

**As Passed by the Senate**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Am. S. B. No. 206**

**Senator Hackett**

**Cosponsors: Senators Brenner, Antonio, Chavez, Cirino, Craig, DeMora,  
Gavarone, Hicks-Hudson, Landis, O'Brien, Reineke, Rulli, Schaffer, Schuring,  
Smith, Wilkin**

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**A BILL**

To amend sections 1311.71, 1311.72, 1311.73, 1  
1311.75, 1311.76, 1311.77, and 4561.01 and to 2  
enact sections 1311.721, 4561.26, and 4561.27 of 3  
the Revised Code to establish a process by which 4  
an abandoned or derelict aircraft may be sold. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 1311.71, 1311.72, 1311.73, 6  
1311.75, 1311.76, 1311.77, and 4561.01 be amended and sections 7  
1311.721, 4561.26, and 4561.27 of the Revised Code be enacted to 8  
read as follows: 9

**Sec. 1311.71.** As used in sections 1311.71 to 1311.80 of 10  
the Revised Code: 11

(A) "Aircraft" has the same meaning as in section 4561.01 12  
of the Revised Code and includes any part or equipment of the 13  
aircraft. "Aircraft" includes an abandoned aircraft, unless 14  
otherwise specified. 15

(B) "Abandoned aircraft" means an aircraft to which both 16

of the following apply: 17

(1) It is located on the premises of a public-use airport. 18

(2) The owner or operator has not paid any tie-down, 19  
hangar, rent, or storage costs for use of the premises for at 20  
least ninety consecutive days. 21

(C) "Director" means the director or other chief executive 22  
officer of a public-use airport. "Director" includes the 23  
director's or chief's designee. 24

(D) "Labor" means to repair, service, ~~store,~~ or maintain 25  
an aircraft. 26

~~(C)~~ (E) "Materials" means all products and substances, 27  
including gasoline, oil, lubricants, accessories, parts, and 28  
equipment, that are furnished for an aircraft. 29

(F) "Public-use airport" has the same meaning as in 30  
section 4563.30 of the Revised Code. 31

(G) "Stores" means to keep an aircraft on real property 32  
owned by a person that is not the owner of the aircraft. 33  
"Stores" includes any necessary transportation of the aircraft 34  
to an appropriate location for its storage. 35

**Sec. 1311.72.** (A) Except as provided in division (B) of 36  
this section, any person who performs labor upon, stores, or 37  
furnishes materials for an aircraft has a lien upon the aircraft 38  
to secure payment for the labor, storage, and materials. Except 39  
as provided in division (B) of this section, any person who owns 40  
or operates an airport or repair shop and whose employee 41  
performs labor upon, stores, or furnishes materials for an 42  
aircraft has a lien upon the aircraft to secure payment for the 43  
labor, storage, and materials. 44

(B) ~~No~~ Unless the aircraft is an abandoned aircraft, no 45  
person shall have a lien pursuant to division (A) of this 46  
section if the person has possession of the aircraft or if the 47  
cost of the storage, the labor performed, or the materials 48  
furnished for the aircraft is greater than or equal to one 49  
thousand dollars and the owner of the aircraft has not requested 50  
or consented to the performance of the storage, labor, or 51  
furnishing of the materials. 52

(C) A lien that arises under this section is valid against 53  
any person except a purchaser or encumbrancer who in good faith, 54  
without notice, and for value acquired rights prior to the 55  
recording of an affidavit for lien pursuant to section 1311.73 56  
of the Revised Code. 57

**Sec. 1311.721.** (A) Before perfecting a lien that arises 58  
under section 1311.72 of the Revised Code for an abandoned 59  
aircraft, the director of a public-use airport shall search the 60  
appropriate records of the airport and contact both of the 61  
following entities to determine the name and address of the last 62  
registered owner: 63

(1) The federal aviation administration's aircraft 64  
registration branch; 65

(2) The office of aviation. 66

(B) (1) Within twenty business days after receipt of the 67  
information obtained under division (A) of this section, the 68  
director shall send notice to the owner of the abandoned 69  
aircraft that was identified in accordance with division (A) of 70  
this section that includes all of the following information: 71

(a) A description of the abandoned aircraft that includes 72  
its federal aviation administration n-number, manufacturer name, 73

<u>model designation, and serial number;</u>	74
<u>(b) The location of the abandoned aircraft on the airport premises;</u>	75 76
<u>(c) The amount of any fees and charges for the use of the airport by the abandoned aircraft that have accrued;</u>	77 78
<u>(d) That the airport may seek to perfect a lien in accordance with section 1311.73 of the Revised Code if, within thirty calendar days after the date of receipt of such notice or notification that delivery was not possible, the owner does not remove the abandoned aircraft from the airport and pay all accrued fees and charges.</u>	79 80 81 82 83 84
<u>(2) The notice described in division (B)(1) of this section may be sent by any of the following methods:</u>	85 86
<u>(a) Certified or express mail with return receipt requested;</u>	87 88
<u>(b) Certified mail with electronic tracking;</u>	89
<u>(c) A commercial carrier service utilizing any form of delivery requiring a signed receipt;</u>	90 91
<u>(d) Personal service.</u>	92
<u>(C) The director may proceed in accordance with section 1311.73 of the Revised Code if the owner of the abandoned aircraft does not pay the accrued fees and charges in full and does not remove the abandoned aircraft within thirty days of the acknowledged receipt, or notification that the delivery was not possible, of a notice sent in accordance with division (B) of this section.</u>	93 94 95 96 97 98 99
<u>(D) Failure of the owner to receive a notice of removal</u>	100

does not invalidate a lien perfected under section 1311.73 of 101  
the Revised Code if the director complies with division (B) of 102  
this section. 103

**Sec. 1311.73.** ~~(A)~~(A)(1) To perfect a lien that arises 104  
under section 1311.72 of the Revised Code, the person claiming 105  
the lien shall make and file for record with the United States 106  
federal aviation administration an affidavit verified under oath 107  
that includes all of the following information: 108

(a) The amount owed to the lien claimant for the labor, 109  
storage, or materials,~~a;~~ 110

(b) A description of the aircraft that reasonably 111  
identifies it including the manufacturer, model, serial number, 112  
and registration number of the aircraft,~~the;~~ 113

(c) The name of the person for whom the labor was 114  
performed, the storage was provided, or the materials were 115  
furnished, ~~the~~ if applicable; 116

(d) The name of the owner of the aircraft, if known,~~the;~~ 117

(e) The name and address of the lien claimant,~~the;~~ 118

(f) The date that the lien claimant or ~~his~~the lien 119  
claimant's employee last performed any labor upon, stored, or 120  
furnished any materials for the aircraft, ~~the~~ or if the storage 121  
is ongoing; 122

(g) The date that the lien claimant surrendered possession 123  
of the aircraft, if ~~he~~the lien claimant surrendered it,~~and the;~~ 124

(h) The name and address of the person who prepared the 125  
affidavit. 126

(2) The omission or inaccuracy of any address in the 127

affidavit does not invalidate the affidavit. The lien claimant 128  
may verify the affidavit before any person authorized to 129  
administer oaths, including an agent for the owner, the lien 130  
claimant, or any other interested party. An agent of the lien 131  
claimant may sign the affidavit for the lien claimant, provided 132  
that the agent states ~~his~~the agent's capacity with respect to 133  
the lien claimant. A lien claimant is considered to have filed 134  
for record with the United States federal aviation 135  
administration an affidavit upon receipt of the affidavit by the 136  
United States federal aviation administration as evidenced by a 137  
certified mail return receipt. 138

(B) The affidavit may be in the following form: 139

"Affidavit for ~~Artisan's~~ Lien on Aircraft 140

State of Ohio, 141

County of \_\_\_\_\_, ss: \_\_\_\_\_, 142

\_\_\_\_\_ of \_\_\_\_\_ 143

whose address is \_\_\_\_\_, 144

being first duly sworn, says that ~~he~~such lien claimant or 145

~~his~~such lien claimant's employee performed labor, repairs, 146

services, or maintenance upon, provided storage, or furnished 147

~~storage~~, materials, products, substances, accessories, parts, or 148

equipment for a certain aircraft or part or equipment of a 149

certain aircraft at the request of \_\_\_\_\_, whose 150

address is \_\_\_\_\_, and of which 151

\_\_\_\_\_ is the titled owner. 152

The owner's address is \_\_\_\_\_ 153

The aircraft upon which labor, repairs, services, or 154

maintenance were performed, or storage was provided, or 155

materials, products, substances, accessories, parts, or 156

equipment were furnished is identified as follows: 157

Manufacturer: \_\_\_\_\_ 158

Model: \_\_\_\_\_ 159

Serial number \_\_\_\_\_ 160

Registration number \_\_\_\_\_ 161

The last date that labor, repairs, services, or 162

maintenance were performed upon, or storage was provided, or 163

materials, products, substances, accessories, parts, or 164

equipment were furnished for the aircraft herein identified, 165

including any part or equipment of that aircraft, was 166

\_\_\_\_\_, \_\_\_\_\_, or alternatively, 167

storage is still ongoing as of the following date: 168

\_\_\_\_\_, \_\_\_\_\_ 169

The lien claimant states there is justly and truly due, 170

over and above all legal setoffs, the sum of \_\_\_\_\_ dollars, 171

for which the lien claimant claims a lien on the aircraft 172

identified herein. 173

The lien claimant states that ~~he~~ the lien claimant is (is 174

not) currently in possession of the aircraft. (The lien claimant 175

states that ~~he~~ the lien claimant surrendered possession of the 176

aircraft on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_) 177

\_\_\_\_\_ 178

Lien claimant 179

\_\_\_\_\_ 180

Capacity with respect to lien 181

claimant 182

Sworn to before me and subscribed in my presence this 183  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ 184  
\_\_\_\_\_ 185

Notary public 186

This instrument was prepared by \_\_\_\_\_ 187  
whose address is \_\_\_\_\_ " 188

(C) A lien claimant shall file the affidavit within one of 189  
the following periods: 190

(1) Ninety days after the date on which ~~he~~the lien 191  
claimant or ~~his~~the lien claimant's employee last performed labor 192  
upon or furnished materials for the aircraft that is subject to 193  
the lien, if ~~he~~the lien claimant or ~~his~~the lien claimant's 194  
employee is in possession of the aircraft at the time of filing; 195

(2) Ninety days after the date on which ~~he~~the lien 196  
claimant or ~~his~~the lien claimant's employee surrendered 197  
possession of the aircraft that is subject to the lien; 198

(3) Ninety days after the date by which the owner of an 199  
abandoned aircraft that is subject to the lien was required to 200  
remove the aircraft from the lien claimant's property in 201  
accordance with section 1311.721 of the Revised Code. 202

(D) Any lien claimant who files an affidavit may file a 203  
copy of the affidavit in the office of the county recorder in 204  
the county in which the labor was performed upon or the 205  
materials were furnished for the aircraft or where the aircraft 206  
was stored. The lien claimant shall pay to the county recorder 207  
the fee for recording an affidavit as determined under section 208  
317.32 of the Revised Code. 209

**Sec. 1311.75.** (A) A lien claimant who perfects a lien in 210



accordance with section 1311.73 of the Revised Code has priority 211  
over all other liens, claims, or encumbrances, except wage and 212  
salary claims of workers who have no ownership interests in the 213  
business of the lien claimant and amounts that are owed by the 214  
lien claimant to the aircraft owner and that are subject to 215  
setoff against the amounts due for the labor, storage, and 216  
materials that are the basis for the lien. 217

(B) If more than one lien is perfected by more than one 218  
lien claimant in accordance with section 1311.73 of the Revised 219  
Code on the same aircraft, liens shall be ranked in priority in 220  
the order of earliest filing with the United States federal 221  
aviation administration, except as provided in division (A) of 222  
this section. 223

**Sec. 1311.76.** (A) A lien claimant may enforce a lien that 224  
arises under section 1311.72 of the Revised Code by bringing an 225  
action to recover the monetary amount secured by the lien in a 226  
court having jurisdiction in the county in which either of the 227  
following occurred: 228

(1) The storage took place, the labor that is the basis of 229  
the lien was performed, or the materials that are the basis of 230  
the lien were furnished ~~or in the;~~ 231

(2) The county in which the lien claimant's primary place 232  
of business is located, if it is located within this state. 233

(B) If a lien claimant obtains a judgment or order of a 234  
court having jurisdiction enforcing a lien that arises under 235  
section 1311.72 of the Revised Code, the lien claimant shall 236  
send a certified copy of the judgment or order to the United 237  
States federal aviation administration. 238

(C) A lien that arises under section 1311.72 of the 239

Revised Code remains in effect for six years after the date an affidavit is filed pursuant to section 1311.73 of the Revised Code, or until one of the following occurs within that six-year period:

(1) The lien claimant receives full payment of the amount due ~~him~~the lien claimant as stated in the affidavit filed pursuant to section 1311.73 of the Revised Code or in the judgment or order granted pursuant to this section by a court having jurisdiction;

(2) The lien claimant accepts less than the full amount secured by the lien pursuant to a written agreement with the owner of the aircraft that is subject to the lien;

(3) The owner files a bond in accordance with section 1311.77 of the Revised Code;

(4) A final judgment is entered by a court having jurisdiction in an action releasing the lien against the aircraft.

(D) Within thirty days after a lien has been satisfied or released in accordance with division (C) of this section, the lien claimant shall cause the lien to be released by notifying the United States federal aviation administration, and by notifying the county recorder in whose office the copy of the affidavit or court judgment or order was filed, if the lien claimant filed any of those documents with the county recorder.

**Sec. 1311.77.** The owner of an aircraft that is subject to a lien that is perfected pursuant to section 1311.73 of the Revised Code may release ~~his~~the owner's aircraft from the lien by filing with a court having jurisdiction in the county in which the labor that is the basis of the lien was performed, in

which the aircraft was stored, or in which the materials that 269  
are the basis of the lien were furnished, a bond, payable to the 270  
lien claimant, for the full amount owed to the lien claimant as 271  
stated in an affidavit filed pursuant to section 1311.73 of the 272  
Revised Code for the labor or materials, and conditioned for the 273  
payment of any judgment that may be recovered on the lien, with 274  
costs. 275

All bonds filed pursuant to this section shall be executed 276  
by a corporate surety licensed by the state and authorized to 277  
execute surety bonds in this state pursuant to Chapter 3929. of 278  
the Revised Code. 279

**Sec. 4561.01.** As used in sections 4561.01 to ~~4561.25~~ 280  
4561.27 of the Revised Code: 281

(A) "Aviation" means transportation by aircraft; operation 282  
of aircraft; the establishment, operation, maintenance, repair, 283  
and improvement of airports, landing fields, and other air 284  
navigation facilities; and all other activities connected 285  
therewith or incidental thereto. 286

(B) "Aircraft" means any ~~contrivance~~ manned device used or 287  
~~designed~~ intended for navigation or flight in the air, ~~excepting~~ 288  
~~a parachute or other contrivance for such navigation used~~ 289  
primarily as safety equipment. "Aircraft" does not include an 290  
ultralight vehicle as defined by 14 C.F.R. part 103. 291

(C) "Airport" means any location either on land or water 292  
which is used for the landing and taking off of aircraft. 293

(D) "Landing field" means any location either on land or 294  
water of such size and nature as to permit the landing or taking 295  
off of aircraft with safety, and used for that purpose but not 296  
equipped to provide for the shelter, supply, or care of 297

aircraft.	298
(E) "Air navigation facility" means any facility used,	299
available for use, or designed for use in aid of navigation of	300
aircraft, including airports, landing fields, facilities for the	301
servicing of aircraft or for the comfort and accommodation of	302
air travelers, and any structures, mechanisms, lights, beacons,	303
marks, communicating systems, or other instrumentalities or	304
devices used or useful as an aid to the safe taking off,	305
navigation, and landing of aircraft, or to the safe and	306
efficient operation or maintenance of an airport or landing	307
field, and any combination of such facilities.	308
(F) "Air navigation hazard" means any structure, object of	309
natural growth, or use of land, that obstructs the air space	310
required for the flight of aircraft in landing or taking off at	311
any airport or landing field, or that otherwise is hazardous to	312
such landing or taking off.	313
(G) "Air navigation," "navigation of aircraft," or	314
"navigate aircraft" means the operation of aircraft in the air	315
space over this state.	316
(H) "Airperson" means any individual who, as the person in	317
command, or as pilot, mechanic, or member of the crew, engages	318
in the navigation of aircraft.	319
(I) "Airway" means a route in the air space over and above	320
the lands or waters of this state, designated by the Ohio	321
aviation board as a route suitable for the navigation of	322
aircraft.	323
(J) "Person" means any individual, firm, partnership,	324
corporation, company, association, joint stock association, or	325
body politic, and includes any trustee, receiver, assignee, or	326

other similar representative thereof. 327

(K) "Government agency" means a state agency, state 328  
institution of higher education, regional port authority, or any 329  
other political subdivision of the state, or the federal 330  
government or other states. 331

Sec. 4561.26. (A) As used in sections 4561.26 and 4561.27 332  
of the Revised Code: 333

(1) "Derelict aircraft" means an aircraft that meets all 334  
of the following conditions: 335

(a) It is located on the premises of a public-use airport. 336

(b) It is not in a flyable condition. 337

(c) It does not comply with the United States federal 338  
aviation administration regulations that would allow it to be 339  
operated or flown. 340

(d) It does not have a written repair plan approved and 341  
signed by either a federal aviation administration certified 342  
airframe and power plant mechanic or a person otherwise 343  
authorized to perform maintenance on the aircraft in accordance 344  
with the federal aviation administration regulations. 345

(e) The owner or operator of the aircraft has not paid any 346  
tie-down, hangar, rent, or storage costs for use of the premises 347  
for at least ninety consecutive days. 348

(2) "Director" means the director or other chief executive 349  
officer of a public-use airport. "Director" includes the 350  
director's or chief's designee. 351

(3) "Public-use airport" has the same meaning as in 352  
section 4563.30 of the Revised Code. 353

(B) The director of a public-use airport may dispose of 354  
any derelict aircraft located on the premises of that airport in 355  
accordance with the procedures established in this section and 356  
in section 4561.27 of the Revised Code. 357

(C) Before disposing of a derelict aircraft, the director 358  
shall search the appropriate records of the airport and contact 359  
both of the following entities to determine the name and address 360  
of the last registered owner and any person having a legal or 361  
equitable interest in the derelict aircraft: 362

(1) The federal aviation administration's aircraft 363  
registration branch; 364

(2) The office of aviation. 365

(D) (1) Within twenty business days after receipt of the 366  
information obtained under division (C) of this section, the 367  
director shall send notice to the owner and any person having a 368  
legal or equitable interest in the derelict aircraft that was 369  
identified in accordance with division (C) of this section, that 370  
includes all of the following information: 371

(a) A description of the derelict aircraft that includes 372  
its federal aviation administration n-number, manufacturer name, 373  
model designation, and serial number; 374

(b) The location of the derelict aircraft on the airport 375  
premises; 376

(c) The amount of any fees and charges for the use of the 377  
airport by the derelict aircraft that have accrued; 378

(d) That the airport may remove, sell, scrap, or otherwise 379  
dispose of the derelict aircraft in accordance with section 380  
4561.27 of the Revised Code if, within thirty calendar days 381

after the date of receipt of such notice or notification that 382  
delivery was not possible, the owner does not remove the 383  
derelict aircraft from the airport and pay all accrued fees and 384  
charges. 385

(2) The notice described in division (D)(1) of this 386  
section may be sent by any of the following methods: 387

(a) Certified or express mail with return receipt 388  
requested; 389

(b) Certified mail with electronic tracking; 390

(c) A commercial carrier service utilizing any form of 391  
delivery requiring a signed receipt; 392

(d) Personal service. 393

(3) In addition to the notice sent to the owner and any 394  
person having a legal or equitable interest in the derelict 395  
aircraft, the director shall do both of the following: 396

(a) File a copy of the notice with the federal aviation 397  
administration's aircraft registration branch; 398

(b) Post a copy of the notice on the public-use airport's 399  
web site. 400

(E) The director may proceed in accordance with section 401  
4561.27 of the Revised Code if the owner or any other person 402  
identified under division (C) of this section as having a legal 403  
or equitable interest in the derelict aircraft does not pay the 404  
accrued fees and charges in full and remove the derelict 405  
aircraft within thirty days of the acknowledged receipt of or 406  
notification that the delivery was not possible of a notice sent 407  
in accordance with division (D) of this section. 408

Sec. 4561.27. (A) If a derelict aircraft remains on the 409  
property of the public-use airport longer than the thirty-day 410  
period specified in division (E) of section 4561.26 of the 411  
Revised Code, the director may do one of the following: 412

(1) Sell the derelict aircraft at public auction; 413

(2) Dispose of the derelict aircraft through an aircraft 414  
salvage or scrap metal dealer. 415

(B) (1) If the director elects to sell the derelict 416  
aircraft at public auction, the director shall give notice of 417  
the date, time, and place of the sale not less than ten calendar 418  
days prior to the date of the sale in a written publication of 419  
general circulation in the county where the airport is located. 420  
The director may provide written notice of the intended sale to 421  
any person known to have an interest in purchasing the derelict 422  
aircraft. 423

(2) If the director elects to dispose of the derelict 424  
aircraft through an aircraft salvage or scrap metal dealer, the 425  
director may negotiate with the dealer for the price to be 426  
received or paid by the director, as the circumstances warrant. 427  
All information pertaining to the establishment of the price and 428  
justification for the price shall be prepared and maintained by 429  
the director, and the negotiated price shall be considered a 430  
commercially reasonable price. 431

(C) (1) If the sale price or the negotiated price under 432  
division (B) (1) or (2) of this section is less than the accrued 433  
fees and charges against the derelict aircraft or the director 434  
is required to pay the aircraft salvage or scrap metal dealer 435  
for its services, the prior owner of the derelict aircraft is 436  
liable to the airport for both of the following: 437



<u>(a) Any remaining fees and charges;</u>	438
<u>(b) Any costs paid to an aircraft salvage or scrap metal dealer.</u>	439 440
<u>All fees, charges, and costs are recoverable against the prior owner of the derelict aircraft by any remedies otherwise provided by law.</u>	441 442 443
<u>(2) If the sale price or the negotiated price under division (B) (1) or (2) of this section is more than the accrued fees and charges against the aircraft, the director shall pay the excess proceeds to the following individuals, as applicable:</u>	444 445 446 447
<u>(a) Any other known lienholders, according to the priority of the liens;</u>	448 449
<u>(b) The owner of the aircraft, if the owner can be determined and located;</u>	450 451
<u>(c) The director of commerce, to be deposited as unclaimed funds into the unclaimed funds trust fund created under section 169.05 of the Revised Code, if the owner cannot be determined or located.</u>	452 453 454 455
<u>(D) A purchaser or recipient in good faith of a derelict aircraft sold or obtained under this section takes the derelict aircraft free and clear of the rights or liens of any other person holding any legal or equitable interest to the derelict aircraft, regardless of whether that interest is recorded. The purchaser or recipient shall notify the appropriate federal aviation administration office and the office of aviation of the change in the registered owner of the derelict aircraft.</u>	456 457 458 459 460 461 462 463
<b>Section 2.</b> That existing sections 1311.71, 1311.72, 1311.73, 1311.75, 1311.76, 1311.77, and 4561.01 of the Revised	464 465

Code are hereby repealed.

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