

**TITLE 18           TRANSPORTATION AND HIGHWAYS**  
**CHAPTER 11        AVIATION**  
**PART 7             REQUIREMENTS GOVERNING THE SALVAGE OF ABANDONED AIRCRAFT**

**18.11.7.1           ISSUING AGENCY:** The New Mexico Department of Transportation, Aviation Division.  
[11/30/98; 18.11.7.1 NMAC - Rn & A, 18 NMAC 11.7.1, 03/15/04]

**18.11.7.2           SCOPE:** All local governments and general public.  
[11/30/98; 18.11.7.2 NMAC - Rn, 18 NMAC 11.7.2, 03/15/04]

**18.11.7.3           STATUTORY AUTHORITY:** Adoption of these regulations is pursuant to NMSA 1978, Sections 64-5-1 through 64-5-4.  
[11/30/98; 18.11.7.3 NMAC - Rn, 18 NMAC 11.7.3, 03/15/04]

**18.11.7.4           DURATION:** Permanent.  
[11/30/98; 18.11.7.4 NMAC - Rn, 18 NMAC 11.7.4, 03/15/04]

**18.11.7.5           EFFECTIVE DATE:** November 30, 1998, unless a later date is cited at the end of a section.  
[11/30/98; 18.11.7.5 NMAC - Rn & A, 18 NMAC 11.7.5, 03/15/04]

**18.11.7.6           OBJECTIVE:** The purpose of this rule is to establish procedures for the implementation of NMSA 1978, Section 64-5-1 through 64-5-4, regulations governing the salvage of abandoned aircraft.  
[11/30/98; 18.11.7.6 NMAC - Rn, 18 NMAC 11.7.6, 03/15/04]

**18.11.7.7           DEFINITIONS:**  
A.       NMDOT- means the New Mexico department of transportation.  
B.       Aviation division - means the aviation division of the NMDOT.  
[11/30/98; 18.11.7.7 NMAC - Rn & A, 18 NMAC 11.7.7, 03/15/04]

**18.11.7.8           APPLICATION:**  
A.       Application for an aircraft salvage permit shall be made on a form provided by the aviation division and shall include information pertinent to the aircraft location and land owner. The application shall include applicant's certification that the aircraft is abandoned as defined in NMSA 1978, Section 64-5-1; that applicant has not been issued a permit for the same aircraft, has not defaulted on a previous permit and agrees to the terms and conditions of the permit as determined by the division.  
B.       The date the application is filed and the date land owner is notified shall be entered on the application. The filing date shall be the date that the application is received in the aviation division office. The notification date is the date notice is received by the land owner by certified mail.  
[11/30/98; 18.11.7.8 NMAC - Rn & A, 18 NMAC 11.7.8, 03/15/04]

**18.11.7.9           ISSUANCE OF PERMIT:** A permit may be issued if all provisions of NMSA 1978, Section 64-5-2 have been met, provided:  
A.       the aviation division may, if it determines it is necessary, include special conditions for the issuance of a permit;  
B.       the aviation division may deny an application if it has reason to believe an applicant cannot or will not meet the terms and conditions of the permit;  
C.       if a hearing is necessary, the aviation division director shall determine the site of the hearing and shall act as hearing officer or designate a hearing officer; the hearing officer shall prepare a report of the hearing, a finding of fact and his recommendation; the aviation division director shall make the determination as to whether a permit should be issued;  
D.       the aviation division shall determine the amount of the bond on each application based on the probability of damage to property during salvage and removal operations and the value of the property exposed to damage.  
[11/30/98; 18.11.7.9 NMAC - Rn, 18 NMAC 11.7.9, 03/15/04]

**18.11.7.10 DEFAULTS:** If the terms and conditions of a permit have not been met within six months from the date of issuance, the permit shall be automatically terminated and deemed invalid. The aviation division shall not issue a permit to the holder of a prior terminated permit for the same crashed aircraft.  
[11/30/98; 18.11.7.10 NMAC - Rn, 18 NMAC 11.7.10, 03/15/04]

**HISTORY OF 18.11.7 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the state records and archives under: AB Rule 75-1, Regulations Governing the Salvage of Abandoned Aircraft, filed June 26, 1975, and AD 80-1, Regulations Governing the Salvage of Abandoned Aircraft, filed October 08, 1980.

**History of Repealed Material:** [RESERVED]

**Other History:**

AD 80-1, Regulations Governing the Salvage of Abandoned Aircraft, filed October 08, 1980 was renumbered, reformatted and amended by 18 NMAC 11.7, Airports - Requirements Governing the Salvage of Abandoned Aircraft, effective 11/30/98.

18 NMAC 11.7, Airports - Governing the Salvage of Abandoned Aircraft (filed 11/12/98), renumbered, reformatted and amended by 18.11.7 NMAC, Aviation - Requirements Governing the Salvage of Abandoned Aircraft, effective 03/15/04.