

## Draft Revision of OAR 738-060

Prepared by Lisa Sardinha, Fiscal Assistant

**\*Proposed changes in bold text**

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Division 60

AIRCRAFT DEALER'S LICENSE

738-060-0020

General Requirements

All dealers in new or used aircraft shall apply to the Oregon Department of Aviation for an Aircraft Dealer's License pursuant to ORS 837.075(1):

**(1) Upon receipt of a completed application accompanied by the statutorily required fee, the Department shall issue an Aircraft Dealer's License to the applicant.**

(2) The license shall be for a calendar year or any portion thereof and shall expire on December 31. There shall be no proration of the fee for a partial period.

Statutory/Other Authority: ORS 184, 835 & 837

Statutes/Other Implemented: ORS 837.075

History:

1AD 1-1983, f. & ef. 2-14-83

738-060-0030

Application and Fee

(1) The license renewal application is due and the fee is payable on January 1 of each year:

(a) Either the application and fee for an aircraft dealer's license or an individual registration application for each aircraft in possession of an aircraft dealer, and kept solely for sale, must be received by the Department prior to March 1 of each year. Failure to submit the application and fee for a dealer's license or to submit an individual application and fee for each aircraft prior to March 1 shall result in each aircraft in possession of the dealer and not registered prior to March 1, becoming subject to both the registration fee and a penalty equal to the registration fee. Both the registration fee and any penalty must be received by the Department before the aircraft can be registered. Failure to register an aircraft subjects the owner to the penalty cited in ORS 837.990(3);

(b) A person, business or corporate entity who becomes an aircraft dealer on or after March 1 of any year shall forward an application and fee for an Aircraft Dealer's License within 60 days of becoming an aircraft dealer, but in no instance may there be a sale of an aircraft before obtaining any Aircraft Dealer's License.

(2) The application for an Aircraft Dealer's License shall be on a form prescribed by the Department and shall include the following information:

(a) Name, place of business and telephone number of dealership;

(b) Name, address and telephone number of owner;

(c) Identifying number, manufacturer and name of each aircraft to be covered by the dealer's license, including:

(A) Registration number for those aircraft certificated by the Federal Aviation Administration; or

(B) Serial number for ultralight aircraft.

(d) Certification that applicant will comply with all requirements of this rule.

(3) A list of aircraft covered by the license must accompany the application.

Statutory/Other Authority: ORS 184, 835 & 837

Statutes/Other Implemented: ORS 837.075

History:

AERO 3-1987, f. & ef. 12-15-87

1AD 1-1983, f. & ef. 2-14-83

738-060-0040

Licensing Procedures

Processing of application by the Department:

(1) The aircraft dealer shall be considered licensed as soon as the completed application and fee has been accepted by the Department.

(2) The license shall be sent to the aircraft dealer as soon as possible after acceptance of the application.

(3) The license covers only aircraft held for sale by the dealer. These aircraft cannot be used commercially, but may only be flown to demonstrate the aircraft on a non-commercial basis. Any aircraft owned by the dealer and used commercially (i.e. instruction, rental or charter) must be individually registered with the Department.

Statutory/Other Authority: ORS 184, 835 & 837

Statutes/Other Implemented: ORS 837.075

History:

1AD 1-1983, f. & ef. 2-14-83

738-060-0050

Dealer Responsibilities

**(1) Dealer must submit a quarterly report to the Department giving the changes to those aircraft covered by the license and adding new aircraft if appropriate. Reports are due by the 15th of the month following the calendar quarter.**

**Quarterly report due dates:**

- **January-March: due April 15**
- **April-June: due July 15**
- **July-September: due October 15**
- **October-December: due January 15**

This report shall include:

(a) N number and type of aircraft sold the previous month including the name, address and telephone number of the buyer;

(b) N number and type of aircraft withdrawn from the license for reasons other than sale, and including the reason for withdrawal;

(c) N number and type of aircraft added to coverage of license, including name and address of last owner.

(2) Upon the sale of any aircraft, the dealer shall:

(a) Advise the purchaser, pursuant to ORS 837.075(3), of the requirement to register aircraft with the Department in accordance with ORS 837.040 to 837.075 and furnish the purchaser with the appropriate registration application;

(b) Notify the Director of the Department, within ten days of the sale, giving the name and address of purchaser and a brief description of the aircraft sold, sufficiently detailed for identification.

Statutory/Other Authority: ORS 184, 835 & 837

Statutes/Other Implemented: ORS 837.075

History:

AVIA 4-2002, f. 11-27-02, cert. ef. 12-1-02

AERO 3-1987, f. & ef. 12-15-87

1AD 1-1983, f. & ef. 2-14-83

738-060-0060

Individual Registration

Nothing in this rule or in ORS 837.075 prohibits the registering of a dealer's aircraft individually under ORS 837.040.

Statutory/Other Authority: ORS 184, 835 & 837

Statutes/Other Implemented: ORS 837.075

History:

1AD 1-1983, f. & ef. 2-14-83

738-060-0070

Penalties

Violations of ORS 837.075 or this rule are subject to the penalties established under ORS 837.100 and 837.990.

Statutory/Other Authority: ORS 184, 835 & 837

Statutes/Other Implemented: ORS 837.990

History:

1AD 1-1983, f. & ef. 2-14-83