



U.S. Department
of Transportation
**Federal Aviation
Administration**

Mike Monroney
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Pennie Zaremba
Via Facsimile
808-325-7775

Re: Section 507-18 of the Hawaii Code Annotated

This responds to your request for review of Section 507-18 of the Hawaii Code Annotated. In view of this Section, you requested our opinion as to whether artisan liens may be recorded by the FAA Registry for services and materials furnished, on aircraft or helicopters, within the State of Hawaii.

As you are aware, the right to assert a claim of lien, on an aircraft, by recording it with the FAA Registry originates from the State legislature. Historically, the FAA has recorded claims of lien only where a state statute *provides for the recording* of artisan liens. A notice statute will generally include the following elements:

- i) a time deadline for recording,
- ii) whether the claim must be signed by the claimant, or may be signed by his agent or attorney,
- iii) whether the claim must be verified, and
- iv) where the claim is to be filed (for aircraft, there is Federal preemption for the place of filing: the FAA Aircraft Registry at Oklahoma City). (Reference 46 Fed. Reg. 61528, December 17, 1981)

For the above reasons, it is our opinion that Section 507-18 does not authorize the FAA Aircraft Registry to record a claim of lien against an aircraft in Hawaii.

Sincerely,

Joseph R. Standell
Aeronautical Center Counsel

By:

James M. Webster
General Attorney