



U.S. Department
of Transportation

**Federal Aviation
Administration**

Mike Monroney
Aeronautical Center

P.O. Box 25082
Oklahoma City, Oklahoma 73125

January 28, 1993

Mr. Van Crosby, President
Virginia Aviation Trades
Association Committee
Route 4, Box 305
Glen Allen, Virginia 23060

Dear Mr. Crosby:

Proposed Virginia Legislation
Regarding Mechanic Liens on Aircraft

This will respond to your request for review of proposed legislation, currently pending in the Virginia State Legislature, which, in pertinent part, amends Section 43-32 of the Virginia Code to provide authority for claiming liens for furnishing of repairs, alterations, and storage of aircraft. The question which you have posed is whether the legislation, if it is passed and signed into law, will support the recordation of mechanic liens submitted by Virginia residents.

Based on our review, mechanic and artisan liens which are submitted in accordance with the provisions of the proposed legislation will be recorded by the Federal Aviation Administration (FAA) Aircraft Registry.

As you are aware, the FAA Aircraft Registry is authorized, under Section 503(a) of the Federal Aviation Act of 1958, to record conveyances that affect ownership of, or interest in, civil aircraft registered in the United States (49 U.S.C. Appx. Section 1403(a)). Historically, the recordation of mechanic or artisan liens on aircraft has been somewhat problematic, as it was uncertain as to whether an artisan lien meets the requirements of a conveyance, pursuant to Section 503(a), in order to be recorded. As the Registry is limited to recording only conveyances, a mechanic lien that does not meet the criteria for a conveyance is not eligible for recordation.

In considering an appropriate position on this matter, we determined that a mechanic lien does not meet the definition of a conveyance if it is not supported by a local filing or recording provision within the State legislation which authorizes a claim of lien. In the absence of a local recording provision, a mechanic lien is no more than a claim of an interest in an aircraft, which does not meet the requirements of a conveyance. A lien which may be recorded in accordance with an applicable State law filing provision, however, arguably meets the criteria for a conveyance,

since it is an interest in an aircraft created under the authority of State legislation. We concluded that if an artisan or mechanic lien on an aircraft is authorized by State statute to be recorded either at a local State office or with the Registry, it is a conveyance within the meaning of Section 503(a).

In December 1981, this office issued a legal opinion which established a policy of recording mechanic or artisan liens which arise under State statutes which provide for filing of such liens at a State office (copy attached). Consequently, we advised the Registry to record those mechanic and artisan liens which have a recording or filing provision, provided that all other State statutory requirements (including timely submission for filing) have been met. Accordingly, the Registry has not recorded artisan liens arising in the State of Virginia, since the relevant mechanic lien statute does not provide for recording of the lien.

The draft legislation which, in pertinent part, proposes to add a recording provision to the Virginia mechanic lien provisions will satisfy the requirement for recordation of such liens, in accordance with the position adopted by this office in the December 1981 opinion. If the legislation is adopted, including the local filing provision, mechanic liens for repairs, alterations, or storage of aircraft, which meet the requirements of the legislation, will be recordable by the Registry.

If this legislation is enacted, we would appreciate information as to the final form of the new statute. This information will assist us in arranging for publication in the Federal Register which gives notice to the public that the State of Virginia has enacted this legislation.

Should you have any additional questions on this matter, you may contact Al Rodriguez of this office at (405) 954-3296.

Sincerely,

Joseph R. Standell
Assistant Chief Counsel
Aeronautical Center

By: 
Alonso J. Rodriguez
General Attorney

Enclosure