

September 25, 1989

Southern Cross Aviation, Inc.
Mr. Peter Dickens, President
375 Durley Avenue
Camarillo, CA 93010

Dear Mr. Dickens:

The Chief Counsel of the Federal Aviation Administration has requested that I answer directly that part of your letter to him dated August 16, 198[8] dealing with "Aircraft Registration." I am the Assistant Chief Counsel for the Aeronautical Center and advise the FAA Aircraft Registry with respect to aircraft registration.

In your letter of August 16, 1989, you point out that Southern Cross Aviation, Inc., is in the business of ferrying aircraft to new owners overseas. Incident thereto, you ask the following questions (my answers follow):

a. "Can a temporary registration be used on an aircraft for a direct flight from the mainland to Honolulu where the flight is conducted in the US FLR and in controlled airspace?"

RESPONSE: No. A flight between the U.S. mainland and Honolulu is over the high seas and necessarily involves operation outside the United States. A certificate of aircraft registration (not temporary authority) must be aboard the aircraft. (Reference new Section 91.27(a)(2) of the Federal Aviation Regulations.) As you probably know, the FAA Aircraft Registry will expedite registration and issue telegraphic confirmation of registration pending issuance of the permanent certificate of registration.

b. "Can a dealer's registration certificate be used on a delivery flight from the USA to an overseas destination?"

RESPONSE: Yes, if incident to sale and delivery to a foreign purchaser. (Reference Section 47.69(b) and (d)(2) of the Federal Aviation Regulations.)

c. Can Southern Cross Aviation Inc., a corporation owned by resident aliens) be the legal registered owner of an aircraft for a delivery to an overseas destination?"

RESPONSE: A requirement of U.S. aircraft registration is that a corporate applicant be a "Citizen of the United States" which, pursuant to 49 U.S.C. 1301(16)(c) means a corporation which is "created or organized under the laws of the United States or any State, Territory, or possession of the United States, of which the president and two-thirds or more of

the board of directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions."

If, as you say, the corporation is "owned by resident aliens" who are not individually citizens of the United States, the corporation may not be able to meet eligibility requirements.

I am sorry that the aircraft registration laws and regulations are not more conducive to your business. Please call me if I can be of help (area code 405-680-3296).

Sincerely,

Joseph R. Standell
Assistant Chief Counsel
Aeronautical Center

cc:
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ACC-7
AGC-210

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