



U.S. Department
of Transportation

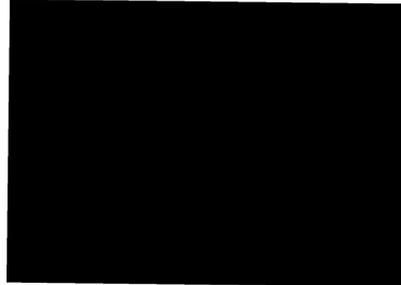
**Federal Aviation
Administration**

April 1, 1991

Charles A. Morsbach, Esquire
Ryder System, Inc.
3600 NW 82 Avenue
Miami, FL 33166

Mike Monroney
Aeronautical Center

P.O. Box 25082
Oklahoma City, Oklahoma 73125



Dear Mr. Morsbach:

Your analysis is correct of the distinction between the authority to record against aircraft, found at 49 U.S.C. App. 1403(a)(1), "any conveyance which affects the title to, or any interest in, any civil aircraft of the United States;" and the authority to record against engines, at (a)(2), "Any lease, and any mortgage, equipment trust, contract of conditional sale, or other instrument executed for security purposes." There is a difference in the authority conferred on the agency by those sections; (a)(1) authorizes the recording of conveyances against aircraft, but (a)(2) authorizes only certain instruments and those executed for security to be filed on engines. We have determined that artisan liens are authorized under (a)(1) as "conveyances," but not under the instruments set out in (a)(2).

If there have been any cases making that determination, we have not found them. Since the plain language of the statute appears clear, we believe the aviation public has not seen fit to litigate the issue.

The determination of the unavailability of the recording system as to artisan liens against engines is made solely by reference to the statute, not to the States' recording laws, which generally cover "personal property," a term which could include engines as well as aircraft.

We appreciate your interest.

Sincerely,

Joseph R. Standell
Assistant Chief Counsel
Aeronautical Center

By: R. Bruce Carter
General Attorney

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(Ryder)