**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 7 TO TITLE 55 SO AS TO PROVIDE FOR THE DISPOSAL OF ABANDONED OR DERELICT AIRCRAFT BY AN AIRPORT MANAGER.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 55 of the 1976 Code is amended by adding:

“CHAPTER 7

Abandoned or Derelict Aircraft

Section 55‑7‑10. Notwithstanding another provision of law to the contrary, as used in this chapter:

(1) ‘Abandoned aircraft’ means an aircraft located or stored on the premises of an airport in a wrecked, inoperative, or partially dismantled condition for at least sixty days, and for which the owner or operator of the aircraft has not made during this period any tie down, hangering, or rent payments for the use of the premises. The term shall not include an aircraft being repaired by a person providing services under Section 29‑15‑100.

(2) ‘Aircraft’ means any contrivance used or designated for navigation of or flight in the air. The term shall not include unmanned aircraft or ultralight aircraft.

(3) ‘Derelict aircraft’ means any aircraft that is located or stored on the premises of an airport for at least one hundred fifty days and, throughout this period:

(a) is not in a flyable condition;

(b) is not in compliance with applicable Federal Aviation Administration (FAA) regulations allowing the aircraft to be operated in flight; and

(c) does not have a written repair plan approved and signed by:

(i) an FAA certified airframe and power plant mechanic; or

(ii) a person authorized to perform maintenance on the aircraft in accordance with FAA regulations.

(4) ‘Person’ means a natural person, firm, partnership, association, corporation, limited liability company, or a political subdivision.

Section 55‑7‑20. If an airport manager determines an abandoned aircraft or a derelict aircraft is located on the premises of the airport, he or his designee may dispose of the aircraft in a manner provided in this chapter.

Section 55‑7‑30. (A) If an airport manager determines an abandoned aircraft or derelict aircraft is located on the premises of the airport and seeks to dispose of the aircraft, the airport manager or his designee must:

(1) contact the FAA to determine the name and address of the last registered owner of the aircraft and any other person that has a legal or equitable interest in the aircraft; and

(2) serve the aircraft owner and any other person having a legal or equitable interest in the aircraft a written notice stating the aircraft has been determined to be abandoned or derelict and is subject to:

(a) disposal and removal from the premises of the airport; and

(b) the recovery, by the owner or operator of the airport, of any accrued and unpaid fees or charges incurred with respect to the aircraft while located on the premises of the airport.

(B) The notice must include:

(1) a description of the aircraft by Federal Aviation Administration N‑Number, manufacturer name, model designation, and serial number;

(2) the facts supporting the determination that the aircraft is abandoned or derelict and is subject to disposal and removal from the premises of the airport;

(3) the amount of accrued and unpaid fees or charges incurred with respect to the aircraft while located on the premises of the airport for which a lien is being asserted;

(4) a statement that upon receipt of the notice, the aircraft owner has thirty days to:

(a) remove the aircraft from the premises of the airport; and

(b) pay any accrued and unpaid fees or charges identified under this section;

(5) a statement that the airport’s owner or operator may:

(a) assert a lien for any accrued and unpaid fees or charges identified in this section within thirty days;

(b) remove and dispose of the aircraft from the premises of the airport if the aircraft is not removed within thirty days; and

(c) sell the aircraft at a public auction or bid on the aircraft if it is made available for disposal by means of a public auction;

(6) a statement that the airport’s owner or operator may scrap the aircraft if no bids are received for the aircraft during a public auction; and

(7) the hand signature of an authorized signatory for the owner or operator of the airport located immediately above the title of the signatory.

(C) No later than thirty days after the determination is made that the aircraft is abandoned or derelict, the notice must be:

(1) delivered to the aircraft owner and any other person having a legal or equitable interest in the aircraft by:

(a) certified mail, return receipt requested, and by first

class United States mail, postage prepaid;

(b) a nationally recognized overnight courier service; or

(c) personal delivery; and

(d) be filed with the FAA.

(D) If the registered owner of an aircraft cannot be found or served, notice by publication may be used in lieu of personal service, courier service, or certified mail.

Section 55‑7‑40. (A) A petition for an order finding an aircraft is abandoned or derelict and authorizing the disposal of the aircraft by means of a public auction and removal of the aircraft from the premises of an airport, and the recovery of any accrued and unpaid fees or charges incurred with respect to the aircraft while located on the premises of the airport must be filed in the circuit court of the county where the aircraft is located.

(B) The petition must be filed no later than sixty days after the written notice is delivered in accordance with Section 55‑7‑30.

(C) The court, before selling the aircraft, shall ensure the owner or any lienholder of record has been notified of the pending sale. The court must advertise the aircraft for at least fifteen days by posting notice in three public places in the county.

(D) Any net proceeds resulting from the sale or disposal of an aircraft must be paid to:

(1) the owner of the aircraft and any other person having a legal or equitable interest in the aircraft, in proportion to each person’s legal or equitable interest in the aircraft; or

(2) if the owner of the aircraft or any other person having a

legal or equitable interest in the aircraft cannot be found, to the state general fund.

(E) In an action brought under this chapter, the plaintiff may recover reasonable attorney’s fees.”

SECTION 2. This act takes effect upon approval by the Governor.

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