

By: Darby

H.B. No. 4262

Substitute the following for H.B. No. 4262:

By: Moody

C.S.H.B. No. 4262

A BILL TO BE ENTITLED

AN ACT

relating to liens on aircraft for certain charges.

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

SECTION 1. Section 70.301, Property Code, is amended by adding Subsection (c) to read as follows:

(c) This section applies to the fueling of an aircraft without regard to whether the fueling is performed within or outside of this state or the United States. This subsection does not apply to the fueling of an aircraft owned, leased, or operated by or on behalf of an air carrier that is certificated to conduct scheduled air transportation services under 14 C.F.R. Part 121.

SECTION 2. Subchapter D, Chapter 70, Property Code, is amended by adding Section 70.3011 to read as follows:

Sec. 70.3011. PERSONS WHO MAY BIND AIRCRAFT. (a) This section does not apply to an aircraft owned, leased, or operated by or on behalf of an air carrier that is certificated to conduct scheduled air transportation services under 14 C.F.R. Part 121.

(b) The following persons are presumed to be authorized by the owner of an aircraft to incur charges that give rise to a lien on the aircraft under this subchapter:

(1) the managing owner;

(2) the aircraft's lessee;

(3) the pilot, copilot, engineer, or first officer;

(4) the aircraft charter operator;

1 (5) the aircraft scheduler, fuel manager, or
2 dispatcher;

3 (6) the aircraft management company; and

4 (7) a person entrusted with possession of the aircraft
5 on arrival at a fixed-base operator.

6 (c) A person tortiously or unlawfully in possession or
7 charge of an aircraft may not bind the aircraft.

8 SECTION 3. (a) Section 70.301(c), Property Code, as added
9 by this Act, applies only to the fueling of an aircraft performed on
10 or after the effective date of this Act. The fueling of an aircraft
11 performed before the effective date of this Act is governed by the
12 law applicable to the fueling immediately before that date, and the
13 former law is continued in effect for that purpose.

14 (b) Section 70.3011, Property Code, as added by this Act,
15 applies only to a charge that is incurred on or after the effective
16 date of this Act. A charge that is incurred before the effective
17 date of this Act is governed by the law applicable to the charge
18 immediately before that date, and the former law is continued in
19 effect for that purpose.

20 SECTION 4. This Act takes effect September 1, 2019.