the aircraft and all other legal or equitable interests in that  
 39 aircraft shall be divested; provided that, the holder of any legal or equitable interest was notified of  
 40 the intended disposal of the aircraft as required under sections 305.800 to 305.810.

41       2. The airport superintendent may issue documents of disposition to the purchaser or  
 42 recipient of an aircraft disposed of under sections 305.800 to 305.810."; and  
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44 Further amend said bill, Page 71, Section 407.1329, Line 39, by inserting after all of said section  
 45 and line the following:

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 47       "640.500. Any county historical society, or county commission in a county without a  
 48 historical society, may designate certain real property as historic farm property if such property has  
 49 been used for agricultural or horticultural purposes and the historical society or county commission

1 deems the property historically significant or significant to agriculture. The provisions of  
2 subdivision (3) of section 523.039 shall apply to any property designated as a historic farm property  
3 under the provisions of this section. The county historical society, or county commission in a  
4 county without a historical society, may develop an application and approval process for historic  
5 farm property designations and may offer appropriate signage for historic farm property owners to  
6 display on their property or for counties to display along their roads and highways.”; and

7  
8 Further amend said bill by amending the title, enacting clause, and intersectional references  
9 accordingly.

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