

By: Wentworth

S.B. No. 149

A BILL TO BE ENTITLED

AN ACT

relating to recording of aircraft repair and maintenance liens.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 70.303, Property Code, is amended to read as follows:

Sec. 70.303. RECORDING OF LIEN. (a) A holder of a lien under this subchapter may record the lien on the aircraft by filing with the Federal Aviation Administration Aircraft Registry or the secretary of state not later than the 180th day after the date of the completion of the contractual storage period or the performance of the last repair or maintenance a verified document in the form and manner required by applicable federal or state laws and regulations that states:

(1) the name, address, and telephone number of the holder of the lien under this subchapter;

(2) the amount due for storage, fuel, repairs, or maintenance;

(3) a complete description of the aircraft; and

(4) the name and address of the owner of the aircraft and the number assigned the aircraft by the Federal Aviation Administration, if known.

(b) The secretary of state shall maintain a record of information filed with the secretary of state under this section and index the records in the name of the owner of the aircraft.

1 SECTION 2. Section 70.304(a), Property Code, is amended to
2 read as follows:

3 (a) Not later than the 30th day after the date of the
4 completion of the contractual storage period or the performance of
5 the last fueling, repair, or maintenance, a holder of a lien under
6 this subchapter who retains possession of the aircraft shall notify
7 the owner shown on the certificate of registration and each holder
8 of a lien on the aircraft as shown by the records maintained for
9 that purpose by the Federal Aviation Administration Aircraft
10 Registry or the secretary of state. The notice must state:

11 (1) the name, address, and telephone number of the
12 holder of the lien under this subchapter;

13 (2) the amount due for storage, fuel, repairs, or
14 maintenance;

15 (3) a complete description of the aircraft; and

16 (4) the legal right of the holder of the lien under
17 this subchapter to sell the aircraft at public auction and apply the
18 proceeds to the amount due.

19 SECTION 3. The change in law made by this Act applies only
20 to an aircraft repair and maintenance lien that arises under
21 Subchapter D, Chapter 70, Property Code, on or after the effective
22 date of this Act. A lien that arises before the effective date of
23 this Act is governed by the law in effect immediately before that
24 date, and that law is continued in effect for that purpose.

25 SECTION 4. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2005.