STATE OF NEW YORK

3602

2021-2022 Regular Sessions

IN SENATE

January 30, 2021

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring registration of general aviation aircrafts

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The vehicle and traffic law is amended by adding a new article 47-A to read as follows:

ARTICLE 47-A

REGISTRATION OF GENERAL AVIATION AIRCRAFT

Section 2240. Jurisdiction of the department.
2241. Definitions.
2242. Registration.
2243. Certificate of registration.
2244. Proof of insurance.
2245. Registration record.

§ 2240. Jurisdiction of the department. The state registration of general aviation aircraft shall be under the jurisdiction of the department of transportation. State registration is in addition, and not in place of, any registration requirements for general aviation aircraft set out by the Federal Aviation Administration.

§ 2241. Definitions. For the purposes of this article, "general aviation aircraft" shall mean an aircraft that is used in civil aviation, other than commercial aircraft as defined in paragraph seventeen of subdivision (b) of section eleven hundred one of the tax law, military aircraft, unmanned aerial vehicles or drones.

§ 2242. Registration. 1. Prohibitions. No person residing in New York state shall own a general aviation aircraft, unless such general aviation aircraft is registered, as evidenced by a registration certificate in accordance with the provisions of this article.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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2. Issuance and period of validity. The commissioner is authorized to register a general aviation aircraft and issue a registration certificate. Unless otherwise prescribed by the commissioner, any such registration shall be valid for a period of three years unless, prior to such registration date, it is surrendered, cancelled, revoked or suspended pursuant to the provisions of this article, or the general aviation aircraft is transferred to another owner. At the end of such registration period, the registration shall expire and the owner of the general aviation aircraft shall reapply for the registration.

3. Application. The owner of each general aviation aircraft requiring registration under this article shall present an application for registration to the commissioner within thirty days of becoming an owner thereof, on a form provided by the department on paper or online. Such application shall contain the name of the owner, address of residence, a specific description of the aircraft and identification number assigned by the Federal Aviation Administration, proof of insurance as described under this article, the primary location or locations where the general aviation aircraft will be stored and any other information required by the commissioner.

4. Change of address. The owner of any general aviation aircraft registered pursuant to the provisions of this section shall notify the commissioner in writing of any change of address within ten days after such change occurs and the new address of such owner shall be noted on the certificate of registration for such general aviation aircraft.

5. Change of ownership. Upon the change in ownership of a general aviation aircraft registered pursuant to this section, unless otherwise provided by regulation of the commissioner, the certificate of registration shall be signed and dated by the former owner and surrendered to the commissioner. The commissioner shall be notified by the former owner, in a manner prescribed by the commissioner, of the name and address of the purchaser, the date of the transfer and the Federal Aviation Administration identification number.

6. Destruction, theft, loss or abandonment of general aviation aircraft. The owner of any general aviation aircraft registered pursuant to the provisions of this section shall notify the commissioner in writing of the destruction, theft, loss or abandonment of such general aviation aircraft within fifteen days thereafter, and in the event of the loss, destruction or abandonment of such general aviation aircraft, the certificate of registration shall be surrendered with such notice.

§ 2243. Certificate of registration. 1. Issuance. Upon the approval of an application for registration, the commissioner shall issue a certificate of registration in such manner and form as the commissioner shall prescribe.

2. Certificate of registration. The certificate of registration issued by the commissioner shall be available at all times for inspection on the general aviation aircraft for which it is issued whenever such aircraft is in operation, unless otherwise provided by a rule or regulation of the commissioner. Every person operating a general aviation aircraft shall, upon the demand of any peace officer, federal officer or other person having the authority to enforce the provisions of this chapter, produce the certificate of registration for inspection. The failure to produce the certificate of registration, as provided herein, shall not be an offense, but shall be presumptive evidence of operating a general aviation aircraft which is not registered as required by this article.

3. Expiration of registration certificate. The registered owner's right to the registration certificate provided for in this section shall expire upon the termination of ownership of any person in the aircraft for which the same was issued.

§ 2244. Proof of insurance. 1. Coverage. (a) Every owner of general aviation aircraft in this state, upon applying for registration, shall supply information as detailed in paragraph (b) of this subdivision as proof that the general aviation aircraft during the period of its operation is covered by an insurance policy within the limits of not less than one hundred thousand dollars per passenger seat liability both for passenger bodily injury or death and for property damage; not less than one hundred thousand dollars for bodily injury or death to each non-passenger in any one accident; and not less than three hundred thousand dollars per occurrence for bodily injury or death to non-passengers in any one accident.

(b) The information supplied to the commissioner must include, but is not limited to, the name and address of the owner, the name of the insurer, the insurance policy number, the term of coverage, policy limits and any other data the commissioner requires.

2. Notification. In the event of cancellation of aircraft insurance, the owner shall notify the commissioner at least ten days prior to the date on which the insurance coverage is to be terminated. Unless proof of a new policy of insurance is filed with the commissioner meeting the requirements of this section, the registration certificate for the aircraft shall be revoked therewith.

3. Exemption from insurance requirement. Nothing in this subdivision shall be construed to require an owner of an aircraft to maintain passenger seat liability coverage on aircraft for which an experimental certificate has been issued by the administrator of the Federal Aviation Administration pursuant to Code of Federal Regulations, title 14, where under persons operating the aircraft are prohibited from carrying passengers in the aircraft. Whenever the aircraft becomes certified to carry passengers, passenger seat liability coverage shall be required as provided by this section.

§ 2245. Registration record. Upon the issuance of registration for a general aviation aircraft, as provided in this article, the commissioner shall enter upon the records of the department the registration of such general aviation aircraft.

§ 2. The title heading of title 11 of the vehicle and traffic law, as amended by chapter 869 of the laws of 1976, is amended to read as follows:

REGISTRATION OF SNOWMOBILES, GENERAL AVIATION AIRCRAFTS, MOTORBOATS AND LIMITED USE VEHICLES

§ 3. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.