

**SUBJECT:** Disposal of abandoned aircraft by municipalities

**COMMITTEE:** Transportation — favorable, without amendment

**VOTE:** 7 ayes — Alexander, Siebert, Finnell, Hartnett, Hawley, Hill, Pickett  
0 nays  
2 absent— Edwards, Uher

**WITNESSES:** For — Shanna Igo, Texas Municipal League; Daniel Weber and Geoff Worburten, City of Brownsville  
Against — None

**DIGEST:** HB 1288 would set up procedures for local governments to use in dealing with aircraft of uncertain ownership located at their airports.

The bill would allow a municipality to petition a district court to determine ownership of the aircraft. The court would hold a hearing at which the jurisdiction would present all evidence it had about the aircraft's ownership. If the evidence was sufficient to determine ownership, the court would notify the owner. Otherwise, the local government would have 60 days to collect additional information or to provide notice in a manner likely to reach the aircraft's owner.

If the court could not establish ownership within 60 days of the hearing, it would declare the aircraft abandoned property and give title to it to the local government, which then could dispose of it as salvage or surplus property.

The local government also could petition the district court to declare an aircraft abandoned property if the owner did not claim it within 60 days after notice was provided. The court's determination of ownership would not affect the local government's right to recover from the aircraft's owner fees for storage and maintenance.

The bill would take immediate effect if finally approved by a two-thirds record vote of the membership in each house.

**SUPPORTERS  
SAY:**

HB 1288 would provide fair and clearly stated procedures for dealing with abandoned aircraft on municipal property. Current law already allows municipalities to dispose of a variety of other abandoned vehicles, including automobiles, motorcycles, buses, and vans, but includes no such provisions for aircraft. This omission has created a problem for municipalities that own the airports where these aircraft are located.

Storing aircraft is a cumbersome and expensive process, and local governments should not be required to bear this burden indefinitely while they wait for a responsible party to show up and pay for storage costs. Municipalities need to have procedures in place to respond to these problems as they occur.

The problems of abandoned aircraft are particularly acute in border communities because of international travel and trade. An aircraft that is abandoned for any period of time is highly suspicious, and could indicate illegal activity. No responsible aircraft owner would abandon a functional aircraft that is useable for legitimate purposes. The only possible reasons for abandonment would be the owner's death or involuntary incarceration or mechanical problems that are easier to walk away from than fix. By allowing aircraft in such questionable circumstances to be removed from municipal airports, HB 1288 would reverse a drain on local taxpayers.

**OPPONENTS  
SAY:**

HB 1288 could deny due process to aircraft owners, who may be out of the country or on extended vacation. Sixty days is not long enough for such individuals to receive and respond to a court notice. Individuals should have adequate opportunity to prevent government seizure of personal property. It is relatively rare that aircraft are abandoned on municipal property, and this isolated problem could better be dealt with through the legal system on a case-by-case basis.