

The House Committee on Judiciary offers the following substitute to HB 1147:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 44-14-363 of the Official Code of Georgia Annotated, relating to  
2 special liens on personalty, so as to eliminate aircraft liens subject to recordation in the  
3 Federal Aviation Administration's Aircraft Registry from this Code section; to amend Code  
4 Section 44-14-518 of the Official Code of Georgia Annotated, relating to liens on aircraft for  
5 labor and materials and for contracts of indemnity, so as to provide for filing a notice of  
6 intention to claim a lien with the Federal Aviation Administration's Aircraft Registry; to  
7 provide for related matters; to provide for an effective date; to repeal conflicting laws; and  
8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

10 Code Section 44-14-363 of the Official Code of Georgia Annotated, relating to special liens  
11 on personalty, is amended by revising paragraph (1) of subsection (c) as follows:

12 "(c)(1) When possession of the property is surrendered to the debtor, the mechanic shall  
13 record his or her claim of lien within 90 days after the work is done and the material is  
14 furnished or, in the case of repairs made on or to ~~aircraft~~ or farm machinery, within 180  
15 days after the work is done and the material is furnished. The claim of lien shall be  
16 recorded in the office of the clerk of the superior court of the county where the owner of  
17 the property resides. The claim shall be in substance as follows:

18 'A.B., mechanic, claims a lien on \_\_\_\_\_ (here describe the property) of C.B., for  
19 work done, material furnished, and storage accruing (as the case may be) in  
20 manufacturing, repairing, and storing (as the case may be) the same."  
21

**SECTION 2.**

22 Code Section 44-14-518 of the Official Code of Georgia Annotated, relating to liens on  
23 aircraft for labor and materials and for contracts of indemnity, is revised as follows:  
24

25 "44-14-518.

26 (a) Any person engaged in fueling, repair, storage, servicing, or furnishing supplies or  
 27 accessories for aircraft or aircraft engines or providing contracts of indemnity for aircraft  
 28 shall have a lien on such aircraft or aircraft engines for any reasonable charges therefor,  
 29 including charges for labor, for the use of tools, machinery, and equipment, and for all  
 30 parts, accessories, materials, fuel, oils, lubricants, storage fees, earned premiums, and other  
 31 supplies furnished in connection with the servicing or furnishing of supplies or accessories  
 32 or providing contracts of indemnity for such aircraft. Such lien shall be dissolved unless  
 33 the person claiming it shall file, therewith. Such lien shall be superior to all liens except  
 34 liens for taxes.

35 (b) Such lien may be asserted by the retention of the aircraft or aircraft engines, and if such  
 36 lien is asserted by retention of the aircraft or aircraft engines, the lienor shall not be  
 37 required to surrender the aircraft or the aircraft engine to the holder of a subordinate  
 38 security interest or lien. When possession of the aircraft or aircraft engine is surrendered  
 39 by the person claiming the lien, the person claiming the lien shall, within 90 days after such  
 40 fuel, repair, storage, service, supplies, accessories, or contracts of indemnity are furnished;  
 41 in the office of the clerk of superior court of the county within which the aircraft was  
 42 located at the time such service, supplies, accessories, or contracts of indemnity were  
 43 furnished, a statement;

44 (1) Provide written notice, subscribed and sworn to by such person or by some person  
 45 in his or her behalf, giving a just and true account of the demands claimed to be due, with  
 46 all just credits and the name of the person to whom the fuel, repair, storage, service,  
 47 supplies, accessories, or contracts of indemnity were furnished, the name of the owner  
 48 of the aircraft or aircraft engines, if known, and a description of the aircraft sufficient for  
 49 identification. Such statement shall be recorded by the clerk in a book kept for that  
 50 purpose, for which the clerk shall receive the same fees as provided in subparagraph  
 51 (f)(1)(A) of Code Section 15-6-77 for recording liens., by personal delivery, certified  
 52 mail, or statutory overnight delivery, return receipt requested, to the following:

53 (A) The registered owner and others holding recorded interests in the aircraft or aircraft  
 54 engines at the addresses listed in the Federal Aviation Administration's Aircraft  
 55 Registry; or

56 (B) If not a United States registered aircraft or if the aircraft engine is not subject to  
 57 recordation by the Federal Aviation Administration, to the owner, if known, at his or  
 58 her last known address, or, if not known, to the person to whom the fuel, repair, storage,  
 59 service, supplies, accessories, or contracts of indemnity were furnished; and

60 (2) File such written notice for recording in the Federal Aviation Administration's  
 61 Aircraft Registry in the manner prescribed by federal law under 49 U.S.C. Section 44107

62 for the filing of such liens for recordation, or, if not a United States registered aircraft or  
63 if the aircraft engine is not subject to recordation by the Federal Aviation Administration,  
64 with the appropriate recording authority, established by applicable state law, international  
65 treaty, or foreign law, in the manner prescribed for the filing of such liens for  
66 recordation."

67 **SECTION 3.**

68 This Act shall become effective on July 1, 2010.

69 **SECTION 4.**

70 All laws and parts of laws in conflict with this Act are repealed.