

TITLE 18 TRANSPORTATION AND HIGHWAYS
CHAPTER 11 AIRPORTS
PART 2 AIRCRAFT REGISTRATION

18.11.2.1 ISSUING AGENCY: The New Mexico State Highway and Transportation Department - Aviation Division: 550 Pacheco Street 87505, P.O. Box 1149, Santa Fe, NM 87504-1149, 505 827-1525, FAX 505 827-1531.
[3/30/96; 18.11.2.1 NMAC - Rn, 18 NMAC 11.2.1, 11/30/02]

18.11.2.2 SCOPE: Registration information for owners and lessees of aircraft based or hangared in New Mexico.
[3/30/96; 18.11.2.2 NMAC - Rn, 18 NMAC 11.2.2, 11/30/02]

18.11.2.3 STATUTORY AUTHORITY: Adoption of these regulations is pursuant to authority granted to the Director of the Aviation Division of the State Highway and Transportation Department under NMSA 1978, Section 64-4-8, as amended.
[12/29/71, 3/30/96; 18.11.2.3 NMAC - Rn, 18 NMAC 11.2.3, 11/30/02]

18.11.2.4 DURATION: Permanent.
[3/30/96; 18.11.2.4 NMAC - Rn, 18 NMAC 11.2.4, 11/30/02]

18.11.2.5 EFFECTIVE DATE: March 30, 1996, unless a later date is cited at the end of a section.
[3/30/96; 18.11.2.5 NMAC - Rn & A, 18 NMAC 11.2.5, 11/30/02]

18.11.2.6 OBJECTIVE: The objective of Part 2, Chapter 11, Title 18 [18.11.2 NMAC] is to explain registration requirements, procedures, penalties, and specialty situations to owners and lessees of aircraft that are based or hangared in the State of New Mexico. These instructions, obligations, and assessments are addressed so that effected individuals have been notified of their responsibilities and of the consequences resulting from improper compliance. This rule is designed to stipulate procedural uniformity within situational variances. This rule is designed to promote administrative expediency, efficiency, and fairness in handling the registration requirements of the numerous aircraft types of owners and lessees. This rule replaces AD Rule 80-4, dated October 9, 1980, issued by the Aviation Division of the Transportation Department.
[10/09/80, 3/30/96; 18.11.2.6 NMAC - Rn, 18 NMAC 11.2.6, 11/30/02]

18.11.2.7 DEFINITIONS:

A. "Aircraft" means any contrivance now known of hereafter invented, used, or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation, but used primarily as safety equipment.

B. "Applicant" means the individual filing for aircraft registration.

C. "Registration Fee" means the assessment based on the maximum gross weight of the aircraft, calculated as explained in Section 64-4-11 NMSA 1978.

D. "Division" means the Aviation Division of the State Highway and Transportation Department.

E. "Director" means the Director of the Division.

[12/29/71, 3/30/96; 18.11.2.7 NMAC - Rn, 18 NMAC 11.2.7, 11/30/02]

18.11.2.8 APPLICANT REQUIREMENTS:

A. An applicant for aircraft registration must be the owner or lessee of an aircraft based or hangared in the State of New Mexico.

B. If requested by a representative of the Division, the applicant shall make available for inspection by the Division, any or all of the following information for aircraft based or hangared in the State of New Mexico.

(1) Current Federal Aviation Administration Certificate of Aircraft Registration;

(2) Federal Aviation Administration Airworthiness Certificate; and

(3) Proof of maximum certificated gross weight.

C. If takeoff gross weight is different from landing gross weight, the takeoff gross weight shall be used in determining the registration fee.

D. The New Mexico Certificate of registration must be kept in the aircraft at all times and presented for inspection upon demand by an Officer of the State of New Mexico or County or City therein, or any agent of the Division or the Federal Aviation Administration.

E. The Division shall use the FAA registration number displayed on the aircraft as required by FAA regulations for purposes of identifying whether an aircraft is properly registered.
[12/29/71, 10/09/80, 3/30/96; 18.11.2.8 NMAC - Rn & A, 18 NMAC 11.2.8, 11/30/02]

18.11.2.9 TIME OF REGISTRATION: PENALTY:

A. The owner or lessee of an aircraft, whomever is in possession, shall register the aircraft prior to March 1 of each year.

B. Any person who purchases, leases, or otherwise acquires an aircraft or brings one into the State shall register said aircraft within fifteen days of the purchase, lease, acquisition, or entering of the State.

C. Any owner or lessee who fails to comply with Subsection A of 18.11.2.9 NMAC or any person who fails to comply with Subsection B of 18.11.2.9 NMAC shall pay a fine equal to ten percent (10%) of the regular registration fee times each month or portion of a month that the registration fee is past due.

D. In determining whether a registration fee paid pursuant to Subsections A or B of 18.11.2.9 NMAC is timely, the Division shall calculate the date the registration fee is paid as follows.

(1) If payment is hand delivered to the Division, the payment date shall be the date the payment is received by the Division, or

(2) If the fee is transmitted to the Division via United States mail or an established shipping business, the payment date shall be the date the external envelope is marked by the shipping organization. No other means of payment delivery shall be considered acceptable.

E. Penalties assessed pursuant to Subsection C of 18.11.2.9 NMAC shall continue until:

(1) The date all fees and penalties are paid in full, or

(2) The date, determined by the Division, that the aircraft became no longer based or hangared in the State of New Mexico, or was found to be no longer airworthy. The owner or lessee shall have the burden of providing documentation or other information, acceptable to the Division, for its determination under this Subsection.

F. Upon determination by the Division that a plane is no longer based or hangared in the State or is no longer airworthy, the Division shall cancel all fees assessed after the date when the plane was no longer based or hangared in the State or was no longer airworthy, and all penalties which may have accrued on those fees.
[3/30/96; 18.11.2.9 NMAC - Rn, 18 NMAC 11.2.9, 11/30/02]

18.11.2.10 HEARING ON UNPAID REGISTRATION FEES: Prior to seizing an aircraft for unpaid registration fees pursuant to NMSA 1978, Section 64-4-5.1, as amended, the Division shall conduct an informal hearing as follows:

A. At least twenty days prior to conducting a hearing, the Division shall send a notice of hearing to the last known address of the registered owner of the aircraft and all lienholder of record by certified mail. The notice shall set forth the time, date, and location of the hearing, and a short and plain statement of the reason, and also the legal basis for the hearing.

B. No request for postponement of a hearing shall be granted except upon motion and for good cause shown.

C. The Director, or his designee, shall conduct the informal hearing. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The New Mexico Rules of Evidence shall not apply.

D. Within fourteen (14) days of the date of the hearing, the Director, or his designee, shall issue a decision as to whether the Division will proceed with an action in the Magistrate Court in which the aircraft was found, to collect the registration fee and accrued penalties by seizure of the aircraft from the person in possession and by sale as provided by NMSA 1978, Section 39-5-1.

[3/30/96; 18.11.2.10 NMAC - Rn, 18 NMAC 11.2.10, 11/30/02]

18.11.2.11 TRANSFER OF TITLE OR INTERESTS: Whenever the owner or lessee of a registered aircraft transfers title or interest therein, the registration certificate and number issued for such registration shall remain with the aircraft. Upon transfer or assignment of title or interest, the owner or lessee shall endorse such assignment on the reverse side of the certificate of registration, which statement shall be verified under oath by such owner or lessee. The owner or lessee shall deliver the certificate of registration and the registration number to the

purchases or transferee at the time of delivery of the aircraft. The purchaser or transferee shall, within ten (10) days from the date of transfer, submit the endorsed certificate to the Division. The Division will issue a new certificate at a charge of \$5.00. If an aircraft is not registered at the time of purchase or lease, even though the aircraft may have been purchased within the State, new or used, the purchaser shall register it as provided herein together with all penalties due.

[12/29/71, 10/09/80, 18.11.2.11 NMAC - 3/30/96; Rn, 18 NMAC 11.2.11, 11/30/02]

18.11.2.12 LOSS OR DESTRUCTION OF CERTIFICATE: Upon presentation of proof of loss or destruction of the original certificate and payment of the required fee to the Division, a duplicate certificate of registration may be obtained at a charge of \$10.00.

[12/29/71, 10/09/80, 3/30/96; 18.11.2.12 NMAC - Rn, 18 NMAC 11.2.12, 11/30/02]

18.11.2.13 DEALER LICENSES:

A. Dealers holding aircraft for resale may obtain a New Mexico dealer's license. If dealer aircraft are used primarily for charter, flight instruction, or carrying of persons not incidental to the resale of such aircraft, they shall be registered as otherwise provided.

B. On a form available from the Division for said purpose, a notarized list of aircraft to be operated under a dealer's license shall be filed with the Division at the time the application is submitted. Dealers shall certify to the fact that such aircraft will be used primarily for resale. Notification must be given to the Division of all changes in dealer aircraft within ten (10) days of such changes. If change in use of dealer aircraft subjects it to regular registration, aircraft must be registered as otherwise provided herein. Dealer license applications shall not be processed without the notarized equipment list.

C. The Division shall mail to the dealer a certificate for each aircraft listed on the equipment list. Each certificate shall be affixed to the inside of the left rear window so that the printing is readily visible through the window.

D. Dealer certificate shall be conspicuously displayed in the primary place of business of said Dealer.

E. Dealer certificate is not transferable.

[12/10/69, 12/29/71, 3/30/96; 18.11.2.13 NMAC - Rn, 18 NMAC 11.2.13, 11/30/02]

18.1.2.14 SPECIALIZED USE LICENSES:

A. Operators of aircraft used solely for the purposes of transporting cargo, crop dusting or spraying, forest fire fighting, powerline and pipeline patrol, or other commercial operations in which passengers are not carried, may apply for a specialized use license.

B. On a form available from the Division for said purposes, a notarized list of aircraft to be operated under a special use license shall be filed with the Division at the time the application is submitted. Special users shall certify to the fact that such aircraft will be used only for the purposes stated. Special use applications shall not be processed without the notarized equipment list.

C. When the specialized use aircraft list is filed, the Division will mail to the licensee a certificate for each aircraft listed. This certificate shall be affixed to the inside of the left rear window so that the printing is readily visible through the window. Notification must be given to the Division of all changes in specialized use aircraft within ten (10) days of such changes. If changes in use of specialized use aircraft subjects it to regular or dealer registration, said aircraft must be registered as otherwise provided herein.

D. The specialized use license shall be conspicuously displayed in the primary place of business of the licensee.

E. Specialized use licenses are not transferable.

[12/10/69, 12/29/71, 3/30/96; 18.11.2.14 NMAC - Rn, 18 NMAC 11.2.14, 11/30/02]

HISTORY OF 18.11.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records-State Records Center and Archives.

AD 69-3, Order - Aircraft Registration Rules and Regulations, filed 12/10/69

AD 71-1, The Aircraft Registration Act Together With Rules and Regulations, filed 12/29/71

AD 72-1, Aircraft Registration Rules and Regulations, filed 1/20/72

AD 72-1, Aircraft Registration Rules and Regulations, filed 10/10/72

AD 80-4, Aircraft Registration Rules and Regulations, filed 10/09/80.

History of Repealed Material: [RESERVED]

Other History:

AD 80-4, Aircraft Registration Rules and Regulations, filed 10/09/80, was **renumbered** into first version of the New Mexico Administrative Code as 18 NMAC 11.2, Airports - Aircraft Registration, filed 3/14/96.

18 NMAC 11.2, Airports - Aircraft Registration, filed 3/14/96, was **renumbered, reformatted and amended** by 18.11.2 NMAC, Airports - Aircraft Registration, effective 11/30/02.