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## NASAO Activities

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# STATE AND LOCAL

Department Editor: Madeline C. Dinn \*

## NASAO ACTIVITIES

Prime problems of NASAO activities upon which state aviation has been concentrating since the last issue of the Journal have been in the practical field of applying existing state and federal aviation legislation.

Questions of all manner have been pouring into the office of the Secretary of the NASAO from all parts of the country. Circularization of the membership has brought forth a wealth of material of much interest to persons in the legal field, because of the constant aim of all persons to make as uniform as possible use of the air over the entire country. Such questions as state air regulations, registration of aircraft, licensing of airports, approving aviation schools, method of enforcement of state and federal regulations, whether by local or state-wide police units, compulsory aviation liability insurance or financial responsibility laws on aircraft, aircraft owned and used by the state aviation agencies and related state departments—all combine to provide a factual cross-section, more than in merely general terms, of activities within the realm of state aviation.

Whatever may be the merits of legal arguments on the subject of state versus federal jurisdiction of air use, in the personal flying field, no one can deny that the states have contributed immeasurably toward the development and encouragement of the business of flying. One need only look to the fourteen-point statement presented to the Congressional Aviation Policy Board on February 9, 1948, with exhibits attached, to gain an appreciation of their efforts in this direction.

The earnestness with which four of the major issues of today have been tackled by state agencies, has been self-evident. Those four fields are: Safety and Enforcement; National Airport Program, National Flight Training Program; Greater Liaison and Coordination between Federal and State Agencies Affecting Aviation. Recognition of the practical truth underlying the stands taken by the state agencies on the foregoing and other responsibilities has been given in the final reports of both the President's Air Policy Commission, and the Congressional Aviation Policy Board. It is safe to predict that the divergent philosophies will be coordinated for the good of all. Another balance will be struck on the progress made in this direction at the next annual meeting of the NASAO, which has been set definitely for October 6-8, 1948, at Boston, Massachusetts.

An important step in the life of the NASAO is being taken on or about April 26, 1948. On that date there will be opened in Washington an office for greater coordination on its affairs with all segments of government and the aviation industry. Colonel A. B. McMullen, who is well known in aviation circles all over the country, has been appointed Executive Secretary and will head the office,—one who will bring to the NASAO his vast experience and practical approaches to the duties which will fall upon his shoulders. No better choice could have been made.

During the past several years Mr. Edward F. Knapp, Director of Aeronautics for the State of Vermont, with offices in Montpelier, has been carrying the tremendous load of the Secretary-Treasurer office of the

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NASAO, in addition to his State duties. Great commendation is due him for his untiring efforts and devotion to duty.

Realizing the need for a medium of regular exchange of information concerning the Organization's activities, as well as those of the individual states on critical matters, there has been inaugurated the publication of the "NASAO News" on a monthly basis. Mr. William C. Lazarus, Aviation Supervisor, Florida State Improvement Commission, of Tallahassee, Florida, is the Editor.

At the request of the Indiana Aeronautics Commission, the University of Indiana has undertaken a study on one of the knotty problems of air transportation concerning the role the states should take with respect to intrastate scheduled air service. Many states are receiving an increasing number of applications from their citizens for such intrastate operations. The study made by Dr. George W. Starr is published elsewhere in this issue of the JOURNAL, and merits close reading. It does not represent the policies of the Indiana Aeronautics Commission, nor of the NASAO, both of which, however, will give it serious study and analysis in determining the course to follow.

It is interesting to note that Supreme Courts of various states are beginning to have more cases on one phase or another of aviation before them for decision. Opinions of the Attorneys General of the various states are also increasing in number on this subject. Some of these decisions and opinions must be given serious thought, for possible needs in clarifying existing legislation, in those cases where obvious hardships result. For example, one state Supreme Court has ruled that the vendee of a defective airplane may recoup against the purchase price of a plane the cost and repairs of damages for loss of use of the plane which had to be made because of the defect. The Court recalled that there could be an element of damages in an unnecessary delay in the transfer of record title by the vendor to the vendee because, if the vendee was to enjoy use of the plane, it was necessary under Section 501(a) of the Civil Aeronautics Act that his title be registered.<sup>1</sup> This brings up the increasing need for not singling aviation for specific laws in regard to normal personal property. Registration of title to aircraft, and any chattel mortgages against them, or other instruments, particularly on non-scheduled aircraft, should be no different from historic requirements on other such instruments affecting other chattels. Notice of ownership should be readily available at the County or City Clerk's office of the situs of the aircraft.

The legal question posed is whether Sections 501 and 503 of the Civil Aeronautics Act of 1938, requiring all instruments of title affecting aircraft to be recorded with the CAB, which recording shall be valid as to all persons without further recordation, should affect only nationality or the personal property character of a private aircraft. This is obviously an undue burden upon interchange of commercial transactions between persons who own private aircraft and who wish to either sell or exchange them. There are comparable legal questions which may need amendment to existing legislation, and it is a matter for serious study of the current Supreme Court decisions and opinions to bring about intelligent modifications.

M. C. D.

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<sup>1</sup> *Parsons v. Hall* (Mich. Sup. Ct. Dec. 3, 1947) 29 N.W. 2d 676.