

1976 S.C. Op. Atty. Gen. 291 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4435, 1976 WL 23052

Office of the Attorney General

State of South Carolina

Opinion No. 4435

September 1, 1976

*1 The Aeronautics Commission may refund renewal registration fees paid by aircraft owners who sell their aircraft after they paid their registration fees but prior to the beginning of the year for which they were registering.

The Aeronautics Commission may refund registration fees paid in error.

TO: John W. Hamilton
Director
South Carolina Aeronautics Commission

QUESTIONS PRESENTED:

May the Aeronautics Commission refund renewal registration fees paid by aircraft owners who sell their aircraft after they paid their registration fees but prior to the beginning of the year for which they were registering?

May the Aeronautics Commission refund registration fees paid in error?

AUTHORITIES INVOLVED:

Sections 2–80, et seq., CODE OF LAWS OF CAROLINA, 1962, as amended;

51 Am.Jur.2d, ‘Licenses and Permits’ Section 52.

DISCUSSION:

The South Carolina Aeronautics Commission is charged with the duty of registering aircraft which operate in South Carolina. Sections 2–80, et seq., CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended. The Certification of Registration expires on June thirtieth of each year and is annually renewable July first of each year. Section 2–80.5, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended. The Aeronautics Commission mails renewal registration forms for aircraft, for the coming year, in May. Because of this, the Commission has a problem with aircraft owners who send their registration renewal and fee in early and then sell their aircraft prior to the July 1 registration renewal date. Although the statutes do not explicitly provide for the refund of such renewal fees, the power to refund these fees is necessarily incidental to the statutory authority to collect the fees. Cf., 51 AM.JUR.2d, ‘Licenses and Permits,’ Section 52.

The refund of the registration renewal fee for an aircraft sold prior to the renewal date does not mean that the aircraft will be unregistered for the coming year. Section 2–80.6 specifically provides that the purchaser of a registered aircraft must apply for registration of the aircraft in his name.

As to the authority of the Commission to return fees where the same aircraft has been registered twice or by mistake, such authority is also incidental to the authority to collect and enforce registration fees.

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