

TITLE 45
LIENS, MORTGAGES AND PLEDGES

CHAPTER 11
AIRCRAFT IMPROVEMENT LIENS

45-1101. AIRCRAFT IMPROVEMENT LIEN -- SPECIAL LIEN DEPENDENT UPON POSSESSION. (1) Any person, firm, or corporation who expends labor, skill, or materials upon an aircraft, aircraft engines, propellers, appliances, spare parts, or related equipment, at the request of its owner, reputed owner, authorized agent of the owner, or lawful possessor of the aircraft, has a special lien, dependent upon possession, on the aircraft for the just and reasonable charges for the labor performed and material furnished up to the amount of the written estimate or subsequent oral or written modifications thereto.

(2) Provided however, a person, firm, or corporation expending labor, skill or materials pursuant to the provisions of subsection (1) of this section shall not have a special lien on the aircraft unless the person, firm, or corporation delivers a written estimate regarding the nature and cost of repair work to the owner, reputed owner, authorized agent of the owner or lawful possessor of the aircraft prior to expending labor, skill or materials on the aircraft.

(3) If not paid within two (2) months after the work is done, the person, firm or corporation may proceed to sell the property at public auction after first providing written notice of the impending sale to the owner, reputed owner, authorized agent of the owner, or lawful possessor of the aircraft, as well as any known secured parties or lienholders, by United States mail, certified, return receipt requested, or equivalent private courier service that provides evidence of date of delivery of mail. The person, firm or corporation shall give ten (10) days' public notice of the sale by advertising in some newspaper published in the county in which the work was done; or, if there be no newspaper published in the county, then by posting notices of the sale in three (3) public places in the town where the work was done, for ten (10) days previous to the sale. The proceeds of the sale must be applied to the discharge of the lien and the cost of keeping and selling the property; the remainder, if any, must be paid over to the other secured parties or lienholders, if any, and the owner. Provided however, that the person, firm or corporation who is about to make, alter or repair the aircraft or related equipment, in order to derive the benefits of this section, must, before commencing such making, altering or repairing, give notice of the intention to so make, alter or repair the aircraft or related equipment, by registered mail, to any holder of a security interest which is of record at the FAA, at least three (3) days before commencing the making, altering or repairing, and if notice in writing within the three (3) days is not given by the holder of a security interest notifying such person, firm or corporation not to perform such services, then the making, altering or repairing may proceed and the prior lien provided for herein attaches to the aircraft or related equipment.

[45-1101, added 2002, ch. 371, sec. 1, p. 1042.]

45-1102. SURRENDER OF POSSESSION -- STATUTORY LIEN. (1) Any person, firm, or corporation who expends labor, skill, or materials upon an aircraft, aircraft engines, propellers, appliances, or spare parts, at the

request of its owner, reputed owner, or authorized agent of the owner, or lawful possessor of the aircraft, has a lien upon the aircraft, or related equipment, for the contract price of the expenditure, or in the absence of a contract price, for the reasonable value of the expenditure.

(2) The statutory lien created pursuant to this section:

(a) Is applicable to any civil aircraft engine, aircraft propeller, or aircraft appliance which is capable of having the ownership, or an interest in the ownership, affected by a conveyance, recorded at the federal aviation administration (FAA) aircraft registry;

(b) Is not dependent upon possession by the repairperson of the property which is subject to the lien;

(c) Is dependent upon the recordation of the lien at the FAA aircraft registry in accordance with section [45-1103](#), Idaho Code;

(d) Must be created by written contract between the parties, and any subsequent oral or written modifications thereto. The written contract must be signed by the customer, and predate the commencement of work for which the lien is applicable.

[45-1102, added 2002, ch. 371, sec. 1, p. 1043.]

45-1103. NOTICE OF LIEN -- RECORDATION. The statutory lien created pursuant to section [45-1102](#), Idaho Code:

(1) Is not valid unless and until it is recorded with the FAA aircraft registry in the manner and in the form generally required for the "Recording of Aircraft Titles and Security Documents" pursuant to 14 CFR 49.

(2) Is valid upon recordation by the FAA aircraft registry of a written document entitled "NOTICE OF AIRCRAFT LIEN." This document shall:

(a) Be signed by the repairperson or by a duly authorized agent or attorney of the repairperson; and

(b) Be verified by the person signing the notice of lien upon that person's personal knowledge of the matters stated in the notice of lien, and which shall affirmatively state: "I declare under penalty of perjury, in accordance with the laws of the state of Idaho and of the laws of the United States of America, that the matters stated herein are true and correct upon my information and belief."

(c) Contain the date and place of signing of the notice of lien.

(3) The notice of lien referred to in subsection (2) of this section shall contain the following information:

(a) The United States registration number, make, model and serial number of the aircraft subject to the lien;

(b) The name of the manufacturer, the model, and the serial number of all applicable engines, propellers or appliances subject to the lien, to the extent they are not otherwise identifiable merely by reference to the aircraft registration number;

(c) The name, address and business telephone number of the repairperson asserting the lien;

(d) The name, address and business telephone number of the registered owner of the civil aircraft or other property subject to the lien;

(e) The name, address and business telephone number of the person consenting to the performance of the work giving rise to the lien;

(f) The amount of the lien, exclusive of prospective storage costs;

(g) A narrative statement describing the nature of the work accomplished;

(h) The affirmative statement that a copy of the notice of lien is concurrently being sent by United States mail, certified, return receipt requested, or equivalent private courier service that provides evidence of date of delivery of mail, to both the registered owner and to the person consenting to the work;

(i) The date of last services or materials provided.

(4) No notice of lien pursuant to subsection (2) of this section is valid unless it is presented for recording at the FAA registry within one hundred eighty (180) days of the completion of the work giving rise to the lien.

[45-1103, added 2002, ch. 371, sec. 1, p. 1043.]

45-1104. PERSONS CONSIDERED OWNER OF AIRCRAFT OR RELATED EQUIPMENT, OR AUTHORIZED AGENT OF OWNER. The following persons are considered the owner of an aircraft or related equipment, or the authorized agent of the owner, for the purposes of this chapter:

(1) A person in possession of the aircraft or related equipment under an agreement to purchase it, whether title to the aircraft or related equipment is in the possession of the person or the vendor;

(2) A person in lawful possession of the aircraft or related equipment.

[45-1104, added 2002, ch. 371, sec. 1, p. 1044.]

45-1105. PRIORITY. A lien under section [45-1102](#), Idaho Code, when recorded in accordance with section [45-1103](#), Idaho Code, is superior to and preferred to:

(1) A lien, mortgage or encumbrance that attaches to the aircraft, or related equipment, after recording of the notice of lien under section [45-1103](#), Idaho Code.

(2) A prior lien, mortgage or other encumbrance, when the person furnishing the materials or performing the services did not have actual or constructive notice of the prior lien, mortgage or encumbrance, or the prior lien, mortgage or encumbrance was not recorded or filed in the manner provided by law.

(3) A lien that attaches to the aircraft or equipment on the basis of a security interest, if, prior to the expenditure of labor, skill or materials upon the aircraft or equipment, the person planning to make the expenditure gives notice of that intention by United States mail, certified, return receipt requested, or equivalent private courier service that provides evidence of date of delivery of mail, to any holder of a security interest of record at the FAA prior to commencing such expenditure by sending such notice to the address of the holder of the security interest listed in the FAA record of lien, and the holder of the security interest does not respond within three (3) days of receipt of notice noting its opposition to the making of such an expenditure of labor, skill or materials.

[45-1105, added 2002, ch. 371, sec. 1, p. 1044.]

45-1106. ENFORCEMENT OF LIEN. (1) A suit to enforce a lien described in section [45-1102](#), Idaho Code, must be brought within twelve (12) months after the lien is recorded.

(2) The practice and procedure to enforce a lien shall be governed by the law applicable to the foreclosure of mechanics' and materialmen's liens

provided however, that notice requirements shall also extend to secured parties or lienholders of record with the federal aviation administration.

(3) Any judgment entered by the court shall be deemed to be a "conveyance" within the meaning of subsection (a) (19) of 49 U.S.C. section 40102, and shall be recordable at the FAA aircraft registry pursuant to 14 CFR 49.17.

[45-1106, added 2002, ch. 371, sec. 1, p. 1045.]

45-1107. RELEASE OR DISCHARGE OF LIEN. A lien under this chapter shall be released and discharged by the lien claimant or the agent of the lien claimant in accordance with the regulations of the federal aviation administration.

[45-1107, added 2002, ch. 371, sec. 1, p. 1045.]