

17 AAC is amended by adding a new chapter to read:

Chapter 41. Aeronautics.

Article

1. Aircraft Registration (17 AAC 41.010 – 17 AAC 41.060)
2. General Provisions (17 AAC 41.900 – 17 AAC 41.990)

Article 1. Aircraft Registration.

17 AAC 41.010. Registration requirements for operating aircraft.

(a) A person may not operate or authorize the operation of an aircraft in Alaska unless:

(1) The aircraft is currently registered by the national aviation authority of the United States or another country; and

(2) One of the following applies:

(A) The aircraft has a currently effective state registration certificate;

(B) The aircraft is exempt from state registration requirements under 17 AAC 41.030(a); or

(C) The state registration requirement has been waived by the department under 17 AAC 41.030(b).

(Eff. __/__/__, Register__)

Authority: AS 02.15.190 AS 02.15.230 AS 44.42.020 AS 44.42.030

17 AAC 41.020. Registration of aircraft.

(a) An aircraft owner shall register the aircraft by completing and submitting an application on a form supplied by the department, along with a processing fee of \$20.00 for each aircraft. All

information on the form is mandatory unless specifically stated otherwise. Incomplete forms will be rejected.

(b) Except for an initial registration, an aircraft registration is valid for 24 months and must be renewed biannually, not more than 60 days before, and not later than 30 days after the expiration of the current registration.

(c) Effective dates for state aircraft registration shall be based on the month of the Certificate Issue Date for the aircraft's Federal Aviation Administration registration, as follows:

FAA Certificate Date	Registration Effective Dates
January	January 1 to December 31
February	February 1 to January 31
March	March 1 to February 28
April	April 1 to March 31
May	May 1 to April 30
June	June 1 to May 31
July	July 1 to June 30
August	August 1 to July 31
September	September 1 to August 31
October	October 1 to September 30
November	November 1 to October 31
December	December 1 to November 30

(d) For the initial registration of an aircraft, the department will issue a registration and prorate fees in monthly increments such that the aircraft's registration will expire according to the schedule in (c) of this subsection.

(e) An aircraft owner shall notify the department in writing of any change to the information provided on the aircraft registration application form not later than 30 days after the change occurs.

(f) Duplicate certificates of registration are available from the department through the aircraft owner's aircraft registration account.

(g) An aircraft owner may apply for a waiver under 17 AAC 41.030(b) by completing and submitting an application for a waiver on a form supplied by the department.

(h) A federal agency may voluntarily register aircraft owned or operated by the agency free of charge.

(i) An aircraft with a currently valid registration may park in transient aircraft fee parking established under 17 AAC 45.600 free of charge for up to a total of 30 calendar days during the valid term of that registration, provided the aircraft complies with all other provisions of 17 AAC 45.600.

(Eff. __/__/__, Register__)

Authority: AS 02.15.190 AS 02.15.230 AS 44.42.020 AS 44.42.030

17 AAC 41.030. Exemptions from registration requirements.

(a) The following are exempt from the registration requirements:

(1) aircraft operating primarily in commerce between this state and:

(A) any other state in the United States; or

(B) any foreign country;

(2) aircraft in transit through the State of Alaska;

(3) aircraft owned or operated by the United States government;

(4) small unmanned aircraft, defined as an unmanned aircraft weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

(b) The following are exempt from the registration requirements if a written waiver is issued by the department:

(1) dismantled or otherwise not airworthy aircraft;

(2) nonresident aircraft having a habitual situs or permanent base in another state, provided the registration requirements of that state, if any, have been complied with and the aircraft has not been located in this state for a cumulative period of more than 180 days in any year.

(c) Aircraft owned by the State of Alaska are exempt from the processing fee.

(Eff. __/__/__, Register__)

Authority: AS 02.15.190 AS 02.15.230 AS 44.42.020 AS 44.42.030

17 AAC 41.040. Display of registration.

(a) An aircraft's current certificate of registration shall be carried in the aircraft at all times.

(b) An aircraft's certificate of registration shall be made available for examination upon reasonable request by any authorized official or employee of the department, or person charged with the duty of enforcing laws of this state.

(Eff. __/__/__, Register__)

Authority: AS 02.15.190 AS 02.15.230 AS 44.42.020 AS 44.42.030

17 AAC 41.050. Transfer or sale requirements.

(a) Upon transfer or assignment of ownership of an aircraft, the associated registration shall expire. The owner shall return the certificate of registration to the department, with a written notice containing the date of the transfer of ownership and the name and address of the new owner.

(b) A person who purchases or acquires an aircraft or brings one into the state with the intent to locate it in this state for more than 180 days in any year shall register the aircraft within 30 days of the purchase, acquisition, or arrival in the state.

(Eff. __/__/__, Register__)

Authority: AS 02.15.190 AS 02.15.230 AS 44.42.020 AS 44.42.030

17 AAC 41.060. Protest reviews.

An applicant may protest the denial of an aircraft registration application or the denial of a waiver in accordance with 17 AAC 41.900.

(Eff. __/__/__, Register__)

Authority: AS 02.15.190 AS 02.15.230 AS 44.42.020 AS 44.42.030

Article 2. General Provisions.

17 AAC 41.900. Protest.

(a) Except as expressly excluded in this subsection, a person with a legally recognized right or interest that is adversely affected by a decision of the department under this chapter may seek review of that decision only by filing a protest with the department under this section.

(b) A person protesting a decision of the department must deliver a protest in compliance with (d) of this section so the department receives it within 30 calendar days after

(1) the earliest date that the department mailed or delivered the decision being protested to the protester; or

(2) if the decision is not in writing, the earliest date that the department orally communicated the decision to the protester or announced the decision publicly.

(c) A protest is not effective unless it is submitted in writing, is signed by the protester or the protester's representative, and includes

(1) a reference to any case, agreement, or application number under which the decision was made;

(2) a copy of the decision being protested, if written, or, if either the decision was not written or a copy of the decision is not available to the protester, a summary description of the decision;

(3) a detailed statement of the factual and legal basis of the protest, including a statement of the adverse effect on a legally recognized right or interest of the protester, the facts alleged to be in dispute and a copy of any relevant documents, and a statement of the remedy requested;

(4) the address of the protester or the protester's representative to whom any notice or decision concerning the protest is to be mailed or delivered; and

(5) a reference, by case, agreement, or application number, if applicable, to any other affected agreement, contract, lease, permit, concession, or application.

(d) The complete and timely filing of a protest in compliance with this section stays the decision being protested until the department decides the protest, or until the department determines in writing that it is contrary to the best interest of the state to stay the decision beyond the date of that determination or another stated date.

(e) The department will mail or deliver a written decision on the protest to the protester or the protester's representative and any other bidder or proposer or their representatives within 15 days after the protest is filed unless the protester agrees, in writing, to a longer period. If the department does not mail or deliver a decision to the protester or the protester's representative by the date it is due, the protester may proceed as if the department had issued a decision adverse to the protester.

(f) The protester may appeal an adverse decision on the protest in accordance with 17 AAC 41.910.

(g) A decision subject to this section but not timely protested in accordance with this section is not subject to appeal under 17 AAC 41.910.

(Eff. __/__/__, Register__)

Authority: AS 02.15.190 AS 02.15.230 AS 44.42.020 AS 44.42.030
AS 02.15.220

17 AAC 45.910. Appeal.

(a) This section applies to an appeal of a decision made by the department on a protest under 17 AAC 41.900. A decision subject to appeal under this section is subject to review only as provided under this section.

(b) The commissioner must receive an appeal within 30 calendar days after

(1) the earliest date that the department mailed or delivered the decision being appealed to the appellant or the appellant's representative;

(2) the date that the department orally conveyed the decision to the appellant or the appellant's representative, if the department did not put the decision in writing; or

(3) the date the department's decision on the protest was due, if the department has not mailed, delivered, or orally conveyed a decision on the protest to the appellant or the appellant's representative by that date.

(c) An appeal must be in writing, must be signed by the appellant or the appellant's representative, and must include

(1) a reference to any case, agreement, or application number under which the decision was made;

(2) a copy of the decision being appealed, if written, or a summary description of the decision, if

(A) a copy of the decision is not available to the appellant;

(B) the decision was not written; or

(C) the department did not mail or deliver a decision to the appellant and the appellant is proceeding on the assumption of an adverse decision under 17 AAC 41.910(e);

(3) a detailed statement of the factual and legal basis of the appeal, including a statement of the facts alleged to be in dispute and a copy of the relevant documents, and a statement of the remedy requested;

(4) the address of the appellant or the appellant's representative to whom any notice or decision concerning the appeal is to be mailed or delivered;

(5) a reference, by case, agreement, or application number, if applicable, to any other affected agreement, contract, lease, permit, concession, or application; and

(6) if a material fact is disputed and a hearing is desired, a request for a hearing.

(d) The proper and timely filing of an appeal under this section shall stay the decision being appealed until the appeal is decided unless and until the commissioner determines in writing

that it is contrary to the best interest of the state to stay the decision beyond the date of that determination or another stated date.

(e) The commissioner shall appoint a department employee or other qualified person who did not have any direct involvement in the decision being appealed to serve as the review officer for the appeal.

(f) The review officer shall hold a hearing if a hearing is requested and the review officer finds that material facts are in dispute. The review officer may consider an appeal without a hearing if the review officer finds that no material facts are in dispute.

(g) In a hearing under this section, the review officer shall, at least 21 calendar days before the hearing or such lesser time as agreed to by the review officer and all known parties, provide to the appellant and other interested parties written notice of the time and place for the hearing, and shall conduct the hearing according to the procedures established in AS 36.30.670(b).

(h) The appellant has the burden to prove by a preponderance of the evidence that the appellant is entitled to the remedy requested.

(i) The review officer shall provide a written recommendation to the commissioner. The commissioner shall

(1) accept the review officer's recommendation;

(2) reject the review officer's recommendation and remand the recommendation back to the review officer with instructions; or

(3) issue a written decision based on the appeal record.

(j) The commissioner will mail or deliver to the appellant or the appellant's representative and to any other bidder or proposer or their representatives a copy of any decision or order the commissioner issues on the appeal.

(k) The commissioner's decision on the appeal is a final administrative decision of the department that may be appealed to the superior court under the Alaska Rules of Appellate Procedure.

(Eff. __/__/__, Register__)

Authority: AS 02.15.190 AS 02.15.230 AS 44.42.020 AS 44.42.030
AS 02.15.220

17 AAC 41.990. Definitions

In this chapter, unless the context requires otherwise,

(1) "aircraft" has the meaning given in [AS 02.15.260](#);

(2) "aircraft operation" means the fuel powered or electrically powered rotation of an aircraft engine installed in or on an aircraft, as well as the movement of an aircraft under its own power; "aircraft operation" includes testing, runup, taxiing, take-off, landing, and all other activity of an aircraft from the start of the first propeller, rotor, turbine, or engine until all engine, propeller, rotor, or turbine rotation ceases;

(3) "airworthy" means the condition of an aircraft that is legally authorized and mechanically capable of flight through the air;

(4) "commissioner" means the commissioner of the Department of Transportation and Public Facilities or the commissioner's designated representative;

(5) "department" means the Department of Transportation and Public Facilities.

(Eff. __/__/__, Register__)

Authority: AS 02.15.190 AS 02.15.230 AS 44.42.020 AS 44.42.030