

S. 2/15/88 Transportation  
S. 2/24/86 Do Pass

FEB 3 1988

Place On Calendar

HOUSE FILE 2156

BY COMMITTEE ON TRANSPORTATION

(Formerly House Study Bill 598)

Passed House, Date 2/15/88 Passed Senate, Date 3/28/88  
Vote: Ayes 92 Nays 1 Vote: Ayes 41 Nays 2  
Approved April 12, 1988

A BILL FOR

1 An Act relating to the registration of aircraft, and making  
2 penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2156

SUB COMMITTEE ASSIGNMENTS

CHAIR: Drake (Senate)

COMMITTEE: Transportation  
2/22/88

1 Section 1. Section 328.1, Code 1987, is amended by adding  
2 the following new subsection:

3 NEW SECTION. 23. "Owner" means a person owning or renting  
4 an aircraft, or having the exclusive use of an aircraft, for a  
5 period of more than thirty days.

6 Sec. 2. Section 328.20, Code 1987, is amended to read as  
7 follows:

8 328.20 REGISTRATION OF AIRCRAFT.

9 Every A civil aircraft owned either wholly or in part by  
10 persons residing in this state, or hangered, serviced,  
11 maintained, operated, or otherwise controlled within the  
12 boundaries of the state for a period of more than thirty days,  
13 unless specifically excepted under the provisions of this  
14 chapter, shall be registered annually with the department, by  
15 the owner thereof.

16 The registration year begins on the first day of the  
17 calendar month in which the civil aircraft is registered for  
18 the first time in the state and ends on the last day of the  
19 twelfth month of the registration year.

20 For aircraft registered in this state before July 1, 1988,  
21 the registration year begins on the first day of the calendar  
22 month assigned by the department and ends on the last day of  
23 the twelfth month of the registration year.

24 Sec. 3. Section 328.21, subsections 2 and 5, Code 1987,  
25 are amended to read as follows:

26 2. ~~After said aircraft has been registered once the~~ The  
27 second year's registration fee shall be is seventy-five  
28 percent of the rate as fixed for the first registration; after  
29 ~~two times~~ the third year's fee is fifty percent; and after  
30 ~~three times~~ the fourth and subsequent year's fee is twenty-  
31 five percent; ~~provided, however, that no~~ an aircraft shall not  
32 be registered for a registration fee of less than fifteen  
33 thirty-five dollars.

34 6. Any An aircraft thirty years old, or older, which is  
35 used exclusively for noncommercial purposes, shall be

1 registered as an antique aircraft for a registration fee of  
2 fifteen thirty-five dollars.

3 Sec. 4. Section 328.21, subsection 3, Code 1987, is  
4 amended by striking the subsection.

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6 the following new subsections:

7 NEW SUBSECTION. 7. A lighter than air aircraft that is  
8 not engine driven shall be registered for a fee of thirty-five  
9 dollars. However, a lighter than air aircraft, not owned  
10 wholly or in part by a person residing in this state, which is  
11 located within the boundaries of this state in excess of  
12 thirty days for purposes of display or competition, is exempt  
13 from registration under this chapter.

14 NEW SUBSECTION. 8. An aircraft, unless exempt under  
15 section 328.35, which is damaged, is not airworthy, and is not  
16 in flying condition is not subject to registration fees if the  
17 owner of the aircraft submits information required by the  
18 department. Upon receipt of that information, the department  
19 shall issue a certificate which states that the registration  
20 fee has not been paid and that the aircraft shall not use the  
21 airports or the air space overlying the state until the fee  
22 has been paid.

23 Sec. 6. Section 328.24, unnumbered paragraph 2, Code 1987,  
24 is amended to read as follows:

25 The registration fee for the unexpired portion of the year  
26 shall be refunded pro rata to the nearest full calendar month,  
27 except that a refund shall not be allowed if the unused  
28 portion of the fee is less than thirty-five dollars per  
29 aircraft.

30 Sec. 7. Section 328.27, Code 1987, is amended to read as  
31 follows:

32 328.27 ISSUANCE OF CERTIFICATES.

33 The department shall ~~forthwith-cause-to-be-issued~~ issue,  
34 upon receipt of proper application and fee for registration, a  
35 certificate of registration which shall be numbered and

1 recorded by the department, shall state the name and address  
2 of the person to whom it is issued, shall be entitled titled  
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4 thereby and shall contain such other information as the  
5 department may prescribe including, in the case of aircraft, a  
6 description thereof of the aircraft. Every A certificate of  
7 registration or special certificate ~~issued hereunder shall~~  
8 expire expires at midnight on the ~~thirtieth day of June of~~  
9 each last day of the twelfth month of the registration year.

10 Sec. 8. Section 328.32, Code 1987, is amended to read as  
11 follows:

12 328.32 EXPIRATION OF SPECIAL CERTIFICATE.

13 Every A special certificate ~~issued hereunder shall expire~~  
14 expires at midnight on the ~~thirtieth day of June of each last~~  
15 day of the registration year, and a new special certificate  
16 for the ensuing year may be obtained by the person to whom any  
17 ~~such the~~ expired special certificate was issued, upon  
18 application to the department, and payment of the fee provided  
19 by law.

20 Sec. 9. Section 328.37, Code 1987, is amended to read as  
21 follows:

22 328.37 OPERATIONS UNLAWFUL WITHOUT CERTIFICATE.

23 Except as provided in section 328.35, it ~~shall be is~~  
24 unlawful for any a person to operate, or cause or authorize to  
25 be operated, any a civil aircraft, airport, or landing area,  
26 ~~or other air navigation facility, or air school, or to engage~~  
27 ~~in aeronautics as an airperson or aeronautics instructor in~~  
28 this state, unless there has been issued therefor for the  
29 aircraft or thereto to the airport or landing area an  
30 appropriate certificate of registration or special certificate  
31 by the department and ~~such the~~ certificate is in force and  
32 effect.

33 Sec. 10. Section 328.48, Code 1987, is amended to read as  
34 follows:

35 328.48 ATTACHMENT OF LIEN.

1 The lien of the original registration fee shall attach  
2 attaches at the time ~~the same~~ it is first payable as provided  
3 by law and the lien of all renewals of registration shall  
4 attach on ~~July 1~~, the first day of each registration year  
5 thereafter.

6 Sec. 11. Section 328.50, Code 1987, is amended to read as  
7 follows:

8 328.50 PENALTY ON DELINQUENT REGISTRATION.

9 On ~~August 1 of each year~~ the first day of the second month  
10 following the end of an aircraft registration period, a  
11 penalty of five percent of the annual registration fee shall  
12 be added to ~~all fees~~ a fee not paid by that date, and five  
13 percent of the annual registration fee shall be added to such  
14 fees the fee on the first day of each following month  
15 thereafter, that the same fee remains unpaid ~~until paid~~;  
16 ~~provided that said~~; however, the penalty in no case shall not  
17 be less than one dollar.

18 Sec. 12. NEW SECTION. 328.56A STAGGERED REGISTRATION --  
19 IMPLEMENTATION.

20 To implement the change from fiscal year registration to  
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22 registered after July 1, 1988, shall be registered as follows:

23 1. Aircraft shall be registered for the registration year  
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25 a period of less than twelve months, the registration fee  
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33 or fourteen months. The owner of an aircraft for which the  
34 registration year begins on October 1 may elect to register  
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SEVENTY-SECOND GENERAL ASSEMBLY  
1988 REGULAR SESSION

DAILY  
HOUSE CLIP SHEET

TUESDAY, FEBRUARY 16, 1988

HOUSE FILE 2156  
FISCAL NOTE

REQUESTED BY REPRESENTATIVE KOENIGS

In compliance with a written request received January 29, 1988, a fiscal note for HOUSE FILE 2156 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2156 provides for staggered registration of aircrafts, raises the minimum aircraft registration fee, and establishes criteria when a refund on the registration fee will not be allowed.

Under staggered registration, the owner would pay 1.5% of the manufacturer's list price of the aircraft for a full first year of registration. Currently, an owner would pay the 1.5% only for the portion of the fiscal year remaining, if registered after the start of the fiscal year. The increased revenue from this action would be approximately \$80,000 annually.

The minimum registration fee for aircrafts, including antique and lighter than air aircrafts, would increase from \$15 to \$35. This would increase revenues by about \$14,000 annually.

Refunds under \$35 would not be allowed. This is estimated to reduce expenses by \$400 annually.

FISCAL EFFECT:

Revenues from aircraft registration fees are estimated to be \$1,118,000 for FY 1989. This legislation would increase the receipts to the state aviation fund by \$94,400 annually.

Source: Department of Transportation

(LSB 7352H. DER)

FILED FEBRUARY 15, 1988

BY DENNIS PROUTY, FISCAL DIRECTOR

*Transportation 2/17 To Pass 2/24 (p. 431)*

HOUSE FILE 2156  
BY COMMITTEE ON TRANSPORTATION

(As Amended and Passed by the House February 15, 1988)

Passed House, Date 2/15/88 (p. 335) Passed Senate, Date 3/28/88 (p. 1057)  
Vote: Ayes 92 Nays 1 Vote: Ayes 44 Nays 0  
Approved April 12, 1988 (p. 1808)

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House Amendments \_\_\_\_\_  
Deleted Language ✖



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20 airports or the air space overlying the state until the fee  
21 has been paid.

22 NEW SUBSECTION. 9. The registration fee for a helicopter  
23 used exclusively as an air ambulance is one thousand dollars.

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28 ~~in-aeronautics-as-an-airperson-or-aeronautics-instructor~~ in  
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3 SIMILAR TO HSB 598 (LSB 7352DH)

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NSB 598

TRANSPORTATION

7200

House Study Bill 598

Transportation: Gruba, Chair: Connolly and Royer.

HOUSE FILE 2156

BY (PROPOSED STATE DEPARTMENT  
OF TRANSPORTATION BILL)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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33

EXPLANATION

34 The bill provides for the staggered registration of air-  
35 craft. The bill also increases the minimum aircraft regis-

1 tration fee from fifteen dollars to thirty-five dollars. The  
2 bill also provides that hot-air balloons shall be registered  
3 at the minimum fee of thirty-five dollars.

4 BACKGROUND STATEMENT  
5 SUBMITTED BY THE AGENCY

6 This bill does several things:

7 It institutes a "staggered registration" system for  
8 aircraft. The department registers almost 3,000 aircraft  
9 annually. However, all registrations come due in the same  
10 month. Changing to a staggered system would create a more  
11 even workload and allow more efficient use of staff.

12 It increases the minimum fee to register an aircraft. The  
13 minimum fee to register an aircraft is now \$15 and has not  
14 been changed in years. The bill increases that minimum to  
15 \$35.

16 It establishes a minimum refund for the unexpired portion  
17 of an aircraft registration fee. There is no minimum refund  
18 specified which means that, on occasion, the cost to process  
19 the refund is more than the refund itself. This bill sets a  
20 minimum refund at \$35.

21 It clarifies that Iowa-based hot-air balloons are subject  
22 to the minimum registration fee.

23 It defines "owner" in the aviation chapter of the Code.  
24 Although the term "owner" is used in the aviation chapter of  
25 the Code, there is no definition which specifies exactly what  
26 an owner is. This bill corrects that omission.

27 COMPANION TO LSB 7351DS

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HOUSE FILE 2156

AN ACT

RELATING TO THE REGISTRATION OF AIRCRAFT, AND MAKING PENAL-  
TIES APPLICABLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 328.1, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 23. "Owner" means a person owning or renting an aircraft, or having the exclusive use of an aircraft, for a period of more than thirty days.

Sec. 2. Section 328.20, Code 1987, is amended to read as follows:

328.20 REGISTRATION OF AIRCRAFT.

Every A civil aircraft owned either wholly or in part by persons residing in this state, or operated, or otherwise controlled within the boundaries of the state for a period of more than thirty days, unless specifically excepted under the provisions of this chapter, shall be registered annually with the department, by the owner thereof.

The registration year begins on the first day of the calendar month in which the civil aircraft is registered for the first time in the state and ends on the last day of the twelfth month of the registration year.

For aircraft registered in this state before July 1, 1988, the registration year begins on the first day of the calendar month assigned by the department and ends on the last day of the twelfth month of the registration year.

Sec. 3. Section 328.21, subsections 2 and 6, Code 1987, are amended to read as follows:

2. After said aircraft has been registered once the The second year's registration fee shall be is seventy-five percent of the rate as fixed for the first registration; after two-times the third year's fee is fifty percent; and after

three-times the fourth and subsequent year's fee is twenty-five percent; provided; however, that no an aircraft shall not be registered for a registration fee of less than fifteen thirty-five dollars.

6. Any An aircraft thirty years old or older, which is used exclusively for noncommercial purposes, shall be registered as an antique aircraft for a registration fee of fifteen thirty-five dollars.

Sec. 4. Section 328.21, subsection 3, Code 1987, is amended by striking the subsection.

Sec. 5. Section 328.21, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 7. A lighter than air aircraft that is not engine driven shall be registered for a fee of thirty-five dollars. However, a lighter than air aircraft, not owned wholly or in part by a person residing in this state, which is located within the boundaries of this state in excess of thirty days for purposes of display or competition, is exempt from registration under this chapter.

NEW SUBSECTION. 8. An aircraft, unless exempt under section 328.35, which is damaged, is not airworthy, and is not in flying condition is not subject to registration fees if the owner of the aircraft submits information required by the department. Upon receipt of that information, the department shall issue a certificate which states that the registration fee has not been paid and that the aircraft shall not use the airports or the air space overlying the state until the fee has been paid.

NEW SUBSECTION. 9. The registration fee for a helicopter used exclusively as an air ambulance is one thousand dollars.

Sec. 6. Section 328.24, unnumbered paragraph 2, Code 1987, is amended to read as follows:

The registration fee for the unexpired portion of the year shall be refunded pro rata to the nearest full calendar month, except that a refund shall not be allowed if the unused portion of the fee is less than thirty-five dollars per aircraft.

Sec. 7. Section 328.27, Code 1987, is amended to read as follows:

328.27 ISSUANCE OF CERTIFICATES.

The department shall ~~forthwith-cause-to-be-issued~~ issue, upon receipt of proper application and fee for registration, a certificate of registration which shall be numbered and recorded by the department, shall state the name and address of the person to whom it is issued, shall be ~~entitled~~ titled with the designation of the class of registrant covered thereby and shall contain such other information as the department may prescribe including, in the case of aircraft, a description thereof of the aircraft. Every A certificate of registration or special certificate issued ~~hereunder-shall~~ expire ~~expires~~ at midnight on the ~~thirtieth-day-of-June-of~~ each last day of the twelfth month of the registration year.

Sec. 8. Section 328.32, Code 1987, is amended to read as follows:

328.32 EXPIRATION OF SPECIAL CERTIFICATE.

Every A special certificate ~~issued-hereunder-shall-expire~~ expires at midnight on the ~~thirtieth-day-of-June-of-each~~ last day of the registration year, and a new special certificate for the ensuing year may be obtained by the person to whom any such ~~the~~ expired special certificate was issued, upon application to the department, and payment of the fee provided by law.

Sec. 9. Section 328.37, Code 1987, is amended to read as follows:

328.37 OPERATIONS UNLAWFUL WITHOUT CERTIFICATE.

Except as provided in section 328.35, it ~~shall-be~~ is unlawful for any a person to operate, or cause or authorize to be operated, any a civil aircraft, airport, or landing area ~~or-other-air-navigation-facility-or-air-school-or-to-engage-in-aeronautics-as-an-airperson-or-aeronautics-instructor~~ in this state, unless there has been issued therefor for the aircraft or thereto to the airport or landing area an appropriate certificate of registration or special certificate

by the department and such the certificate is in force-and effect.

Sec. 10. Section 328.48, Code 1987, is amended to read as follows:

328.48 ATTACHMENT OF LIEN.

The lien of the original registration fee ~~shall-attach~~ attaches at the time ~~the-same~~ it is first payable as provided by law and the lien of all renewals of registration ~~shall~~ attach on ~~July-17~~ the first day of each registration year thereafter.

Sec. 11. Section 328.50, Code 1987, is amended to read as follows:

328.50 PENALTY ON DELINQUENT REGISTRATION.

On ~~August-1-of-each-year~~ the first day of the second month following the end of an aircraft registration period, a penalty of five percent of the annual registration fee shall be added to ~~all-fees~~ a fee not paid by that date, and five percent of the annual registration fee shall be added to such ~~fees~~ the fee on the first day of each following month thereafter; that the ~~same fee~~ fee remains unpaid ~~until-paid~~ provided-that-said; however, the penalty in-no-case shall not be less than one dollar.

Sec. 12. NEW SECTION. 328.56A STAGGERED REGISTRATION -- IMPLEMENTATION.

To implement the change from fiscal year registration to the registration system provided for in this chapter, aircraft registered after July 1, 1988, shall be registered as follows:

1. Aircraft shall be registered for the registration year as defined in this chapter. If the registration period is for a period of less than twelve months, the registration fee shall be prorated for the remaining unexpired months, except as provided in subsection 2.

2. The owner of an aircraft for which the registration year begins on August 1 may elect to register the aircraft for a period of one month or thirteen months. The owner of an aircraft for which the registration year begins on September 1

may elect to register the aircraft for a period of two months or fourteen months. The owner of an aircraft for which the registration year begins on October 1 may elect to register the aircraft for a period of three months or fifteen months.

Sec. 13. Section 328.23, Code 1987, is repealed.

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DONALD D. AVENSON  
Speaker of the House

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JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2156, Seventy-second General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved April 12, 1988

**HF 2156**

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TERRY E. BRANSTAD  
Governor