

CHAPTER 113—H. F. No. 599

[Coded in Part]

An act relating to aircraft and the taxation thereof; requiring certain reports in connection therewith; amending Minnesota Statutes 1953, Sections 360.511, 360.531, Subdivision 8, 360.54, 360.63, Subdivision 2, and repealing Minnesota Statutes 1953, Section 360.65.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1953, Section 360.511, is amended by adding a subdivision to read:

[Subd. 11.] *“Aircraft manufacturer” means a person, firm, or corporation engaged in the business of constructing aircraft of a particular design and model for the purpose of selling the finished product.*

Sec. 2. Minnesota Statutes 1953, Section 360.511, is amended by adding a subdivision to read:

[Subd. 12.] *“Rebuilt aircraft” means airworthy aircraft constructed from aircraft damaged to an extent that prior to the rebuilding process they were unairworthy.*

Sec. 3. Minnesota Statutes 1953, Section 360.511, is amended by adding a subdivision to read:

[Subd. 13.] *“Aircraft refitter” means a person, firm, or corporation engaged in the business of refitting and modifying aircraft.*

Sec. 4. Minnesota Statutes 1953, Section 360.511, is amended by adding a subdivision to read:

[Subd. 14.] *An aircraft being manufactured or rebuilt is completed as of the date of the initial airworthiness certificate issued thereon by proper federal authorities.*

Sec. 5. *For purposes of this act the terms defined in Minnesota Statutes 1953, Section 360.511, have the meanings therein ascribed to them, and the terms defined in sections 1 to 4 have the meanings ascribed to them.*

Sec. 6. Minnesota Statutes 1953, Section 360.531, Subdivision 8, is amended to read:

Subd. 8. **Tax, calendar year.** Every aircraft subject to the provisions of this act which has at any time since April 19, 1945, used the air space overlying the state of Minnesota and the airports thereof shall be taxed for the full calendar year of any year in which it is so used. Any aircraft which

does not use the air space overlying the State of Minnesota and the airports thereof at any time during one full calendar year shall not be subject to the tax provided by this act for such year. *Rebuilt aircraft shall be subject to the tax provided by Minnesota Statutes 1953, Sections 360.511 to 360.67 for that portion of the calendar year remaining after the aircraft has been rebuilt, pro-rated on a monthly basis.*

Sec. 7. Minnesota Statutes 1953, Section 360.54, is amended to read:

360.54 Subject to tax, exemption. Every aircraft shall be presumed to be one using the air space overlying the state of Minnesota and the airports thereof, and thence subject to taxation under sections 360.511 to 360.67, if such aircraft has prior to the effective date of Laws 1945, Chapter 411, used such air space and airports, or shall actually use them or if it shall come into the possession of an owner in this state, other than as a manufacturer, dealer, warehouseman, mortgagee, or pledgee and it shall be the burden of the owner thereof to prove that said aircraft has not in fact used the air space overlying the state of Minnesota and the airports thereof in order to avoid the payment of the tax as required herein.

Sec. 8. Minnesota Statutes 1953, Section 360.63, Subdivision 2, is amended to read:

Subd. 2. Any licensed aircraft dealer may apply to the commissioner for one or more aircraft dealers plates. A charge of \$5.00 shall be made for each such plate. Any aircraft owned by said dealer may be used for the purpose of demonstration or for any purpose incident to the usual conduct and operation of his business as an aircraft dealer provided aircraft dealers plates are conspicuously attached to the aircraft when so used, and provided said aircraft has been first listed with the commissioner on an aircraft withholding form provided by him.

Sec. 9. [360.653] **Aircraft, exemptions.** *The following aircraft, under the conditions specified, shall be exempt from registration and the tax provided by Minnesota Statutes 1953, Sections 360.511 to 360.67.*

(1) *Any aircraft held by a dealer listed and used as provided in section 360.63, except that aircraft held by dealers on October 1, of each year, shall be registered and the entire tax provided by sections 360.511 to 360.67 shall be paid for the portion of the calendar year, pro-rated on a monthly basis remaining after the aircraft came into the possession of the dealer.*

(2) *Aircraft remaining in the possession of aircraft manufacturers ten months after completion shall become sub-*

ject to the tax provided by sections 360.511 to 360.67. The tax shall be computed from the expiration of the ten months' period and shall be pro-rated on a monthly basis.

(3) Aircraft while in the hands of aircraft refitters for the purpose of being refitted or modified or both, and while being refitted or modified or both.

Sec. 10. [360.651] **Manufacturers, listing of aircraft.**
Subdivision 1 On July 1, 1955, every person, firm or corporation engaged in business as an aircraft manufacturer in the state of Minnesota shall list each aircraft in his possession, showing for each aircraft its United States registration number, model, horsepower, and date of completion. The listing shall be filed with the commissioner of aeronautics on or before July 15, 1955.

Subd. 2. On the first day of January, April, July, and October in each year, every manufacturer of aircraft in the state of Minnesota shall complete and file with the commissioner of aeronautics not later than fifteen days thereafter, a listing of all aircraft manufactured since his last report, showing for each such aircraft:

1. The United States registration number, model, and horsepower;
2. Its date of completion;
3. If it has been sold, the name and address of the purchaser and the date of the sale.

In addition, the listing shall include by United States registration number:

1. Aircraft which were manufactured in a previous quarter and are still in the possession of the manufacturer; and
2. Aircraft sold that were reported as completed aircraft in the possession of the manufacturer on his listing for the last quarter, and the name and address of the person to whom the aircraft was sold.

Sec. 11. **Repealer.** Minnesota Statutes 1953, Section 360.65, is repealed.

Approved March 7, 1955.
