



Attorney General  
STATE CAPITOL  
Phoenix, Arizona 85007

Robert H. Corbin

June 26, 1980

INTERAGENCY  
Mr. Sonny Najera, Assistant Director  
Aeronautics Division  
Arizona Department of Transportation  
205 South 17th Avenue  
Phoenix, AZ 85007

Re: 180-117 (R80-121)

Dear Mr. Najera:

You have asked our opinion concerning the definition of "nonresident" for the purposes of determining who must register aircraft in the state.

In general, all aircraft based in Arizona must be registered with the Aeronautics Division; one exemption being that a non-resident who bases his aircraft in the state for less than 90 days under certain circumstances need not register the airplane. Specifically, A.R.S. § 28-1761 provides in pertinent part:

A. Aircraft based in this state shall be registered with the division of aeronautics. Such registration shall be accomplished within sixty days after purchase or lease of the aircraft, or within sixty days after the aircraft is brought into the state, and shall be renewed annually for the calendar year before the last day of February, except:

\* \* \*

2. Aircraft owned by a nonresident who bases his aircraft in Arizona for a period not in excess of ninety consecutive days or ninety days in any one calendar year, provided that such aircraft are not engaged in any intrastate commercial activity. Aircraft, except those aircraft included in paragraph 1 of this subsection, entering the state to engage in commercial operations must be registered before commencing such operations.

Because neither "resident" nor "nonresident" are defined by this statute, you have asked whether A.R.S. § 28-102 would be applicable to the aircraft registration process. That section defines "resident" "for the purpose of registration and operation of motor vehicles." However, this statute is employed to define the term "nonresident" for all of Title 28 of the Arizona Revised Statutes by A.R.S. § 28-101.28, which provides:

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§28-101. Definitions

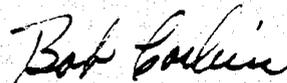
In this title, unless the context otherwise requires:

\* \* \*

28. "Nonresident" means a person who is not a resident of this state as defined in § 28-102.

Because A.R.S. § 28-1761 is included within Title 28 and context does not otherwise require, the answer to your question is yes, nonresidency pursuant to this statute is to be determined with reference to A.R.S. § 28-102.

Sincerely,



BOB CORBIN  
Attorney General

BC:JLH:lfc