

House Bill 1147 (AS PASSED HOUSE AND SENATE)

By: Representatives Knight of the 126th and Yates of the 73rd

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 and applicability; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

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

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

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

22 SECTION 2.

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

25 "44-14-518.

26 (a) Any person engaged in repair, storage, servicing, or furnishing supplies or accessories
 27 for aircraft or aircraft engines or providing contracts of indemnity for aircraft shall have a
 28 lien on such aircraft or aircraft engines for any reasonable charges therefor, including
 29 charges for labor, for the use of tools, machinery, and equipment, and for all parts,
 30 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, subject to compliance with subsection (b) of this Code section.

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 repair, storage, service, supplies, accessories, or contracts of indemnity are furnished, in
 41 the office of the clerk of superior court of the county within which the aircraft was located
 42 at the time such service, supplies, accessories, or contracts of indemnity were furnished,
 43 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 repair, storage, service, supplies,
 47 accessories, or contracts of indemnity were furnished, the name of the owner of the
 48 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 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 Georgia Superior Court Clerks' Cooperative Authority or the appropriate
65 recording authority, established by applicable state law, international treaty, or foreign
66 law, in the manner prescribed for the filing of such liens for recordation."

67 **SECTION 3.**

68 This Act shall become effective on July 1, 2010, and shall apply to all liens filed on or after
69 such date.

70 **SECTION 4.**

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