

SENATE BILL NO. 212

INTRODUCED BY FULLER, ETCHART

BY REQUEST OF THE DEPARTMENT OF COMMERCE

IN THE SENATE

|                  |                                                                                                                 |
|------------------|-----------------------------------------------------------------------------------------------------------------|
| January 19, 1983 | Introduced and referred to Committee on Highways and Transportation.                                            |
| January 26, 1983 | Committee recommend bill do pass as amended. Report adopted.                                                    |
| January 27, 1983 | Bill printed and placed on members' desks.                                                                      |
| January 28, 1983 | Second reading, do pass.<br><br>Bill segregated.<br><br>Rereferred to Committee on Highways and Transportation. |
| February 3, 1983 | Committee recommend bill do pass. Report adopted.                                                               |
| February 4, 1983 | Bill printed and placed on members' desks.                                                                      |
| February 7, 1983 | Second reading, do pass.                                                                                        |
| February 8, 1983 | Correctly engrossed.                                                                                            |
| February 9, 1983 | Third reading, passed.<br>Ayes, 35; Noes, 14.<br>Transmitted to House.                                          |

IN THE HOUSE

February 10, 1983

Introduced and referred to  
Committee on Highways and  
Transportation.

March 8, 1983

Committee recommend bill be  
concurrent in. Report  
adopted.

March 9, 1983

Second reading, concurred  
in.

March 10, 1983

Third reading, concurred in.

IN THE SENATE

March 11, 1983

Returned to Senate. Sent to  
enrolling.

Reported correctly enrolled.

1 Senate BILL NO. 212  
 2 INTRODUCED BY Fuller  
 3 BY REQUEST OF THE DEPARTMENT OF COMMERCE  
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE  
 6 AERONAUTICS LICENSING REQUIREMENTS; AMENDING SECTIONS  
 7 15-24-304, 67-3-201, 67-3-202, AND 67-3-211, MCA."  
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 67-3-201, MCA, is amended to read:

11 "67-3-201. Aircraft registration and licensing. (1)  
 12 Except as provided in 67-3-102 and in subsection (7) of this  
 13 section, a person may not operate or cause or authorize to  
 14 be operated a civil aircraft within this state unless the  
 15 aircraft has an appropriate effective registration, license,  
 16 certificate, or permit issued or approved by the United  
 17 States government which has been registered with the  
 18 department and the registration with the department is in  
 19 force.

20 (2) Aircraft customarily kept in this state shall be  
 21 registered with the department, which may charge a fee  
 22 therefor of not more than \$10. The registration shall be  
 23 renewed annually on or before June 1 each year.

24 (3) Section 67-3-202 and subsections (2) through ~~(6)~~  
 25 (7) of this section shall not apply to:

1 (a) aircraft owned and operated by the federal  
 2 government, the state, or any political subdivision thereof;

3 (b) aircraft owned and held by an aircraft dealer  
 4 solely for the purpose of resale;

5 (c) aircraft operated by an airline company and  
 6 regularly scheduled for the primary purpose of carrying  
 7 persons or property for hire in interstate or international  
 8 transportation; or

9 (d) dismantled or otherwise nonflyable aircraft.

10 (4) An aircraft shall be registered as property within  
 11 a particular county of the state. This county shall be the  
 12 county of the owner's principal residence, if the owner is a  
 13 natural person, or the owner's principal place of doing  
 14 business in the state, if the owner is not a natural person.  
 15 However, if the owner declares by affidavit that the  
 16 aircraft is customarily kept at a landing facility in  
 17 another county within the state, he may register the  
 18 aircraft as property within such other county.

19 (5) Except as provided in 15-6-210, all aircraft shall  
 20 be subject to all state, county, and school district tax  
 21 levies and all other levies designated for aircraft- or  
 22 airport-related uses. Such aircraft shall not be liable for  
 23 other city tax levies.

24 (6) Aircraft not registered in the state but entering  
 25 the state to engage in commercial operations shall be

1 registered prior to commencing operation.

2 ~~(7) Owners of ultralight aircraft for which no~~  
 3 ~~appropriate effective license, certificate, or permit is~~  
 4 ~~issued by the United States government shall file with the~~  
 5 ~~department an appropriate registration recognized and~~  
 6 ~~approved by the United States government."~~

7 Section 2. Section 67-3-202, MCA, is amended to read:

8 "67-3-202. Penalty for registration violations. (1)  
 9 When an aircraft required to be registered under the  
 10 provisions of subsections (2) through ~~(6)~~ (7) of 67-3-201 is  
 11 not registered on or before ~~June~~ March 1 of the current  
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 16 made shall be prima facie evidence that the aircraft has  
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19 (2) Except for aircraft exempt from property taxation  
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 22 statement of personal property tax paid, signed by the  
 23 treasurer of the county where the aircraft is registered or  
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 25 by the county assessor where the aircraft is registered. A

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 3 required to be registered is liable for the tax in that  
 4 county without credit for such other taxes paid. In addition  
 5 to this civil liability, a person who attempts to establish  
 6 the situs of his aircraft in any jurisdiction other than the  
 7 county where the aircraft is required to be registered with  
 8 intent to avoid payment of taxes to that county commits the  
 9 offense of false swearing as defined in 45-7-202.

10 (3) A person who operates an aircraft required to be  
 11 registered in the state without having displayed upon such  
 12 aircraft a certificate of registration issued by the  
 13 department for that aircraft commits a misdemeanor."

14 Section 3. Section 67-3-211, MCA, is amended to read:

15 "67-3-211. Airman licensing. Except as provided in  
 16 67-3-102, a person may not engage in aeronautics as an  
 17 airman in this state unless he has from the department an  
 18 effective certificate of registration of an appropriate  
 19 effective airman's license, certificate, or permit issued ~~or~~  
 20 ~~approved~~ by the United States government authorizing him to  
 21 engage in the particular class of aeronautics in which he is  
 22 engaged."

23 Section 4. Section 15-24-304, MCA, is amended to read:

24 "15-24-304. Prorated taxes — aircraft. A person who  
 25 acquires an aircraft required to be registered under

LC 0936/01

1 subsections (2) through ~~(6)~~ (1) of 6T-3-201 after ~~June~~ March  
2 1 in any year shall register the aircraft within 30 days of  
3 acquiring it. The county assessor shall prorate the personal  
4 property tax due on the aircraft for the remaining portion  
5 of the year in the manner provided in 15-24-303."

-End-

Approved by Committee  
on Highways & Transportation

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14 be operated a civil aircraft within this state unless the  
15 aircraft has an appropriate effective registration, license,  
16 certificate, or permit issued or approved by the United  
17 States government which has been registered with the  
18 department and the registration with the department is in  
19 force.

20 (2) Aircraft customarily kept in this state shall be  
21 registered with the department, which may charge a fee  
22 therefor of not more than \$10. The registration shall be  
23 renewed annually on or before ~~June~~ MARCH 1 each year.

24 (3) Section 67-3-202 and subsections (2) through (6)  
25 (1) of this section shall not apply to:

1 (a) aircraft owned and operated by the federal  
2 government, the state, or any political subdivision thereof;

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5 (c) aircraft operated by an airline company and  
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9 (d) dismantled or otherwise nonflyable aircraft.

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14 business in the state, if the owner is not a natural person.  
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16 aircraft is customarily kept at a landing facility in  
17 another county within the state, he may register the  
18 aircraft as property within such other county.

19 (5) Except as provided in 15-6-210, all aircraft shall  
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23 other city tax levies.

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7 Section 2. Section 67-3-202, MCA, is amended to read:

8 "67-3-202. Penalty for registration violations. (1)  
 9 When an aircraft required to be registered under the  
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14 Section 3. Section 67-3-211, MCA, is amended to read:

15 "67-3-211. Airman licensing. Except as provided in  
 16 67-3-102, a person may not engage in aeronautics as an  
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 20 ~~approved~~ by the United States government authorizing him to  
 21 engage in the particular class of aeronautics in which he is  
 22 engaged."

23 Section 4. Section 15-24-304, MCA, is amended to read:

24 "15-24-304. Prorated taxes -- aircraft. A person who  
 25 acquires an aircraft required to be registered under

1 subsections (2) through ~~(6)~~ (7) of 67-3-201 after ~~June~~ March  
2 1 in any year shall register the aircraft within 30 days of  
3 acquiring it. The county assessor shall prorate the personal  
4 property tax due on the aircraft for the remaining portion  
5 of the year in the manner provided in 15-24-303.\*

-End-



Approved by Committee  
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A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE  
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States government which has been registered with the  
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(2) Aircraft customarily kept in this state shall be  
registered with the department, which may charge a fee  
therefor of not more than \$10. The registration shall be  
renewed annually on or before ~~June~~ MARCH 1 each year.

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 21 engage in the particular class of aeronautics in which he is  
 22 engaged."

23 Section 4. Section 15-24-304, MCA, is amended to read:

24 "15-24-304. Prorated taxes -- aircraft. A person who  
 25 acquires an aircraft required to be registered under



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1 subsections (2) through ~~(6)~~ (7) of 67-3-201 after ~~June~~ March  
2 1 in any year shall register the aircraft within 30 days of  
3 acquiring it. The county assessor shall prorate the personal  
4 property tax due on the aircraft for the remaining portion  
5 of the year in the manner provided in 15-24-303."

-End-