

2A:44-2

LEGISLATIVE HISTORY CHECKLIST

NJSA 2A:44-2; 2A:44-4 and 2A:44-10 (Airport landing and take-off fees--permit lien on aircraft)

LAWS 1981 CHAPTER 159

Bill No. S893

Sponsor(s) Dodd and J. Russo

Date Introduced Jan. 24, 1980

Committee: Assembly Transportation and Communications

Senate Transportation and Communications

Amended during passage Yes No

Date of Passage: Assembly March 23, 1981

Senate June 9, 1980

Date of approval June 8, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes No

Veto Message Yes No

Message on signing Yes ~~No~~

Following were printed:

Reports Yes No

Hearings Yes No

6/22/81
EU

SENATE, No. 893

STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1980

By Senators DODD and J. RUSSO

Referred to Committee on Transportation and Communications

AN ACT concerning aircraft liens and amending N. J. S. 2A:44-2,
2A:44-4 and 2A:44-10.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. N. J. S. 2A:44-2 is amended to read as follows:

2 2A:44-2. Any person, engaged in the business of operating *an*
3 *airport*, a hangar or place for the storage, maintenance, keeping
4 or repairing of aircraft who, in connection therewith, *permits*
5 *landings or take-offs* or stores, maintains, keeps or repairs any
6 aircraft or furnishes gasoline, accessories, materials or other sup-
7 plies therefor at the request or with the consent of the owner or
8 his representative, agent or lessee, whether such owner be a
9 conditional vendee or a mortgagor remaining in possession or
10 otherwise, shall have a lien upon such aircraft or any part thereof
11 for the sum due *as the fees for such landings or take-offs*, or for
12 such storing, maintaining, keeping or repairing of such aircraft or
13 for furnishing gasoline, accessories, materials or other supplies
14 therefor, and may, without process of law, detain such aircraft at
15 any time it is lawfully in his possession until such sum is paid.

16 The lien shall be superior to all other liens, except liens for taxes,
17 and the operator of such aircraft shall be deemed the agent of any
18 owner, mortgagee, conditional vendor or other lienor thereof for
19 the creation of such superior lien.

1 2. N. J. S. 2A:44-4 is amended to read as follows:

2 2A:44-4. The owner or person entitled to the immediate posses-
3 sion of the aircraft, or part thereof, so detained as provided by this
4 article, may on learning of the detention of the same, immediately
5 demand from the person detaining such aircraft or part thereof, or
6 from the person in charge of the place where it is detained, a state-

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

7 ment showing the true amount claimed to be due and owing for
8 *landing or take-off fees or for the storing, maintaining, keeping or*
9 *repairing of such aircraft, or for furnishing gasoline, fuel,*
10 *accessories, materials or other supplies therefor. If upon*
11 *receiving such statement he considers the amount thereof*
12 *excessive, he may offer what he considers to be reasonably due and*
13 *demand possession of the aircraft or part thereof so detained. If*
14 *possession is refused, he may obtain possession thereof by deposit-*
15 *ing the amount claimed in the statement with the clerk of any court*
16 *of competent jurisdiction in the county where the aircraft or part*
17 *thereof may be situated, together with **[\$10]** \$12 to cover the cost of*
18 *court in actions commenced in the county district court and **[\$50]***
19 *\$60 in any other court.*

1 3. N. J. S. 2A:44-10 is amended to read as follows:

2 2A:44-10. If no proceedings are taken for the repossession of
3 the aircraft or the parts thereof by the owner, such property so
4 held by any *airport operator or any operator of a hangar or place*
5 *of storage, repair or supplies for aircraft, or held by any aircraft*
6 *mechanic may, after the expiration of 30 days from the date of the*
7 *detention, be sold at public auction.*

1 4. This act shall take effect immediately.

STATEMENT

This bill would amend the "Aircraft Lien law" to permit an airport operator to place and enforce a lien on any aircraft using the airport for airport landing or take-off fees payable by the operator of the aircraft for the privilege of using the airport. In recent years itinerant aircraft from areas outside the State, have left our airports without payment of such fees and the operators of such aircraft have failed to pay bills forwarded to them at their out-of-state addresses.

7 ment showing the true amount claimed to be due and owing for
 8 *landing or take-off fees or for the storing, maintaining, keeping or*
 9 *repairing of such aircraft, or for furnishing gasoline, fuel,*
 10 *accessories, materials or other supplies therefor. If upon*
 11 *receiving such statement he considers the amount thereof*
 12 *excessive, he may offer what he considers to be reasonably due and*
 13 *demand possession of the aircraft or part thereof so detained. If*
 14 *possession is refused, he may obtain possession thereof by deposit-*
 15 *ing the amount claimed in the statement with the clerk of any court*
 16 *of competent jurisdiction in the county where the aircraft or part*
 17 *thereof may be situated, together with **[\$10]** \$12 to cover the cost of*
 18 *court in actions commenced in the county district court and **[\$50]***
 19 *\$60 in any other court.*

1 3. N. J. S. 2A:44-10 is amended to read as follows:

2 2A:44-10. If no proceedings are taken for the repossession of
 3 the aircraft or the parts thereof by the owner, such property so
 4 held by any *airport operator or any operator of a hangar or place*
 5 *of storage, repair or supplies for aircraft, or held by any aircraft*
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5893 (1981)

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO
SENATE, No. 893

STATE OF NEW JERSEY

DATED: FEBRUARY 19, 1981

This bill amends existing law to permit an airport operator to place and enforce a lien on any aircraft using the airport and not paying landing or take-off fees. It also increases the fees for any court costs resulting from the "Aircraft Lien Law" in cases where an owner or person entitled to the possession of an aircraft challenges in court an individual detaining an aircraft because such owner or person considers the amount demanded excessive. In addition, Senate Bill No. 893 provides that court costs are increased from \$10.00 to \$12.00 to cover the cost of court in actions commenced in the county district court and from \$50.00 to \$60.00 in any other court.

**SENATE TRANSPORTATION AND COMMUNICATIONS
COMMITTEE**

STATEMENT TO

SENATE, No. 893

STATE OF NEW JERSEY

DATED: MAY 5, 1980

This legislation amends the "Aircraft Lien Law" to permit an airport operator to place and enforce a lien on any aircraft using the airport and not paying landing or take-off fees. The incidence of such non-payment by out-of-state aircraft operators has been increasing in recent years.

The Department of Transportation supports this legislation.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

JUNE 8, 1981

KATHRYN FORSYTH

Governor Brendan Byrne today signed the following bills:

S-897, sponsored by Senator William Hamilton (D-Middlesex), which authorizes the sale of individual or group legal insurance and provides for its regulation by the Department of Insurance.

The bill allows any company now licensed to transact insurance under Title 17B and Subtitle 3 of Title 17 to sell legal insurance. Life, health and casualty companies, as well as Blue Cross/Blue Shield, are included in the category.

Others wishing to sell legal insurance must obtain a certificate of authority from the Department of Insurance. The certificate applicants must demonstrate trustworthiness and fiscal soundness.

The Commissioner of Insurance is empowered to set standards and fees for the licensing of agents and brokers and, in general, forms and rates under the law must be approved by the Commissioner.

The bill takes effect in 90 days.

S-893, sponsored by Senator Frank J. Dodd (D-Essex) which amends the "Aircraft Lien Law" to permit an airport operator to place and enforce a lien on any aircraft using the airport and not paying take-off or landing fees.

Aircraft operators may currently impose liens for storage, maintenance or repairs or for furnishing gasoline, accessories, materials or other supplies. The lien provided for in this bill would be superior to all other liens.

The bill also increases the court costs resulting from a suit brought pursuant to the Aircraft Lien Law from \$10 to \$12 in county district courts and from \$50 to \$60 in all other courts.

If the plane operator disputes the amount of the lien, he may obtain possession of the plane by depositing the amount claimed by the airport, together with the court costs, with the court clerk until the matter is resolved.

S-1546, sponsored by Senator Joseph P. Merlino (D-Mercer) which makes a \$400,000 supplemental appropriation to the Department of Education for use at the Marie H. Katzenbach School for the Deaf for speech and support services.

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