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April 7, 2020

BY ELECTRONIC DOCKET ONLY

Office of Information and Regulatory Affairs
Office of Management and Budget
Docket Library, Room 10102
725 17th Street NW
Washington, DC 20503
www.regulations.gov
oir_submission@omb.eop.gov

Re: Docket Number FAA-2020-0046-0003, Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Aircraft Registration

To Whom It May Concern:

The Aircraft Owners and Pilots Association (AOPA) submits the following comments to the Office of Management and Budget (OMB) regarding the FAA's intention to request OMB approval to renew an information collection involving the information pilots must provide to the FAA in various forms including the Aircraft Registration Application, Aircraft Registration Renewal Application, and Aircraft Bill of Sale. Our members collectively operate over 85% of all general aviation aircraft in the United States and represent two-thirds of all pilots, making AOPA the largest civil aviation organization in the world. More than 67,000 members of AOPA also participate in the AOPA Legal Services Plan, which has a network of panel attorneys throughout the country that can assist members with legal matters related to aircraft transactions, registration applications, and liens. AOPA has previously submitted these comments to FAA in Docket Number FAA-2020-0046-0001. Our comments concerning Forms 8050-1, 8050-1B, 8050-2, 8050-4, 8050-88, 8050-88A, 8050-98, and 8050-117 (the "Forms") are as follows:

I. The FAA should consolidate and streamline access to form guidance and ancillary forms.

AOPA frequently receives phone calls from members seeking help filling out various FAA forms associated with aircraft registration. While there are occasions where members have found FAA guidance on their own and have questions about how to apply it, more commonly the members calling AOPA have searched for, but failed to find, existing FAA guidance and ancillary forms. AOPA suggests that the FAA consider assembling guidance from the various sources discussed below at a single source and add notes on the forms to alert the reader that further guidance is available.



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For example, when reading AC Form 8050-1, Aircraft Registration Application, one looking to register an aircraft to a Limited Liability Company (LLC) might note that the first page of the form contains instructions regarding “Preparation,” “Evidence of Ownership,” “Registration and Recording Fees,” “Mailing Instructions,” and “Change of Address,” and conclude that the page in question is the entirety of instructions or guidance the FAA has available to assist those filling out the form. However when registering an aircraft to an LLC, there are multiple sources of additional guidance and instructions available that one may consult, and an ancillary form that one must use (or provide the equivalent information separately) for the registration application to be successfully processed by the FAA.

Additional resources the FAA has published containing information relevant to LLC registrants include the following:

1. Information to Aid in the Registration of U.S. Civil Aircraft, REGAR-94 (04/17)
2. Limited Liability Companies, REGAR-LLC-1 (01/17)
3. Statement in Support of Registration of U.S. Civil Aircraft in the name of an LLC (undated)¹
4. Sample LLC Statement (undated)²
5. Aircraft Registration and Recordation Processes (June 2018)³

The resources described above are all available from various webpages on the FAA’s Aircraft Registry website. However, there is no index or holistic guidance as to which resources would be relevant to those seeking guidance on a particular form. For example, if one is looking to register an aircraft to an LLC which has several members including a non-citizen, one has to dig fairly deep to find the citizenship definition in 49 USC § 40102(a)(15)(c) or the guidance in the document Limited Liability Companies, REGAR-LLC-1 to discover that in order for an LLC to qualify as a US citizen, at least 75% of the voting interest must be owned or controlled by individuals who are citizens, and additionally that at least 2/3 of the board of directors or other managing officers are citizens.

The guidance in the Aircraft Registration and Recordation Processes document is much clearer and more concise. It states that “A foreign citizen may be a member of an LLC as long as the LLC organization still meets the 2/3 and 75% requirements.” It then goes on to explain:

“An LLC may include a “foreign” member and still qualify to be “member managed”

¹https://www.faa.gov/licenses_certificates/aircraft_certification/aircraft_registry/media/LLC%20format.pdf

²https://www.faa.gov/licenses_certificates/aircraft_certification/aircraft_registry/media/Sample%20LLC%20stmt.pdf

³The version currently linked from the FAA’s Aircraft Registry website is PDF file dated June 2018 at <https://registry.faa.gov/database/ExaminerGuidelines/Aircraft%20Registration%20and%20Recordation%20Processes.pdf>



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if the following are true:

- 1) The LLC must have at least three members.
- 2) At least two of the members must be U.S. citizens (this covers the 2/3 rule).
- 3) The foreign member cannot have more than 25% of the voting interest of the LLC (75% of the voting interest must be controlled by U.S. citizens)"

That guidance is straightforward and easy to understand, though it comes from a document that is largely unknown to the aircraft owner community.

Accordingly, AOPA recommends that the FAA consolidate all relevant guidance and instructions for each of the forms in this Federal Register docket at an appropriate webpage on the Aircraft Registry website. AOPA also recommends that the FAA revise each of the forms to note where additional instructions and guidance for the form in question can be found online.

To illustrate an application of AOPA's recommendation, AOPA suggests that for AC Form 8050-1, the FAA add a note that when checking box 7 for Limited Liability Company in the field Type of Registration, one should consult the guidance available at the various documents listed above including that one must provide the citizenship information outlined in the ancillary form "Statement in Support of Registration of U.S. Civil Aircraft in the name of an LLC." AOPA believes this is an important way for the for the FAA to enhance the quality, utility, and clarity of the information collection.

II. The FAA should not limit access to online re-registration code to a single postal mailing.

The FAA has made great strides in terms of efficiency and ease-of-use by inviting aircraft owners to renew their registrations online every three years instead of having to rely on paper forms. This is laudable as it allows aircraft owners a more convenient method to renew their registrations and saves paper. However, there is still room for improvement.

The current registration renewal procedure involves the FAA sending three notices by mail. One notice is sent approximately 180 days before the registration certificate expires, and this notice is the only one that contains a special code that allows the owner to renew the aircraft's registration online (if there have been no changes to the ownership, citizenship, address, or aircraft status).

Although the owner can choose to send a paper form, Aircraft Registration Renewal Application AC Form 8050-1B, along with the renewal payment, many owners appreciate the convenience of being able to complete the renewal process entirely online including paying by credit card. The next two notices, sent approximately 60 days before the registration expires and 30 days after it expires, respectively, do not contain the code.



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The postal service is reliable but not infallible. The first notice is occasionally lost in the mail, and even after it reaches the owner, it can still be misplaced before the owner acts on it. FAA guidance in the Aircraft Registration and Recordation Processes document provides that “The code is not duplicated, provided over the phone, or reissued.” Furthermore, “If the code is lost or not useable, the owner has to mail the Aircraft Renewal Application with the \$5 renewal fee.” This policy increases the burden on both the renewing aircraft owner and the FAA, as both parties must handle the paper form.

AOPA suggests that the 180-day renewal notices, including the online re-registration code, be sent by email as well as by mail. Additionally, AOPA recommends that the FAA allow the owner to obtain the code (or a replacement code) if the original code is lost or unusable.

AOPA believes that allowing owners additional means to obtain an online re-registration code would make it more efficient for them to renew their registrations and reduce the burden on the FAA to process those applications. “Aircraft that are renewed online do not require any interaction with the examination staff as it is a total automated process.” One must assume that the automated process is less burdensome on the FAA than processing the paper re-registration applications that are currently required if the owner does not have access to the online re-registration code.

III. The FAA Bill of Sale, AC Form 8050-2, collects more information than necessary and should warn users that a Durable Power of Attorney that is valid at the state level might be rejected by FAA.

AOPA believes that the FAA may be collecting more information than required on the Bill of Sale, AC Form 8050-2. The very first piece of information requested in the first field of the form is the sale price as follows:

FOR AND IN CONSIDERATION OF \$ _____ THE UNDERSIGNED OWNER(S)
OF THE FULL LEGAL AND BENEFICIAL TITLE OF THE AIRCRAFT DESCRIBED
AS FOLLOWS:

A review of the Aircraft Registration and Recordation Processes document did not reveal any indication that the FAA uses this piece of information. Section 2 of that document which is entitled EVIDENCE OF OWNERSHIP SUBMITTED TO SUPPORT REGISTRATION calls for the use of other pieces of information from documents like the Bill of Sale:

“The bill of sale must describe the aircraft, give the name of purchaser show name and signature of the seller, and title of the seller, if appropriate. If the seller(s) is an individual, the signature(s) is sufficient as the name of seller. Bills of sale should be complete including the date of the sale or transfer.”



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Since there is no mention of the selling price, it is not clear why the FAA collects this information.

AOPA receives frequent inquiries from members who are involved with aircraft transactions where there is no consideration (e.g., ordinary gifts, testamentary gifts, and transfers from an entity such as a single-member LLC to the individual who was the sole member of the LLC). In those cases where there is no selling price or consideration of any kind, users of the form don't know what to write in that field.

If the FAA does not use information it is collecting, then AOPA recommends that the FAA stop collecting that information.⁴ If the information is used, then AOPA suggests that the FAA make clear when and how that information is used, and include instructions on the form for how to complete it when there is no consideration.

AOPA also recommends that the FAA revise AC Form 8050-2 to add language putting users of the form on notice that 14 CFR § 47.13(g) and § 49.13(d) can limit acceptance of an otherwise valid power of attorney. In many cases, a durable power of attorney is valid until the death of the individual under the laws of the state where it was instituted, however it will only be good for three years for FAA purposes. It is not uncommon for the holder of a power of attorney to submit a bill of sale, signing on behalf of the owner as is appropriate, only to have the FAA reject the Bill of Sale because the power of attorney instrument was more than three years old.

Guidance to that effect is available in "Information to Aid in the Registration of U.S. Civil Aircraft" document, which states "An authorization is accepted as valid up to an expiration date stated therein or three years from the date it was signed." However, many members are under the impression from the title that the Information Aid provides guidance only for the Aircraft Registration Application and therefore do not consult it prior to signing a Bill of Sale.

The Aircraft Registration and Recordation Processes document goes into more detail, but as discussed earlier, this document is a largely unknown resource. It goes on to say in 8.1:

"There may be occasions when the party that granted a power of attorney has become incapacitated, and the power of attorney submitted is beyond the three-year limitation period. Paragraphs 47.13(g) and 49.13(d) do not allow a power of attorney to be extended except by the grantor. If the grantor is incapacitated, then the applicant must submit a court document appointing the guardian, conservator, etc."

⁴AOPA currently recommends that parties to an aircraft transaction use a more comprehensive transfer instrument such as a purchase/sale agreement in addition to the FAA Bill of Sale. If the FAA is concerned that removing the sale price field would affect the validity of the document as a Bill of Sale for non-FAA purposes, then the FAA should consider collecting the evidence of ownership information it needs though a form not styled as a Bill of Sale.



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The process to set up a guardianship can cost many thousands of dollars, and form users are often unaware that such a process may be required until the FAA rejects a bill of sale because the instrument was more than three years old. AOPA recommends that FAA update AC Form 8050-2 to alert users signing on behalf of the seller of the three-year limit to ensure they are on notice about the potential extra costs and complications that can arise.⁵

IV. The FAA is doing a good job collecting flight hours information from “Corporations not US Citizens.”

Pursuant to 49 USC § 44102(a)(1)(C) and 14 CFR § 47.9, corporations that do not qualify as United States Citizens for the purpose of aircraft ownership can be the registered owner of a US aircraft as long as at least 60% of the aircraft’s flight hours are accumulated within the US. 14 CFR § 47.9(f) describes the owner corporation’s responsibility to provide periodic reports to the FAA documenting compliance with the 60% rule but does not provide details about the mechanics of the information collection.

Although the regulation is phrased in a way that can be read as placing the burden entirely on the owner corporation to initiate the process (“The corporation that registers an aircraft pursuant to 49 U.S.C. 44102 shall send to the Registry...”), the FAA has put in place a reliable and easy-to-use system to help ensure compliance. Specifically, the FAA proactively mails a form to the registered owner every six months to facilitate collection of the information required by 14 CFR § 47.9(f).

AOPA believes that the current system is efficient and works well. The only recommendation AOPA has on this subject is that the FAA should consider sending email requests in addition to paper requests for this information, and allow responses containing the required information to be submitted online instead of only by paper.

V. The FAA should refrain from revising subject documents during the comment period.

AOPA welcomes the opportunity to provide comments aimed at increasing the efficiency and ease-of-use of forms used frequently by our members. When the federal register notice for this information collection renewal was posted on January 15, 2020, AOPA began reviewing the documents listed in the notice. It was later observed that after the notice was posted, but before the due date of comments of March 16, 2020, the FAA released a revised version of the Aircraft Registration Application (AC Form 8050-1) showing a date of 02/20.

⁵ AOPA also supports a rulemaking effort to change the applicable regulations by removing the arbitrary 3-year limit; that is outside the scope of this comment process and will be addressed separately.



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AOPA has a comment on the latest version of AC Form 8050-1 below, however it must first be pointed out that it is a hinderance to the notice and comment process when the documents in question are a moving target. AOPA suggests that when FAA documents are being reviewed during a comment period that no new version should be released until the comment process is complete.

Regarding the latest version of AC Form 8050-1 that was just released, AOPA notes that all of the fields on the form have been renumbered in a way that appears illogical and difficult to follow. As an example, the previous version of the form had 17 signature fields for co-owners which were numbered 1-17. The new version still has 17 signature fields, but they are now numbered 11-12, and 16-30. This is likely to create confusion and increase the odds of registrants signing or putting other information in incorrect fields.

On both the old and the new version, the first two signature lines appear at the bottom of the first page. The top of the second page on both versions has three fields unrelated to signatures, “United States Registration Number,” “Aircraft Manufacturer and Model,” and “Aircraft Serial number. On the prior version, these three fields were unnumbered:



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1	SIGNATURE:	DATE:
	TYPED/PRINTED NAME:	TITLE:
2	SIGNATURE:	DATE:
	TYPED/PRINTED NAME:	TITLE:

NOTE: Except when the most recent registration of the subject aircraft is expired or cancelled, 14 CFR 47.31(c) provides for an airworthy U.S. aircraft to be operated for up to 90 days within the United States when a copy of the signed application for its registration is carried in the aircraft while awaiting issuance and receipt of the new registration certificate.

AC Form 8050-1 (10/18)

United States Registration Number	
Aircraft Manufacturer and Model:	
Aircraft Serial Number:	

3	SIGNATURE:	DATE:
	TYPED/PRINTED NAME:	TITLE:
4	SIGNATURE:	DATE:
	TYPED/PRINTED NAME:	TITLE:
5	SIGNATURE:	DATE:
	TYPED/PRINTED NAME:	TITLE:

The new version numbers these fields 13, 14, and 15:



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NOTE: If executed for co-ownership, all applicants must sign. Use next page and add page(s) if necessary.			
11)	SIGNATURE:		DATE:
	TYPED/PRINTED NAME:	TITLE:	
12)	SIGNATURE:		DATE:
	TYPED/PRINTED NAME:	TITLE:	

NOTE: Except when the most recent registration of the subject aircraft is expired or cancelled, 14 CFR 47.31(c) provides for an airworthy U.S. aircraft to be operated for up to 90 days within the United States when a copy of the signed aircraft registration application is carried in the aircraft while awaiting issuance and receipt of the new registration certificate.

AC Form 8050-1 (02/20)

Page 1

13) United States Registration Number:	
14) Aircraft Manufacturer and Model:	
15) Aircraft Serial Number:	

16)	SIGNATURE:		DATE:
	TYPED/PRINTED NAME:	TITLE:	
17)	SIGNATURE:		DATE:
	TYPED/PRINTED NAME:	TITLE:	
18)	SIGNATURE:		DATE:
	TYPED/PRINTED NAME:	TITLE:	

Whether numbered or not, AOPA does not see a need for the FAA to collect the information in these three fields on page two because this information is already collected as the first three items on page one of the form.

AOPA therefore suggests fields 13, 14, and 15 be removed from page two. However, if there is a need to collect this information on page two even though it was already collected on page one, AOPA suggests that the signature fields be contiguous, with the other three fields moved to the bottom after the last signature field.

VI. Conclusion.

As discussed above, AOPA believes that there are ways for the FAA to enhance the quality, utility and clarity of the information collected through the Forms. AOPA believes implementing these recommendations will reduce the burden on both users filling out the Forms and on the FAA when processing the Forms. It is AOPA's position that the FAA should immediately undertake the process to make such revisions and ensure the public and aviation community is included in this process. We appreciate the opportunity to provide comments on Forms 8050-1, 8050-1B, 8050-2, 8050-4, 8050-88, 8050-88A, 8050-98, and 8050-117. Please do not hesitate to contact us if you have any questions. Thank you.



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Sincerely,

A handwritten signature in black ink, which appears to read 'Chad M. Mayer'. The signature is written in a cursive, flowing style.

Chad M. Mayer
Attorney
AOPA Legal Services Plan