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SENATE BILL NO. 1144

Offered January 13, 2021

Prefiled January 5, 2021

A BILL to amend and reenact §§ 5.1-5, 5.1-51, and 58.1-1509 of the Code of Virginia, relating to aircraft; registration and licensing.

Patron—Stuart

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 5.1-5, 5.1-51, and 58.1-1509 of the Code of Virginia are amended and reenacted as follows:

§ 5.1-5. Registration of aircraft.

A. Every resident of the Commonwealth owning a civil aircraft, every nonresident owning a civil aircraft based in the Commonwealth for more than 90 *consecutive* days during any calendar year, and every owner of an aerial application aircraft operating within the Commonwealth or of a civil aircraft operated in the Commonwealth as a for-hire intrastate air carrier shall register such aircraft with the Department before such aircraft is operated in the Commonwealth.

B. The Department shall provide for the issuance, expiration, suspension, and revocation of aircraft registration in accordance with regulations promulgated by the Board. Such aircraft registration or registration requirement shall be considered the licensure or licensure requirement for purposes of the tax imposed pursuant to Chapter 15 (§ 58.1-1500 et seq.) of Title 58.1. The Department shall furnish any necessary forms pursuant to the issuance of such registration and may assess a fee for such issuance not in excess of \$5 annually. The Department may, in lieu of issuing aircraft registration required by subsection A, issue commercial aircraft registration to air carriers and commercial dealers and issue to noncommercial dealers noncommercial dealer fleet registration, to cover all aircraft owned by such dealers and all aircraft for sale held by dealers on a consignment basis from an aircraft manufacturer. The Department may assess a fee not in excess of \$50 annually for any such noncommercial dealer fleet registrations issued and a fee not in excess of \$100 annually for any such commercial fleet registrations issued. The fee for a commercial single aircraft registration shall not be in excess of \$10 annually.

C. Notwithstanding the provisions of subsection A, no aircraft shall be required to be registered if the aircraft is brought into the Commonwealth solely for major maintenance or major repair. An aircraft owner shall provide proof that the aircraft is based at an airport in another state, shown by evidence of a hangar or tie-down lease for a minimum of 12 months prior to the aircraft being brought into the Commonwealth, and proof of the work being performed in the Commonwealth, shown by presentation of invoices that describe such work.

§ 5.1-51. Special fund accumulated from taxes, fees, etc.

All funds accumulated from any special sales tax, excise tax, or use tax, now or which may hereafter be imposed under the laws of this Commonwealth on aviation motor fuel purchased or used in this Commonwealth in the propulsion of aircraft, and all funds heretofore or hereafter accumulated from any fees for licensing or registering of airmen, aircraft and airports, now or hereafter imposed under the laws of this Commonwealth, and all funds heretofore, and which may hereafter be, appropriated to the Department for the purpose of the promotion and development of aviation and airports, including the expense of the administration by the Department of the laws pertaining to aviation, as now or as may be hereafter enacted, and the jurisdiction for the administration thereof conferred on the Department, are hereby constituted a special fund within the Commonwealth Transportation Fund for the administration of the aviation laws, heretofore or hereafter enacted, insofar as the administration has been, or shall be, imposed upon the Department, for the construction, maintenance, and improvement of airports and landing fields and for the promotion of aviation in the interest of operators and in the interest of the public. However, of the moneys expended for the construction, maintenance, and improvement of airports at least ~~thirty-five~~ 35 percent thereof computed over a period of three years shall be expended on carrier and reliever airports. Beginning July 1, 1998, any balances remaining in this fund at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such fund shall accrue to the fund.

In considering or evaluating the application for or award of any grant of moneys under this section, the Board shall take into account the capacities of all airports within the affected geographic region.

§ 58.1-1509. Disposition of funds.

All funds collected hereunder by the Commissioner shall be forthwith paid into the state treasury-

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59 The revenue so derived, after deducting refunds, is hereby *and* credited to the special *general* fund
60 created pursuant to the provisions of ~~§ 5.1-51~~.
61 **2. That the owner any civil aircraft registered in the Commonwealth on or after January 1, 2018**
62 **that was not based in the Commonwealth for more than 90 consecutive days during the calendar**
63 **year shall be entitled to a refund of any taxes or fees associated with the registration.**