

These determination are set forth in detail in a Record of Approval endorsed by the Administrator on August 25, 1989. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the Board of County Commissioners, Broward County, Florida.

Issued in Orlando, Florida, on August 29, 1989.

James E. Sheppard,
Manager, Orlando Airports District Office.
[FR Doc. 89-22042 Filed 9-18-89; 8:45 am]
BILLING CODE 4910-13-M

Artisan Liens on Aircraft; Recordability

AGENCY: Federal Aviation Administration.

ACTION: Notice.

SUMMARY: This notice of legal opinion is issued by Aeronautical Center Counsel to provide legal advice to the Aircraft Registration Branch, Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma, also identified as the FAA Aircraft Registry. Since December 17, 1981, the Assistant Chief Counsel for the Aeronautical Center has issued opinions in the Federal Register of those states from which artisan liens will be accepted for recordation by the FAA Aircraft Registry. This opinion is to advise interested parties of the addition of the State of Texas to that list.

DATE: September 13, 1989.

ADDRESS: Copies of prior opinions on the recordability of artisan liens from states which have statutes authorizing their recording may be obtained from: Assistant Chief Counsel for the Aeronautical Center, AAC-7, P.O. Box 25082, Oklahoma City, OK 73125-4904.

FOR FURTHER INFORMATION CONTACT: R. Bruce Carter, Office of Assistant Chief Counsel, address above, or by calling (405) 680-3296; (FTS 747-3296).

SUPPLEMENTARY INFORMATION: In the December 17, 1981, Federal Register, Vol. 46, No. 242, page 61528, the Federal Aviation Administration, Mike Monroney Aeronautical Center, published its legal opinion on the recordability of artisan liens, with the identification of those states from which artisan liens would be accepted. In the April 23, 1984, Federal Register, Vol. 49, No. 79, page 17112, we advised that Florida, Nevada, and New Jersey had passed legislation which, in our opinion,

allows the Aircraft Registry to accept artisan liens from those states. In the June 10, 1986, Federal Register, Vol. 51, No. 111, page 21048, we advised that Minnesota and New Mexico had passed legislation which, in our opinion, allows the Aircraft Registry to accept artisan liens from those states. In the June 23, 1988, Federal Register, Vol. 53, No. 121, page 23716, we advised that Missouri had passed legislation which, in our opinion, allows the Aircraft Registry to accept artisan liens from that state.

The purpose of this opinion is to advise interested parties in the aviation community that in addition to those states identified in the June 23, 1988 publication, Texas is identified as a state from which artisan liens will be accepted.

The complete list of states from which artisan liens on aircraft will be accepted as of this date are:

Alaska	Nebraska
Arkansas	Nevada
Florida	New Jersey
Georgia	New Mexico
Illinois	Oklahoma
Indiana	Oregon
Kansas	South Carolina
Kentucky	South Dakota
Maine	Texas
Virgin Islands	Minnesota
Washington	Missouri
Wyoming	

Issued in Oklahoma City on September 1989.

Joseph R. Standell,
Assistant Chief Counsel for the Aeronautical Center.

[FR Doc. 89-22039 Filed 9-18-89; 8:45 am]
BILLING CODE 4910-13-M

Research and Special Programs Administration

International Standards on the Transport of Dangerous Goods; Public Meeting

AGENCY: Research and Special Programs Administration (RSPA), Department of Transportation.

ACTION: Notice of change of time and of agenda of previously announced public meeting.

SUMMARY: This notice is to advise interested persons that the agenda and the time of the public meeting previously announced in the Federal Register [54 FR 30499] on July 20, 1989, is being changed. Previously, the meeting announced in the Federal Register on July 20, 1989, was scheduled to begin at 12:30 p.m. on September 29, 1989. However, RSPA has found it necessary to change that starting time to 9:30 a.m.

In addition to discussing the issues that would be presented at the next meeting of the International Civil Aviation Organization's (ICAO) Dangerous Goods Panel (DGP), RSPA will report the results of the first session of the United Nation's Sub-Committee of Experts on the Transport of Dangerous Goods.

DATE: September 29, 1989, 9:30 a.m.

ADDRESS: Room 8236, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Frits Wybenga, International Standards Coordinator, Office of Hazardous Materials Transportation, Department of Transportation, Washington, DC 20590; (202) 368-0658.

SUPPLEMENTARY INFORMATION: In addition to these topics announced on July 20, 1989, this meeting will be used to: (1) review the progress made by the first session of the Sub-Committee of Experts on the Transport of Dangerous Goods in completing its work program for the 1989-1990 biennium; and (2) begin preparation for the Sub-committee's second session to be held 15 to 28 January 1990. Items to be covered include classification and grouping criteria for energetic substances; application of performance packaging test requirements to minor variations of previously tested combination packages; requirements for infectious substances; revision of the classification and groups in criteria for gases; adoption of a generic classification system for all classes of dangerous goods; proposed amendments to the requirements for explosives and other proposed amendments to the United Nations Recommendations on the Transport of Dangerous Goods.

Issued in Washington, DC, on September 13, 1989.

Alan L. Roberts,
Director, Office of Hazardous Materials Transportation.

[FR Doc. 89-22023 Filed 9-18-89; 8:45 am]
BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel; Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Closed Meeting of Art Advisory Panel.

U.S. DEPARTMENT OF TRANSPORTATION
 FEDERAL AVIATION ADMINISTRATION

DATE

8/22/89

ROUTE SLIP

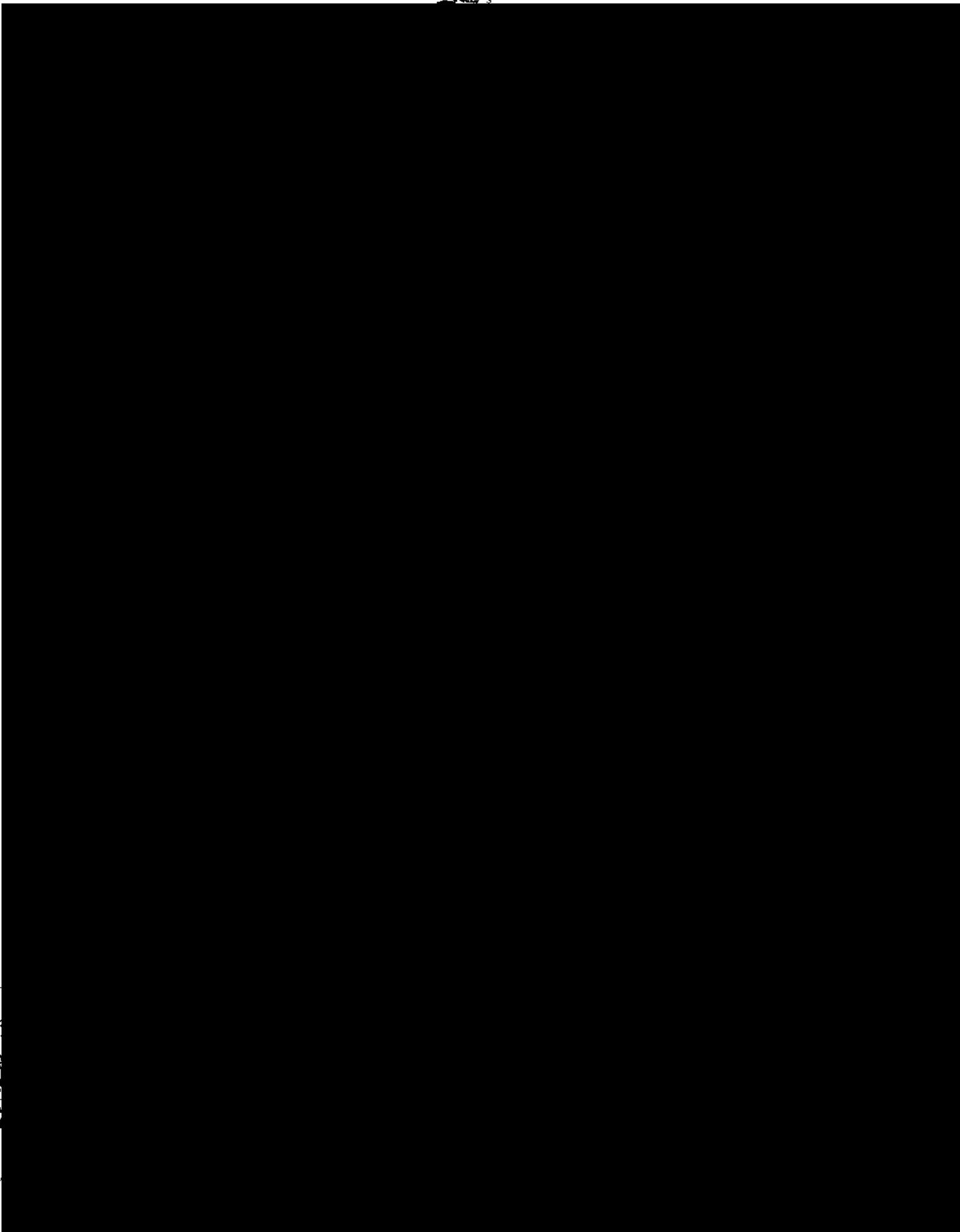
TO: NAME	ROUTING SYMBOL
AVN-452, 454, 456 and PD Room	
AVN-450 and 451	

- | | |
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| <input type="checkbox"/> PER YOUR REQUEST | <input type="checkbox"/> FOR YOUR SIGNATURE |
| <input checked="" type="checkbox"/> FOR YOUR INFORMATION | <input type="checkbox"/> COMMENT |
| <input type="checkbox"/> PER OUR CONVERSATION | <input type="checkbox"/> TAKE APPROPRIATE ACTION |
| <input type="checkbox"/> NOTE AND RETURN | <input type="checkbox"/> PLEASE ANSWER |
| <input type="checkbox"/> DISCUSS WITH ME | <input type="checkbox"/> PREPARE REPLY FOR SIGNATURE |
| <input type="checkbox"/> FOR YOUR APPROVAL | OF _____ |

REMARKS:
 The State of Texas has passed legislation to provide for the recording of artisan liens effective September 1, 1989. It applies only to work performed on aircraft on or after September 1, 1989. Please add the following to the guidelines listing until the guidelines can be updated:

State: Texas
 Statute: 70.303
 Verified: Yes
 Days to file: 120
 Comments: Lien lost if filed after BFP
 Prescribed form
 Claim must contain name of owner as shown on FAA records.

FROM: Agnes	TELEPHONE NO.	ROUTING SYMBOL AVN-451
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GARDERE & WYNNE
ATTORNEYS AND COUNSELORS

SUITE 1500
717 NORTH HARWOOD STREET
DALLAS, TEXAS 75201

214-979-4500



TELESCOPIER 214-979-4667
FACSIMILE: GARWYN
TELEX 73-0197

WRITER'S DIRECT DIAL NUMBER

214-979-4641

July 26, 1989

Mr. Bruce Carter
Legal Department
Federal Aviation Administration
AAC7, Room 233
Mike Monroney Aeronautical Center
P.O. Box 25082
Oklahoma City, Oklahoma 73125

Reviewed	Date
URS	_____
REC	_____
AJR	_____
JIC	_____
Comments	_____

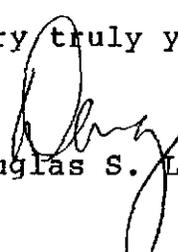
Re: Texas Artisan's Lien Statute

Dear Bruce:

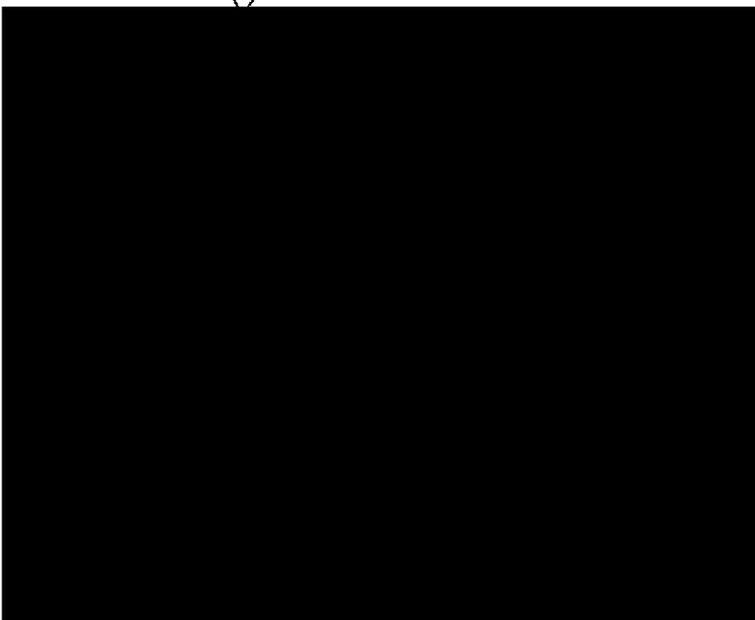
As you requested, I am enclosing the recent amendments to the Texas Artisan's Lien Statute. As Exhibit 1 to this letter I enclose the current statute. Exhibit 2 is the Bill as it was signed by the Governor which adds Subchapter D to Chapter 70 of the Texas Property Code.

If you have any questions, please give me a call.

Very truly yours,


Douglas S. Lang

DSL:reh:2363M
Enclosures





§ 59.046

PROPERTY CODE

§ 59.046. Excess Proceeds of Sale

If the proceeds of a sale under this subchapter are greater than the amount of the lien and the reasonable expenses of the sale, the lessor shall deliver written notice of the excess to the tenant's last known address as stated in the rental agreement or in a written notice from the tenant to the lessor furnished after the execution of the rental agreement. The lessor shall retain the excess and deliver it to the tenant if the tenant requests it before two years after the date of the sale. If the tenant does not request the excess before two years after the date of the sale, the lessor owns the excess.

Acts 1983, 68th Leg., p. 3578, ch. 576, § 1, eff. Jan. 1, 1984.

CHAPTER 60. NEWSPAPER EMPLOYEE'S LIEN

Sec.

- 60.001. Lien.
60.002. Property Subject to Lien.

§ 60.001. Lien

A worker in the editorial, reportorial, advertising, or business department of a newspaper, periodical, or other publication who labors or performs a service for the publication under a written or an oral contract with any person has a first lien under this chapter for the amount due under the contract.

Acts 1983, 68th Leg., p. 3578, ch. 576, § 1, eff. Jan. 1, 1984.

§ 60.002. Property Subject to Lien

The lien attaches to all products, papers, machinery, tools, fixtures, appurtenances, goods, wares, merchandise, subscription contracts, chattels, or other things of value that are created wholly or partly by the labor of the workers or that are necessarily connected with the performance of their labor or service and that are owned by or in possession of the person with whom the workers contracted.

Acts 1983, 68th Leg., p. 3578, ch. 576, § 1, eff. Jan. 1, 1984.

[Chapters 61 to 69 reserved for expansion]

CHAPTER 70. MISCELLANEOUS LIENS

SUBCHAPTER A. POSSESSORY LIENS

Sec.

- 70.001. Worker's Lien.
70.002. Liens on Garments.

Sec.

- 70.003. Stable Keeper's, Garageman's, and Pasturer's Liens.
70.004. Possession of Motor Vehicle, Motorboat, Vessel, or Outboard Motor.
70.005. Sale of Property Other Than Motor Vehicle.
70.006. Sale of Motor Vehicle, Motorboat, Vessel, or Outboard Motor.
70.007. Unclaimed Excess.
70.008. Attorney's Fees.
70.009. Plastic Fabricator Liens.

SUBCHAPTER B. LIENS ON VESSELS

- 70.101. General Lien on Vessels.
70.102. Lien of Navigation District or Port.
70.103. Property Subject to Lien.
70.104. Persons Who May Bind Vessel.

SUBCHAPTER C. STOCK BREEDER'S LIEN

- 70.201. Stock Breeder's Lien.
70.202. Enforcement of Lien.

SUBCHAPTER A. POSSESSORY LIENS

§ 70.001. Worker's Lien

(a) A worker in this state who by labor repairs an article, including a vehicle, motorboat, vessel, or outboard motor, may retain possession of the article until:

- (1) the amount due under the contract for the repairs is paid; or
(2) if no amount is specified by contract, the reasonable and usual compensation is paid.

(b) If a worker relinquishes possession of a motor vehicle, motorboat, vessel, or outboard motor in return for a written order for payment on which payment is stopped, has been dishonored because of insufficient funds, no funds or because the drawer or maker of the order has no account or the account upon which it was drawn has been closed, the lien provided by this section continues to exist and the worker is entitled to possession of the vehicle, motorboat, vessel, or outboard motor until the amount due is paid, unless the vehicle, motorboat, vessel, or outboard motor is possessed by a person who became a bona fide purchaser of the vehicle after a stop payment order was made. A person entitled to possession of property under this subsection is entitled to take possession thereof in accordance with the provisions of Section 9.503, Business & Commerce Code.

Acts 1983, 68th Leg., p. 3579, ch. 576, § 1, eff. Jan. 1, 1984. Amended by Acts 1984, 68th Leg., 2nd C.S., ch. 18, § 6(b), eff. Oct. 2, 1984; Acts 1985, 69th Leg., ch. 275, § 1, eff. June 5, 1985.

EXEMPT PROPERTY AND LIENS

§ 70.006

§ 70.002. Liens on Garments

A person with whom a garment is left for repair, alteration, dyeing, cleaning, laundering, or pressing may retain possession of the garment until:

- (1) the amount due the person under the contract for the work is paid; or
- (2) if no amount is specified by contract, the reasonable and usual compensation is paid.

Acts 1983, 68th Leg., p. 3580, ch. 576, § 1, eff. Jan. 1, 1984.

§ 70.003. Stable Keeper's, Garageman's, and Pasturer's Liens

(a) A stable keeper or garageman with whom an animal or vehicle is left for care has a lien on the animal or vehicle for the amount of the charges for the care.

(b) An owner or lessee of a pasture with whom an animal is left for grazing has a lien on the animal for the amount of charges for the grazing.

Acts 1983, 68th Leg., p. 3580, ch. 576, § 1, eff. Jan. 1, 1984.

§ 70.004. Possession of Motor Vehicle, Motorboat, Vessel, or Outboard Motor

(a) A holder of a lien under Section 70.003 on a motor vehicle, motorboat, vessel, or outboard motor who obtains possession of the vehicle, motorboat, vessel, or outboard motor under a state law or city ordinance shall give notice to the last known registered owner and each lienholder of record not later than the 10th day after the day possession is obtained.

(b) The notice must be sent by certified mail with return receipt requested and must contain:

- (1) a request to remove the vehicle, motorboat, vessel, or outboard motor;
- (2) a request for payment;
- (3) the location of the vehicle, motorboat, vessel, or outboard motor; and
- (4) the amount of accrued charges.

(c) A person is entitled to fees for towing, preservation, and notification and to reasonable storage fees for up to 10 days before the day that the notice is mailed. After the day that the notice is mailed, the person is entitled to reasonable storage fees until the vehicle, motorboat, vessel, or outboard motor is removed and accrued charges are paid.

(d) A person charging fees under Subsection (c) commits an offense if the person charges a storage fee for a period of time not authorized by that

subsection. An offense under this subsection is punishable by a fine of not less than \$200 nor more than \$1,000.

Acts 1983, 68th Leg., p. 3580, ch. 576, § 1, eff. Jan. 1, 1984. Amended by Acts 1984, 68th Leg., 2nd C.S., ch. 18, § 6(c), eff. Oct. 2, 1984; Acts 1985, 69th Leg., ch. 308, § 1, eff. Sept. 1, 1985.

§ 70.005. Sale of Property Other Than Motor Vehicle

(a) A person holding a lien under this subchapter on property other than a motor vehicle subject to the Certificate of Title Act, as amended (Article 6687-1, Vernon's Texas Civil Statutes), who retains possession of the property for 60 days after the day that the charges accrue shall request the owner to pay the unpaid charges due if the owner's residence is in this state and known. If the charges are not paid before the 11th day after the day of the request, the lienholder may, after 20 days' notice, sell the property at a public sale, or if the lien is on a garment, at a public or private sale.

(b) If the residence of the owner of property subject to sale under this section is not in this state or not known, the lienholder may sell the property without notice at a public sale after the 60th day after the day that the unpaid charges accrued.

(c) The lienholder shall apply the proceeds of a sale under this section to the charges. If the lien is on a garment, the lienholder shall apply the proceeds to the charges and the reasonable costs of holding the sale. The lienholder shall pay excess proceeds to the person entitled to them.

Acts 1983, 68th Leg., p. 3581, ch. 576, § 1, eff. Jan. 1, 1984.

§ 70.006. Sale of Motor Vehicle, Motorboat, Vessel, or Outboard Motor

(a) A holder of a lien under this subchapter on a motor vehicle subject to the Certificate of Title Act, as amended (Article 6687-1, Vernon's Texas Civil Statutes), or on a motorboat, vessel, or outboard motor for which a certificate of title is required under Subchapter B, Chapter 31, Parks and Wildlife Code, as amended, who retains possession of the vehicle, motorboat, vessel, or outboard motor for 30 days after the day that the charges accrue shall give written notice to the owner and each holder of a lien recorded on the certificate of title. The notice must be sent by certified mail with return receipt requested and must include the amount of the charges and a request for payment.

§ 70.006

PROPERTY CODE

(b) If the charges are not paid before the 31st day after the day that the notice is mailed, the lienholder may sell the vehicle, motorboat, vessel, or outboard motor at a public sale and apply the proceeds to the charges. The lienholder shall pay excess proceeds to the person entitled to them.

Acts 1983, 68th Leg., p. 3581, ch. 576, § 1, eff. Jan. 1, 1984. Amended by Acts 1984, 68th Leg., 2nd C.S., ch. 18, § 6(d), eff. Oct. 2, 1984.

§ 70.007. Unclaimed Excess

(a) If a person entitled to excess proceeds under this subchapter is not known or has moved from this state or the county in which the lien accrued, the person holding the excess shall pay it to the county treasurer of the county in which the lien accrued. The treasurer shall issue the person a receipt for the payment.

(b) If the person entitled to the excess does not claim it before two years after the day it is paid to the treasurer, the excess becomes a part of the county's general fund.

Acts 1983, 68th Leg., p. 3582, ch. 576, § 1, eff. Jan. 1, 1984.

§ 70.008. Attorney's Fees

The court in a suit concerning possession of a motor vehicle, motorboat, vessel, or outboard motor and a debt due on it may award reasonable attorney's fees to the prevailing party.

Acts 1983, 68th Leg., p. 3582, ch. 576, § 1, eff. Jan. 1, 1984. Amended by Acts 1984, 68th Leg., 2nd C.S., ch. 18, § 6(e), eff. Oct. 2, 1984.

§ 70.009. Plastic Fabricator Liens

(a) A plastic fabricator has a lien on any die, mold, form, or pattern in his possession that belongs to a customer for the amount due from the customer for plastic fabrication work performed with the die, mold, form, or pattern. The plastic fabricator may retain possession of the die, mold, form, or pattern until the amount due is paid.

(b) In this section:

(1) "Customer" means a person who contracts with or causes a plastic fabricator to use a die, mold, form, or pattern to manufacture, assemble, or otherwise make a plastic product or products.

(2) "Plastic fabricator" means a person, including a tool or die maker, who manufactures or causes to be manufactured, or who assembles or improves, a die, form, mold, or pattern for a customer, or who uses or contracts to use a die, mold, form, or pattern to manufacture, assemble,

or otherwise make a plastic product or products for a customer.

Acts 1985, 69th Leg., ch. 357, § 1, eff. Sept. 1, 1985.

Section 2 of the 1985 Act provides:

"This Act applies to amounts that become due to plastic fabricators after the effective date of this Act."

[Sections 70.010 to 70.100 reserved for expansion]

SUBCHAPTER B. LIENS ON VESSELS

§ 70.101. General Lien on Vessels

A person who furnishes supplies or materials or who performs repairs or labor for or on account of a domestic vessel that is owned in whole or part in this state has a lien for the person's charges.

Acts 1983, 68th Leg., p. 3582, ch. 576, § 1, eff. Jan. 1, 1984.

§ 70.102. Lien of Navigation District or Port

(a) A navigation district or port within the territorial limits of this state that furnishes supplies or materials, performs repairs or labor, or provides a facility or service for which charges are specified in its official published port tariff for or on account of a domestic vessel that is owned in whole or part in this state has a maritime lien for the amount of its charges.

(b) A lien under this section may be enforced in rem. A plaintiff in an action to enforce the lien need not allege or prove that credit was given to the vessel.

Acts 1983, 68th Leg., p. 3582, ch. 576, § 1, eff. Jan. 1, 1984.

§ 70.103. Property Subject to Lien

A lien under this subchapter attaches to the vessel and its tackle, apparel, furniture, and freight money.

Acts 1983, 68th Leg., p. 3583, ch. 576, § 1, eff. Jan. 1, 1984.

§ 70.104. Persons Who May Bind Vessel

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

- (1) the managing owner;
- (2) the ship's husband;
- (3) the master;
- (4) the local agent; and
- (5) a person entrusted with management of the vessel at the port of supply.



CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

05-28-89

Date

Honorable William P. Hobby
President of the Senate

Honorable Gibson D. "GB" Lewis
Speaker of the House of Representatives

103

1. your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on hb2803 have met and had the same under consideration, and
2. to report it back with the recommendation that it do pass in the form and text hereto attached.

Bob Glasgow

Bob Glasgow, Chair

Steven Carriker

Steven Carriker

Bill Haley

Bill Haley

Bill Batliff

Bill Batliff

Temple Dickson

On the part of the Senate Temple Dickson

Pete Laney

Pete Laney, Chair

David Cain

Rick Perry

Rick Perry

John Gavin

John Gavin

On the part of the House Bruce Gibson

File one of these forms to each of the following:
the original and two copies to the house of origin
three copies to the other house

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 2603

A BILL TO BE ENTITLED

AN ACT

relating to a lien on aircraft for repairs and maintenance.

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

SECTION 1. Chapter 70, Property Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. AIRCRAFT REPAIR AND MAINTENANCE LIEN

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

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

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

Sec. 70.302. POSSESSION. (a) A holder of a lien under this subchapter may retain possession of the aircraft subject to the lien until the amount due is paid.

(b) Except as provided by Subsection (c), if the holder of a lien under this subchapter relinquishes possession of the aircraft before the amount due is paid, the person may retake possession of the aircraft as provided by Section 9.503, Business & Commerce Code.

(c) The holder of a lien under this subchapter may not retake possession of the aircraft from a bona fide purchaser for value who purchases the aircraft without knowledge of the lien

before the date the lien is recorded under Section 70.303.

Sec. 70.303. RECORDING OF LIEN. A holder of a lien under this subchapter may record the lien on the aircraft by filing with the Federal Aviation Administration Aircraft Registry not later than the 120th day after the date of performance of the last repair or maintenance a verified document in the form and manner required by applicable federal 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 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.

Sec. 70.304. NOTICE TO OWNER AND LIENHOLDERS. (a) Not later than the 15th day after the date of performance of the last repair or maintenance, a holder of a lien under this subchapter who retains possession of the aircraft shall notify the owner shown on the certificate of registration and each holder of a lien on the aircraft as shown by the records maintained for that purpose by the Federal Aviation Administration Aircraft Registry. The notice must state:

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

(2) the amount due for repairs or maintenance;

(3) a complete description of the aircraft; and

(4) the legal right of the holder of the lien under

1 this subchapter to sell the aircraft at public auction and apply
2 the proceeds to the amount due.

3 (b) The notice must be delivered by certified or registered
4 mail, return receipts requested.

5 Sec. 70.305. SALE OF AIRCRAFT. If the holder of a lien
6 under this subchapter provides the notice required by Section
7 70.304 and the amount due remains unpaid after the 60th day after
8 the date of performance of the last repair or maintenance, the
9 holder of the lien may sell the aircraft at a public sale and apply
10 the proceeds to the amount due. The lienholder shall pay any
11 excess proceeds to the person entitled to them.

12 Sec. 70.306. ATTORNEY'S FEES. The court in a suit brought
13 under this subchapter may award reasonable attorney's fees to the
14 prevailing party.

15 SECTION 2. The change in the law made by this Act applies
16 only to repairs or maintenance work performed on aircraft on or
17 after the effective date of this Act.

18 SECTION 3. This Act takes effect September 1, 1989.

19 SECTION 4. The importance of this legislation and the
20 crowded condition of the calendars in both houses create an
21 emergency and an imperative public necessity that the
22 constitutional rule requiring bills to be read on three several
23 days in each house be suspended, and this rule is hereby suspended



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M. Eline

Per your request

Nancy

Bob Glasgow
State Senator
District 22

ENROLLED

H.B. No. 2603

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AN ACT

relating to a lien on aircraft for repairs and maintenance.

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

SECTION 1. Chapter 70, Property Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. AIRCRAFT REPAIR AND MAINTENANCE LIEN

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

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

(2) if no amount is specified by contract, the reason:

work

16

1 before the date the lien is recorded under Section 70.303.

2 Sec. 70.303. RECORDING OF LIEN. A holder of a lien under
3 this subchapter may record the lien on the aircraft by filing with
4 the Federal Aviation Administration Aircraft Registry not later
5 than the 120th day after the date of performance of the last repair
6 or maintenance a verified document in the form and manner required
7 by applicable federal laws and regulations that states:

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

10 (2) the amount due for repairs or maintenance;

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

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

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1 this subchapter to sell the aircraft at public auction and apply
2 the proceeds to the amount due.

3 (b) The notice must be delivered by certified or registered
4 mail, return receipt requested.

5 Sec. 70.305. SALE OF AIRCRAFT. If the holder of a lien
6 under this subchapter provides the notice required by Section
7 70.304 and the amount due remains unpaid after the 60th day after
8 the date of performance of the last repair or maintenance, the
9 holder of the lien may sell the aircraft at a public sale and apply
10 the proceeds to the amount due. The lienholder shall pay any
11 excess proceeds to the person entitled to them.

12 Sec. 70.306. ATTORNEY'S FEES. The court in a suit brought
13 under this subchapter may award reasonable attorney's fees to the
14 prevailing party.

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H.B. No. 2603

President of the Senate

Speaker of the House

I certify that H.B. No. 2603 was passed by the House on May 12, 1989, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 2603 on May 27, 1989, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2603 on May 29, 1989, by a non-record vote.

Chief Clerk of the House

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H.B. No. 2603

I certify that H.B. No. 2603 was passed by the Senate, with amendments, on May 26, 1989, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2603 on May 29, 1989, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date