

Subchapter 3

Aircraft Registration

18.12.301 DEFINITIONS (REPEALED) (History: 67-2-102, MCA; IMP, 67-3-211, MCA; Eff. 12/31/72; TRANS, from Dept. of Comm. Affairs, Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Dept. of Commerce, Ch. 512, L. 1991, Eff. 7/1/91; REP, 1996 MAR p. 2983, Eff. 11/8/96.)

18.12.302 REGISTRATION OF FAA CERTIFICATES (REPEALED) (History: 67-2-102, MCA; IMP, 67-3-211, MCA; Eff. 12/31/72; TRANS, from Dept. of Comm. Affairs, Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Dept. of Commerce, Ch. 512, L. 1991, Eff. 7/1/91; REP, 1996 MAR p. 2983, Eff. 11/8/96.)

18.12.303 EXEMPTIONS (REPEALED) (History: 67-2-102, MCA; IMP, 67-3-211, MCA; Eff. 12/31/72; TRANS, from Dept. of Comm. Affairs, Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Dept. of Commerce, Ch. 512, L. 1991, Eff. 7/1/91; REP, 1996 MAR p. 2983, Eff. 11/8/96.)

18.12.304 EXPIRATION AND RENEWAL (REPEALED) (History: 67-2-102, MCA; IMP, 67-3-211, MCA; Eff. 12/31/72; TRANS, from Dept. of Comm. Affairs, Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Dept. of Commerce, Ch. 512, L. 1991, Eff. 7/1/91; REP, 1996 MAR p. 2983, Eff. 11/8/96.)

18.12.305 AIRCRAFT REGISTRATION DEFINITIONS (1) "Aircraft" means any manned aerial vehicle including airplane, helicopter, glider, ultralight (with or without Federal Aviation Administration N number), balloon, homebuilt aircraft (including experimental amateur-built), other aircraft listed in 67-3-206, MCA, or other similar aerial vehicle.

(2) "Customarily kept" means an aircraft primarily based in Montana, which is housed or stored in this state for a period of time exceeding 180 non-contiguous days (six months) within any calendar year.

(3) "Department" means the Montana Department of Transportation or the Montana Department of Transportation Aeronautics Division.

(4) "Destroyed" or "salvaged" aircraft means an aircraft which will never return to an airworthy condition.

(5) "Dismantled" or "nonflyable" aircraft means an aircraft which has been disassembled or which requires a major repair to return the aircraft to an airworthy condition. The term does not include an aircraft not current or out of compliance with FAA inspection requirements.

(6) "Owner" means an individual, partnership, or corporation which owns an aircraft singly or in shares. (History: 67-3-101, MCA; IMP, 67-3-101, 67-3-102, 67-3-103, 67-3-104, 67-3-201, 67-3-202, 67-3-203, 67-3-204, 67-3-206, MCA; NEW, 2020 MAR p. 184, Eff. 2/1/20.)

18.12.306 REQUIRED AIRCRAFT REGISTRATION (1) All civil aircraft which meet the requirements of 67-3-201, MCA, and are customarily kept in this state must be registered by the owner with the Federal Aviation Administration (FAA) and the department prior to operation within this state.

(2) All civil aircraft must be initially registered by the owner with the department within the first 30 days of ownership.

(3) A registration fee under 67-3-206, MCA is assessed for each registration application or renewal, unless exempt by 67-3-102 or 67-3-201, MCA, or these rules.

(4) The aircraft owner is responsible for registration fees regardless of whether any registered agent, lessee, or other owner's agent has been identified.

(5) Registration must be renewed each year on or before March 1 upon payment of a renewal fee.

(6) No aircraft subject to Montana registration may operate in this state unless it displays a decal on the aircraft as visual proof of current registration.

(History: 67-3-101, MCA; IMP, 67-3-101, 67-3-102, 67-3-103, 67-3-201, 67-3-202, 67-3-203, 67-3-204, 67-3-206, MCA; NEW, 2020 MAR p. 184, Eff. 2/1/20.)

18.12.307 AIRCRAFT INITIAL REGISTRATION PROCESS (1) Initial registration for an aircraft is required when:

(a) the aircraft is newly purchased by an owner who intends to customarily keep the aircraft in Montana;

(b) the aircraft has previously been registered or kept in another state or country and is brought to Montana to be customarily kept in Montana; or

(c) the aircraft is newly registered with the FAA with a Montana address.

(2) Initial registration aircraft owners must contact the department to provide information for department calculation of the prorated fee and department issuance of the registration fee invoice. The owner must:

(a) provide the correct and current aircraft owner name (individual or entity), address, email address, and telephone number;

(b) provide responsible person's (e.g., agent, lessee, employee) name, address, email address, and telephone number if different from owner's information;

(c) provide a power of attorney or corporate authorization (if any) for the aircraft owner's designee to obtain an aircraft registration on the aircraft owner's behalf. All terms and conditions of the aircraft registration apply to an owner's designee;

(d) provide all required supplemental information or materials requested on the invoice;

(e) obtain an access code to pay online or elect to have an invoice mailed to the owner or designee to remit payment by check; and

(f) pay the correct non-refundable registration fee.

(3) Upon receipt of payment, the department shall mail a registration card and decal to the aircraft owner.

(4) Payments must be postmarked or online time-stamped no later than 30 calendar days from the date of invoice.

(5) The owner may request in writing a one-time hardship or unusual circumstances 30-day extension on the department's agency action form available on the department's website, without department imposition of penalty fees. The department may grant a properly requested extension, in writing, at its sole discretion. An extension is not a waiver of fees owed.

(6) If payment is not timely received, the department will assess a statutory penalty fee under 67-3-206, MCA of five times the registration amount, and send a delinquent payment notice.

(7) Fees not received within 14 days of issuance of a delinquency notice will be referred for collection action on the full penalty amount.

(8) Aircraft registration and registration fees are non-transferable. Each new aircraft owner must register the aircraft in the new owner's name and pay the appropriate prorated fees.

(9) Owners of aircraft which are statutorily exempt from registration fees may, prior to the invoice due date, submit a completed fee exemption affidavit, on the invoice provided by the department. Failure to provide a timely fee exemption affidavit will void the exemption and the department must assess and collect the full registration fee and penalty amount. (History: 67-3-101, MCA; IMP, 67-3-101, 67-3-102, 67-3-103, 67-3-201, 67-3-202, 67-3-203, 67-3-204, 67-3-206, MCA, NEW, 2020 MAR p. 184, Eff. 2/1/20.)

18.12.308 RENEWALS (1) All aircraft registrations must be renewed before March 1 of each calendar year. Registration of an aircraft in the owner's name for the year immediately preceding the year for which a registration renewal invoice is sent is *prima facie* evidence the aircraft has been based in Montana during the year for which registration renewal is sought by the department.

(2) The department sends an annual renewal notice via surface mail to each registered aircraft owner at the address listed in department records three months prior to the March 1 renewal date. Failure of the aircraft owner to advise the department of address changes may result in undeliverable mail and assessment of statutory penalty fees due to delinquent payments.

(3) If payment is not received, the department sends a second renewal notice prior to the March 1 renewal date.

(4) If payment is not received with a postmark or online time stamp prior to or on March 1, the department will assess a statutory penalty fee under 67-3-202, MCA of five times the registration amount added to the original registration fee and send a delinquent payment notice.

(5) Fees and assessed penalties not received within 14 days of issuance of a delinquency notice will be referred for collection action on the full fee plus penalty amount.

(6) Owners of aircraft which are statutorily exempt from registration fees must submit a completed fee exemption affidavit, on the invoice provided by the department, which must be received by the department on or before March 1 of each year. Failure to provide a timely fee exemption affidavit may void the exemption and the department must assess and collect the full registration fee and penalty amount. (History: 67-3-101, MCA; IMP, 67-3-101, 67-3-102, 67-3-103, 67-3-201, 67-3-202, 67-3-203, 67-3-204, 67-3-206, MCA; NEW, 2020 MAR p. 184, Eff. 2/1/20.)

Rules 18.12.309 through 18.12.313 reserved

18.12.314 FEES (1) The appropriate fee in lieu of tax imposed on aircraft is based on the age and type of aircraft. The 67-3-206, MCA fee schedule is:

(a)

AIRCRAFT TYPE	MANUFACTURE DATE (Years)				
	0-5	6-10	11-20	21-30	31-40
Type 1 – Single Engine, Fixed Gear, 200 HP & under	\$450	\$262.50	\$150	\$75	\$37.50
Type 2 – Single Engine, Fixed Gear, Over 200 HP	\$750	\$375	\$225	\$112.50	\$75
Type 3 – Single Engine, Retractable Gear, 200 HP & under	\$900	\$450	\$262.50	\$150	\$112.50
Type 4 – Single Engine, Retractable Gear, Over 200 HP	\$1,050	\$600	\$300	\$187.50	\$150
Type 5 – Multi-Engine, Piston	\$1,200	\$750	\$375	\$262.50	\$225
Type 6 – Helicopter, Piston	\$1,050	\$675	\$337.50	\$225	\$187.50
Type 7 – Single Engine, Jet/Helicopter, Prop Jet	\$2,250	\$1,050	\$675	\$450	\$262.50
Type 8 – Multi-Engine, Helicopter, Prop Jet	\$3,000	\$1,500	\$900	\$600	\$300
Type 9 – Jet Engine, No Propeller (Fan)	\$4,500	\$2,250	\$1,200	\$750	\$375

(b) Type 10 – Glider, Ultralight, Gyrocopter, Balloon, Homebuilt, Experimental Amateur Built, or Antiques (any aircraft over 40 years old) \$30. (History: 67-3-101, MCA; IMP, 67-3-206, MCA; NEW, 2020 MAR p. 184, Eff. 2/1/20.)

18.12.315 FEE EXEMPTIONS (1) Aircraft newly registered with the FAA are invoiced on a prorated basis for the remaining calendar year between registration date on invoice and December 31.

(2) Owners of aircraft which are statutorily exempt from registration fees must complete the department's fee exemption affidavit on the invoice and provide proof of exemption status showing the aircraft is:

(a) dismantled or nonflyable;

(b) destroyed or salvaged;

(c) owned and held by an aircraft dealer solely for the purpose of resale and not used for any flights other than sales demonstration, for which the owner provides a current, valid FAA dealer certificate;

(d) sold to a different owner, for which the previous owner provides a valid FAA Bill of Sale;

(e) an aircraft registered with the FAA with a Montana address, for which the owner provides out-of-state registration information and documentation of out-of-state registration fee payment showing the aircraft is registered and customarily kept in another state or country;

(f) operated by an airline company and regularly scheduled for the primary purpose of carrying persons or property for hire in interstate or international transportation; or

(g) owned and operated by the federal government, the State of Montana, or any political subdivision of the State of Montana. (History: 67-3-101, MCA; IMP, 67-3-101, 67-3-102, 67-3-201, MCA; NEW, 2020 MAR p. 184, Eff. 2/1/20.)

18.12.316 PENALTIES – WAIVER – COLLECTION ACTION (1) The department must assess a penalty of five times the annual registration fee for failure to renew an aircraft registration and submit full fee payment before March 1 each year, or initially register an aircraft within 30 days of the date of invoice.

(2) Under 67-3-202, MCA, a person who owns or causes or authorizes an aircraft to be operated or who operates an aircraft required to be registered in this state without displaying a decal of current registration issued by the department commits a misdemeanor.

(3) An aircraft owner may, at the department's sole discretion, receive department waiver of the late fee penalty, upon completion of the department's agency action form found on the department's website. The owner must meet the following criteria:

(a) be a member of the United States Armed Forces who is deployed and unable to receive a registration renewal invoice. A copy of military deployment orders must be submitted to the department; or

(b) owner provides documentation of legitimate inability to timely pay (e.g., medical situations).

(4) An aircraft owner who fails to pay all assessed registration fees and any assessed penalty fees by the appropriate deadline is subject to department collection actions. Collection actions may include:

(a) filing of judicial complaint seeking a judgment against the aircraft owner;

(b) all judicial collection remedies including seizure of personal or real property and garnishment of wages;

(c) county attorney prosecution as a misdemeanor;

(d) department placement of an FAA lien against the aircraft title which shall not be released until the full assessed registration fees and all penalties are paid in full to the department. (History: 67-3-101, MCA; IMP, 67-3-104, 67-3-202, 67-3-203, MCA; NEW, 2020 MAR p. 184, Eff. 2/1/20.)

18.12.317 REQUEST FOR AGENCY ACTION (1) An aircraft owner requesting a one-time 30-day payment due date exception, or who disputes any portion of the registration process, including registration fee assessment or penalty assessment, must submit a request for agency action on a form provided by the department and available on the department's website. A due date exception request must be received by the department before the invoice due date for initial registrations, or before March 1 for renewal registration.

(2) The request for agency action must include:

- (a) Aircraft FAA registration N number;
- (b) FAA registered owner name (individual or entity);
- (c) FAA registered owner street address and email address;
- (d) FAA registered owner telephone number;
- (e) Responsible person's (e.g., agent, lessee, employee) name, address, email address, and telephone number if different from owner's information;
- (f) Specific action or accommodation being requested; and
- (g) Owner's basis for the request, including supporting information or documentation.

(3) The department may request additional information or documentation which must be supplied within 30 days, and if not timely received will result in denial of the owner's extension or claim.

(4) The department will issue its decision and provide the decision in writing within 30 days of receipt of a properly completed and supported request form.

(5) Department consideration of agency action requests is at its sole discretion. Owner completion of an agency action request does not automatically grant deadline extension or waiver of fees or penalties. (History: 67-3-101, MCA; IMP, 67-3-104, 67-3-202, 67-3-203, MCA; NEW, 2020 MAR p. 184, Eff. 2/1/20.)