§ 44101. Operation of aircraft

(a) Registration Requirement.— Except as provided in subsection (b) of this section, a person may operate an aircraft only when the aircraft is registered under section 44103 of this title.

(b) Exceptions.— A person may operate an aircraft in the United States that is not registered—

(1) when authorized under section 40103 (d) or 41703 of this title;

(2) when it is an aircraft of the national defense forces of the United States and is identified in a way satisfactory to the Administrator of the Federal Aviation Administration; and

(3) for a reasonable period of time after a transfer of ownership, under regulations prescribed by the Administrator.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1161.)

Historical and Revision Notes

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<th>Revised Section</th>
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<td>44101(a)</td>
<td>49 App.:1401(a) (1st sentence words before proviso less words between parentheses).</td>
<td>Aug. 23, 1958, Pub. L. 85–726, § 501(a), 72 Stat. 771.</td>
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In this section, the word “navigate” is omitted as being included in the definition of “operate aircraft” in section 40102(a) of the revised title.

In subsection (a), the words “Except as provided in subsection (b) of this section” are added for clarity. The words “a person may . . . an aircraft only when the aircraft is registered under section 44103 of this title” are substituted for “It shall be unlawful . . . any aircraft eligible for registration if such aircraft is not registered by its owner as provided in this section, or . . . any aircraft not eligible for registration” for clarity and to eliminate unnecessary words.

In subsection (b), before clause (1), the words “A person may operate an aircraft in the United States that is not registered” are substituted for “may be operated and navigated without being so registered” and “may . . . permit the operation and navigation of aircraft without registration” for clarity. In clause (2), the words “identified in a way” are substituted for “identified, by the agency having jurisdiction over them, in a manner” to eliminate unnecessary words.

Effective Date of 2004 Amendment

Pub. L. 108–297, § 7, Aug. 9, 2004, 118 Stat. 1097, provided that: “This Act [see Short Title of 2004 Amendment note set out under section 40101 of this title], including any amendments made by this Act, shall take effect on the date the Cape Town Treaty (as defined in section 44113 of title 49, United States Code) enters into force with respect to the United States and shall not apply to any registration or recordation that was made before such effective date.
under chapter 441 of such title or any legal rights relating to such registration or recordation.” [The Cape Town Treaty entered into force with respect to the United States on Mar. 1, 2006. See 71 F.R. 8457.]

**Regulations**


“(a) In General.—The Administrator of the Federal Aviation Administration shall issue regulations necessary to carry out this Act [see Short Title of 2004 Amendment note set out under section 40101 of this title], including any amendments made by this Act.

“(b) Contents of Regulations.—Regulations to be issued under this Act shall specify, at a minimum, the requirements for—

“(1) the registration of aircraft previously registered in a country in which the Cape Town Treaty is in effect; and

“(2) the cancellation of registration of a civil aircraft of the United States based on a request made in accordance with the Cape Town Treaty.

“(c) Expedited Rulemaking Process.—

“(1) Final rule.—The Administrator shall issue regulations under this section by publishing a final rule by December 31, 2004.

“(2) Effective date.—The final rule shall not be effective before the date the Cape Town Treaty enters into force with respect to the United States [Mar. 1, 2006, see Effective Date of 2004 Amendment note above].

“(3) Economic analysis.—The Administrator shall not be required to prepare an economic analysis of the cost and benefits of the final rule.

“(d) Applicability of Treaty.—Notwithstanding parts 47.37(a)(3)(ii) and 47.47(a)(2) of title 14, of the Code of Federal Regulations, Articles IX(5) and XIII of the Cape Town Treaty shall apply to the matters described in subsection (b) until the earlier of the effective date of the final rule under this section or December 31, 2004.”

**Cape Town Treaty; Findings and Purpose**


“(a) Findings.—Congress finds the following:

“(1) The Cape Town Treaty (as defined in section 44113 of title 49, United States Code) extends modern commercial laws for the sale, finance, and lease of aircraft and aircraft engines to the international arena in a manner consistent with United States law and practice.

“(2) The Cape Town Treaty provides for internationally established and recognized financing and leasing rights that will provide greater security and commercial predictability in connection with the financing and leasing of highly mobile assets, such as aircraft and aircraft engines.

“(3) The legal and financing framework of the Cape Town Treaty will provide substantial economic benefits to the aviation and aerospace sectors, including the promotion of exports, and will facilitate the acquisition of newer, safer aircraft around the world.

“(4) Only technical changes to United States law and regulations are required since the asset-based financing and leasing concepts embodied in the Cape Town Treaty are already reflected in the United States in the Uniform Commercial Code.

“(5) The new electronic registry system established under the Cape Town Treaty will work in tandem with current aircraft document recordation systems of the Federal Aviation Administration, which have served United States industry well.

“(6) The United States Government was a leader in the development of the Cape Town Treaty.

“(b) Purpose.—Accordingly, the purpose of this Act [see Short Title of 2004 Amendment note set out under section 40101 of this title] is to provide for the implementation of the Cape Town Treaty in the United States by making certain technical amendments to the provisions of chapter 441 of title 49, United States Code, directing the Federal Aviation Administration to complete the necessary rulemaking processes as expeditiously as possible, and clarifying the applicability of the Treaty during the rulemaking process.”