

702 CMR: AERONAUTICS DIVISION

702 CMR 3.00: LICENSING AND REGISTRATION

Section

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3.01: Registration of Airmen

- (1) Pursuant to M.G.L. c. 90, § 47, no person shall operate or navigate any aircraft within the commonwealth unless such person is the holder of all certifications required to operate or navigate that aircraft pursuant to 14 C.F.R. Subchapter D, and any other applicable federal law, regulation, order or directive and, if such person is a resident of the commonwealth, that person has registered annually with the division pursuant to 702 CMR 3.01(3).
- (2) Neither the owner nor anyone having custody of an aircraft shall permit any person to operate an aircraft within the commonwealth unless the owner or the one having custody of the aircraft has ascertained that such person is the holder of all certifications and registrations required to operate the aircraft pursuant to M.G.L. c. 90, § 47, 14 C.F.R. Subchapter D, and 702 CMR 3.01.
- (3) Those persons so required by M.G.L. c. 90, § 49, shall:
 - (a) Annually register any federal airmen's licenses or certificates issued by the FAA or other applicable federal authority with the division on forms provided by the division for that purpose. Persons registering such certificates with the division shall notify the division within ten days of any change in any of the conditions reported in the registration; and
 - (b) Pay any fee determined by the division pursuant to M.G.L. c. 90, § 49 for registration with the division.

3.02: Registration of Aircraft

- (1) Pursuant to M.G.L. c. 90, § 49(b), every person owning a civil aircraft which must be registered or certified by the FAA, and which is based in the commonwealth for more than 60 days, but less than 180 days during any 12-month period, shall, unless that aircraft is properly registered with another state or territory of the United States, register the aircraft with the division pursuant to 702 CMR 3.03 and 3.04.
- (2) Pursuant to M.G.L. c. 90, § 49(b), every person owning a civil aircraft which must be registered or certified by the FAA, and which is based in the commonwealth for more than 180 days during any 12-month period, shall, regardless of whether that aircraft is properly registered with another state or territory of the United States, register the aircraft with the division pursuant to 702 CMR 3.03 and 3.04.
- (3) No aircraft, except a public aircraft, shall be deemed registered with the division unless and until the applicant furnishes proof that the aircraft meets all the requirements of M.G.L. c. 90, § 48, and that the owner of the aircraft possesses all licenses or certificates required pursuant to 14 C.F.R. Subchapter C, and any other applicable federal law, regulation, order or directives, which may include, in the case of Unmanned Aerial Vehicles, a Certificate of Authorization.
- (4) Except as provided below, any tax on the sale or use of an aircraft required to be registered shall be paid by the purchaser or user of such aircraft prior to the time the owner applies to the division for registration pursuant to 702 CMR 3.02 and 3.03.
- (5) Neither the owner nor anyone having custody of an aircraft shall permit any person to operate such aircraft within the commonwealth unless the aircraft is permitted to operate within the commonwealth pursuant to M.G.L. c. 90, § 48, 14 C.F.R. Subchapter C and 702 CMR 3.02(1) through (4).

3.02: continued

- (6) No person shall operate an aircraft or permit any other person to operate such aircraft within the commonwealth unless the aircraft is permitted to operate within the commonwealth pursuant to M.G.L. c. 90, § 48, 14 C.F.R. Subchapter C and 702 CMR 3.02(1) through (4).
- (7) Those persons so required by M.G.L. c. 90, § 49, shall:
 - (a) Annually register any federal aircraft licenses or certificates issued by the FAA or other applicable federal authority with the division on forms provided by the division for that purpose. Persons registering such licenses or certificates with the division shall notify the division within ten days of any change in any of the conditions reported in the registration; and
 - (b) Pay any fee determined by the division pursuant to M.G.L. c. 90, § 49 for registration with the division.
- (8) Upon receipt and review of all licenses or certificates required by 702 CMR 3.02(1) through (7), the division shall issue:
 - (a) A Certificate of Registration. All such certificates of registration issued under this section shall be invalid unless stamped by the division and signed by the person to whom issued, and shall expire within one year on the date stated on the certificate.
 - (b) Except in the case of unmanned aerial vehicles, a decal sticker to be displayed on the right side of the registered aircraft either:
 - 1. No less than three nor more than ten inches to the left of the letter "N" which precedes the aircraft registration number, if said number is on the fuselage.
 - 2. The lower left hand corner of any side window located on the right side of the aircraft.
- (9) In the event of transfer of an aircraft:
 - (a) The transferor of an aircraft must immediately notify the division of the transfer. The transferor shall furnish the division with the name and address of the person to whom such transfer or assignment was made.
 - (b) The transferor shall remove or obliterate any decal sticker issued pursuant to 702 CMR 3.02(8)(b) so as to indicate its cancellation prior to delivery of the aircraft to the transferee or assignee.
 - (c) The transferor shall request the division to cancel the decal sticker issued pursuant to 702 CMR 3.02(8).
- (10) Decal stickers issued to balloons pursuant to 702 CMR 3.02(8)(b) may, in *lieu* of being displayed, be carried with the aircraft papers in the registered balloon.

3.03: Inspection

- (1) Any authorized representative of the division shall be permitted to inspect any aircraft in the commonwealth at any time and place for the purpose of determining its flying condition and state of repair, and for any other purpose within the division's jurisdiction. For the purposes of such inspections, the owner, operator, airman or pilot shall give to such representative of the division free and uninterrupted access to the aircraft and the field or shelter where the aircraft is located, and shall submit for inspection registrations, licenses, airworthiness certificates, operation records, logbooks and other pertinent records upon request.
- (2) Any airman or other person who operates or attempts to operate an aircraft in the commonwealth shall, on request of a law enforcement officer or authorized representative of the division, be deemed to have given consent to:
 - (a) Physical tests and examination for the purposes of determining whether the person is under the influence of intoxicating liquor or controlled substances; and
 - (b) A chemical, infrared molecular absorption or gas chromatograph test or tests of any or all of any combination of the following: blood, urine, or breath for the purposes of determining whether the person is under the influence of intoxicating liquor or controlled substances.

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Such tests shall be administered at the direction of a law enforcement official or authorized representative of the division having reasonable suspicion to believe the person to have been operating, attempting to operate, or in actual physical control of an aircraft in the commonwealth while under the influence of intoxicating liquor or controlled substances.

(3) Upon request by any authorized representative of the division, any airman shall produce for inspection any certificate, license, registration or medical certificate required by 702 CMR 3.01, 3.02, or federal law held by him or her.

(4) Any authorized representative of the division shall have the right to inspect any airport, heliport, or restricted landing area with or without notice, and shall be provided free and uninterrupted access to all areas within the airport or heliport. The person in control of the airport, heliport, or restricted landing area shall provide such representative access to all certificates, operations records, logbooks, and other pertinent records upon request.

(5) Any authorized representative of the division shall have the right to unimpeded access to examine records and to inspect and conduct tests at all fuel storage and distribution facilities in the commonwealth used for aviation purposes. The division is authorized to issue closure orders and such other orders as it shall determine necessary to ensure public safety in the distribution, storage and delivery of fuel used in aviation.

3.04: Air Meets

(1) No air meet shall be conducted unless prior to such air meet a detailed schedule of the program and a description of all events are submitted in writing to the division and a written permit therefor is granted by the division or its authorized representative.

(2) The division shall have full discretion as to whether to issue a permit for an air meet. Applicants shall have no legal right or privilege to conduct an air meet and shall not be entitled to any further review if denied by the division.

3.05: Enforcement

(1) Pursuant to M.G.L. c. 90, the division may issue orders to cease any activity which violates the provisions of M.G.L. c. 90, 702 CMR or any other law related to the operation of an aircraft.

(2) A person who fails to comply with any provision of 702 CMR, or any order issued by the division pursuant to 702 CMR 3.05(1), or who makes any false or misleading statements in information submitted to the Division pursuant to 702 CMR or M.G.L. c. 90, may be subject to:

- (a) fines, arrest and imprisonment pursuant to M.G.L. c. 90, § 44.
- (b) the suspension, revocation, or conditioning of any license, permit or registration issued pursuant to 702 CMR and M.G.L. c. 90; and
- (c) any other order, fine, or penalty as may be issued pursuant to M.G.L. c. 90, § 40.

REGULATORY AUTHORITY

702 CMR 3.00: M.G.L. c. 90, §§ 35, 39, 40, 44, 46, 47, 48, 49 and 49D.