

By: Darby

H.B. No. 4262

A BILL TO BE ENTITLED

AN ACT

relating to aircraft liens

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

SECTION 1. Section 70.301, Property Code, is amended to read as follows:

Sec. 70.301. LIEN. (a) A person who stores, fuels, repairs, or performs maintenance work on an aircraft has a lien on the aircraft for:

(1) the amount due under a contract for the storage, fuel, repairs, or maintenance work; or

(2) if no amount is specified by contract, the reasonable and usual compensation for the storage, fuel, repairs, or maintenance work.

(b) This subchapter applies to a contract for storage only if it is:

(1) written; or

(2) oral and provides for a storage period of at least 30 days.

(c) This subchapter applies to fuelings provided both within or outside of the State of Texas or the United States; except that, notwithstanding the foregoing provision, this section shall not apply to fueling of an aircraft owned, leased, operated by or operated on behalf of an air carrier that is certificated to conduct scheduled air transportation services under Part 121 of Title 14 of

1 the Code of Federal Regulations.

2 SECTION 2. Subchapter D, Chapter 70, Property Code, is
3 amended by adding Section 70.308 to read as follows:

4 Sec. 70.308. PERSONS WHO MAY BIND AIRCRAFT (a) The
5 following persons are presumed to be authorized by the owner of an
6 aircraft to incur charges that give rise to a lien under this
7 subchapter:

8 (1) the managing owner;

9 (2) the aircraft's lessee;

10 (3) the pilot, co-pilot, engineer or first officer;

11 (4) the aircraft charter operator;

12 (5) the aircraft scheduler, fuel manager and
13 dispatcher;

14 (6) the aircraft management company; and

15 (7) a person entrusted with possession of the aircraft
16 upon arrival at a fixed base operator.

17 (b) A person tortiously or unlawfully in possession or
18 charge of an aircraft may not bind the aircraft.

19 (c) The provisions of clauses (a) and (b) of this §70.308
20 shall not apply to an aircraft owned, leased, operated by, or
21 operated by an air carrier that is certificated to conduct
22 scheduled airline operations under Part 121 of Title 14 of the Code
23 of Federal Regulations.

24 SECTION 3. This Act takes effect September 1, 2019.