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Oregon Department of Aviation
OAR Chapter 738
Division 80

AIRCRAFT AND UNMANNED AIRCRAFT SYSTEMS (UAS) REGISTRATION

738-080-0010

Purpose and Statutory Authority

To regulate the registration of aircraft **and UAS** in Oregon:

- (1) ORS 184.619 pertaining to rulemaking authority.
- (2) ORS 835.035 and 837.005 pertaining to the general public interest, safety, and the development and promotion of aeronautics.

Stat. Auth.: ORS 835.035, 835.112

Stats. Implemented: ORS 835.035, 835.112, 837.015

NEW RULE

738-080-0015

Definitions

- (1) “Aircraft” means any contrivance used or designed for navigation of flight in the air. Examples include, but are not limited to, airplane or rotorcraft (helicopter, gyrocopter or autogyro). Aircraft specifically does not mean a one-person motorless glider that is launched from the earth’s surface solely by the operator’s power.
- (2) “Commercial Use” means the conduct of aeronautical activity by means of business, concession, operation, or agency in order to provide goods or services to any person for compensation or hire. An activity for compensation or hire is considered a commercial activity regardless of whether the business is for-profit, nonprofit, charitable, or tax-exempt.
- (3) “Manned Aircraft” means an aircraft or spacecraft transporting or operated by direct physical contact from a human or humans.
- (4) “Model Aircraft” means an aircraft that is operated purely for recreational or hobby purposes without the possibility of direct human intervention from within or on the aircraft.
- (5) “Private use Aircraft” means aircraft operated by citizens, not operated for profit, and not owned or operated by a public agency.
- (6) “Public Agency” means government bodies, local government bodies, and special government bodies in the state of Oregon, excluding military or federal government.

(7) “Public Use Aircraft” means aircraft under control of and in operation by a public agency, excluding military or federal government aircraft.

(8) “Recreational Aircraft” means aircraft that is operated purely for recreational or hobby purposes, not operated for profit, and not by a public agency.

(9) “Unmanned Aircraft System” means an unmanned flying machine, commonly known as a drone, used or intended to be used for flight in the air that has no onboard pilot. This includes all classes of airplanes, helicopters, airships, and translational lift aircraft that have no onboard pilot. Unmanned aircraft are understood to include only those aircraft controllable in three axes and therefore, exclude traditional balloons. “Unmanned aircraft system” does not include a model aircraft as defined in section 336 of the FAA Modernization and Reform Act of 2012 (P.L. 112–95) as in effect on July 29, 2013.

Stat. Auth.: ORS 835.035, 835.112

Stats. Implemented: ORS 835.035, 835.112

738-080-0020

Exemption from Aircraft **and UAS** Registration Fee

All Civil Air Patrol aircraft **and UAS** controlled by the Oregon Wing, and used primarily for search and rescue training exercises or missions, shall be registered in accordance with applicable state statutes with the exception that the annual **Oregon aircraft or UAS** registration fee will not be required. **All aircraft and UAS owned and by the United States Federal Government are exempt from Oregon aircraft registration.**

Stat. Auth.: ORS 835.035, 835.112

Stats. Implemented: ORS 835.035, 835.112, 837.005

738-080-0030

Temporary Exemption from Registration **of Manned Aircraft**

(1) Aircraft not physically capable of operation or flight may be temporarily exempt from the requirement of annual registration by the Oregon Department of Aviation (Department):

(a) “Not physically capable of operation and flight” means any aircraft that is not capable of:

(A) Being operated in forward motion on the ground or in flight;

(B) The need for repairs to the aircraft such as flat tires, broken windows or other short term maintenance items that are normally required are not considered adequate justification for an exemption;

(C) An aircraft that is grounded merely because it has not had appropriate inspections required by the Federal Aviation Administration is not eligible for exemption;

(D) An aircraft must be incapable of physical operation or flight for a period of time that extends beyond March 1 of each calendar year to be eligible for exemption.

(b) An aircraft that is under construction, or one that is disassembled waiting reassembly, may be exempt from registration until it is physically capable of operation or flight.

(2) The Director of the Department or the Director's designee shall make the final determination as to which aircraft may be temporarily exempt from registration:

(a) The owner of any aircraft that has been assigned a Federal Aviation Administration "N" number must complete an application for registration within the prescribed time limits. (Prior to March 1 or within 60 days of entering the state or being purchased.);

(b) An aircraft owner that believes an aircraft to be not physically capable of operation or flight shall prepare a statement giving the reasons why it should be temporarily exempted from registration. This statement shall be signed and shall accompany the application for registration:

(A) This statement must be received by the Department 30 days before the appropriate registration deadline. This will allow time for the Director of the Department or to determine the eligibility for exemption from registration;

(B) Following the Administrator's determination, the aircraft owner will be notified as to exemption status;

(C) If the exemption is denied, the aircraft owner will be notified. The owner must then submit the appropriate registration fee to the Department by the established deadline to avoid assessment of penalty and possible citation for "failure to register";

(D) An aircraft owner may request a review of the Director of the Department or the Director's designee's decision after payment of the appropriate registration fee has been submitted. Such review may include an informal discussion with the Director of the Department or the Director's designee of the aircraft's status;

(E) Receipt of an application for registration, with accompanying exemption statement, subsequent to the appropriate deadline will result in assessment of the prescribed penalty if the request for exemption is denied.

(3) A temporary exemption from registration under this section shall only be effective for the calendar year in which the exemption is granted. A new application and statement must be submitted each year within the time frame specified in paragraph (2)(b)(A) of this rule for the original statement.

Stat. Auth.: ORS 835.035, 835.112, 837.005

Stats. Implemented: ORS 835.035, 835.112

This rule is repealed in its entirety.

[738-080-0040

Placement of Registration Decal (Number Plate) on Aircraft

(1) The decal (number plate) signifying registration of an aircraft by the Department shall at all times be displayed in a conspicuous position on the aircraft so as to be readily visible.

(2) The decal (number plate) shall be placed on the fuselage of the aircraft under the left horizontal stabilizer.

(3) Any current decal (number plate) can be left in its present location on the aircraft until the aircraft is repainted, the Department issues new decals or the owner wishes to remove it.

(4) Replacement of a decal issued subsequent to the effective date of this amendment shall be at the aircraft owner's expense.

(5) Failure to display an aircraft registration decal (number plate) is a Class A Aeronautics infraction with punishment prescribed by ORS 837.100.

Stat. Auth.: ORS 184, ORS 835 & ORS 837

Stats. Implemented: ORS 837.066

Hist.: IAD 1-1985, f. & ef. 12-20-85]

NEW RULE

738-080-0045

Public Agency Registration of Unmanned Aircraft System (UAS)

All public departments, public agencies, and other public entities in the State of Oregon must register each UAS with the Federal Aviation Administration prior to registration with ODA. Registration with ODA must be completed prior to UAS flight. Fees to register each UAS weighing less than 55lbs shall be \$25. Fees to register each UAS weighing 55lbs or more shall be \$50. To register public UAS please visit <http://www.oregon.gov/aviation> or call (503) 378-4880.

Stat. Auth.: ORS 835.035, 835.112, 837.360

Stats. Implemented: ORS 835.035, 835.112, 837.360