

SB 6056 - H AMD  
By Representative

ADOPTED 04/27/2003

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 47.68.233 and 2000 c 176 s 1 are each amended to read  
4 as follows:

5 The department shall require that every pilot who is a resident of  
6 this state and every nonresident pilot who regularly operates any  
7 aircraft in this state be registered with the department. The  
8 department shall charge an annual fee (~~((not to exceed ten dollars))~~) of  
9 fifteen dollars for each registration. All registration certificates  
10 issued under this section shall be renewed annually during the month of  
11 the registrant's birthdate.

12 The registration fee imposed by this section shall be used by the  
13 department for the purpose of (a) search and rescue of lost and downed  
14 aircraft and airmen under the direction and supervision of the  
15 secretary, (b) safety and education, and (c) volunteer recognition and  
16 support.

17 Registration shall be effected by filing with the department a  
18 certified written statement that contains the information reasonably  
19 required by the department. The department shall issue certificates of  
20 registration and in connection therewith shall prescribe requirements  
21 for the possession and exhibition of the certificates.

22 The provisions of this section do not apply to:

23 (1) A pilot who operates an aircraft exclusively in the service of  
24 any government or any political subdivision thereof, including the  
25 government of the United States, any state, territory, or possession of  
26 the United States, or the District of Columbia;

27 (2) A pilot registered under the laws of a foreign country;

28 (3) A pilot engaged exclusively in commercial flying constituting  
29 an act of interstate or foreign commerce;

1 (4) A person piloting an aircraft equipped with fully functioning  
2 dual controls when a licensed instructor is in full charge of one set  
3 of the controls and the flight is solely for instruction or for the  
4 demonstration of the aircraft to a bona fide prospective purchaser.

5 Failure to register as provided in this section is a violation of  
6 RCW 47.68.230 and subjects the offender to the penalties incident  
7 thereto.

8 **Sec. 2.** RCW 47.68.234 and 1993 c 208 s 3 are each amended to read  
9 as follows:

10 The department shall require that every airman or airwoman that is  
11 not registered under RCW 47.68.233 and who is a resident of this state,  
12 or every nonresident airman or airwoman who is regularly performing  
13 duties as an airman or airwoman within this state, be registered with  
14 the department. The department shall charge an annual fee (~~not to~~  
15 ~~exceed ten dollars~~) of fifteen dollars for each registration. A  
16 registration certificate issued under this section is to be renewed  
17 annually during the month of the registrant's birthdate.

18 The department shall use the registration fee imposed under this  
19 section for the purposes of: (1) Search and rescue of lost and downed  
20 aircraft and airmen or airwomen under the direction and supervision of  
21 the secretary; and (2) safety and education.

22 Registration is (~~affected [effected]~~) effected by filing with the  
23 department a certified written statement that contains the information  
24 reasonably required by the department. The department shall issue  
25 certificates of registration and, in connection with the certificates,  
26 shall provide requirements for the possession and exhibition of the  
27 certificates.

28 Failure to register as provided in this section is a violation of  
29 RCW 47.68.230 and subjects the offender to the penalties incident to  
30 this section.

31 **Sec. 3.** RCW 47.68.240 and 2000 c 229 s 2 are each amended to read  
32 as follows:

33 (1) Any person violating any of the provisions of this chapter, or  
34 any of the rules, regulations, or orders issued pursuant thereto, shall  
35 be guilty of a misdemeanor and shall be punished as provided under

1 chapter 9A.20 RCW, except that any person violating any of the  
2 provisions of RCW 47.68.220, 47.68.230, or 47.68.255 shall be guilty of  
3 a gross misdemeanor which shall be punished as provided under chapter  
4 9A.20 RCW. In addition to, or in lieu of, the penalties provided in  
5 this section, or as a condition to the suspension of a sentence which  
6 may be imposed pursuant thereto, for violations of RCW 47.68.220 and  
7 47.68.230, the court in its discretion may prohibit the violator from  
8 operating an aircraft within the state for such period as it may  
9 determine but not to exceed one year. Violation of the duly imposed  
10 prohibition of the court may be treated as a separate offense under  
11 this section or as a contempt of court.

12 (2) In addition to the provisions of subsection (1) of this  
13 section, failure to register an aircraft, as required by this chapter,  
14 is subject to a civil penalty of one hundred dollars per aircraft for  
15 the first violation. Subsequent violations in the same year are  
16 subject to the following civil penalties:

17 (a) For the second violation, a civil penalty of two hundred  
18 dollars per aircraft;

19 (b) For the third and subsequent violations, a civil penalty of  
20 four hundred dollars per aircraft.

21 (3) In addition to the provisions in subsection (1) of this  
22 section, failure to register as a pilot, airman, or airwoman, as  
23 required by this chapter, is subject to a civil penalty of four times  
24 the fees that are due.

25 (4) The revenue from penalties prescribed in subsection (2) of this  
26 section must be deposited into the aeronautics account under RCW  
27 82.42.090. The revenue from penalties prescribed in subsection (3) of  
28 this section must be deposited into the aircraft search and rescue,  
29 safety, and education account under RCW 47.68.236.

30 **Sec. 4.** RCW 47.68.250 and 1999 c 302 s 2 are each amended to read  
31 as follows:

32 Every aircraft shall be registered with the department for each  
33 calendar year in which the aircraft is operated or is based within this  
34 state. A fee of (~~eight~~) fifteen dollars shall be charged for each  
35 such registration and each annual renewal thereof.

1 Possession of the appropriate effective federal certificate,  
2 permit, rating, or license relating to ownership and airworthiness of  
3 the aircraft, and payment of the excise tax imposed by Title 82 RCW for  
4 the privilege of using the aircraft within this state during the year  
5 for which the registration is sought, and payment of the registration  
6 fee required by this section shall be the only requisites for  
7 registration of an aircraft under this section.

8 The registration fee imposed by this section shall be payable to  
9 and collected by the secretary. The fee for any calendar year must be  
10 paid during the month of January, and shall be collected by the  
11 secretary at the time of the collection by him or her of the said  
12 excise tax. If the secretary is satisfied that the requirements for  
13 registration of the aircraft have been met, he or she shall thereupon  
14 issue to the owner of the aircraft a certificate of registration  
15 therefor. The secretary shall pay to the state treasurer the  
16 registration fees collected under this section, which registration fees  
17 shall be credited to the aeronautics account in the transportation  
18 fund.

19 It shall not be necessary for the registrant to provide the  
20 secretary with originals or copies of federal certificates, permits,  
21 ratings, or licenses. The secretary shall issue certificates of  
22 registration, or such other evidences of registration or payment of  
23 fees as he or she may deem proper; and in connection therewith may  
24 prescribe requirements for the possession and exhibition of such  
25 certificates or other evidences.

26 The provisions of this section shall not apply to:

27 (1) An aircraft owned by and used exclusively in the service of any  
28 government or any political subdivision thereof, including the  
29 government of the United States, any state, territory, or possession of  
30 the United States, or the District of Columbia, which is not engaged in  
31 carrying persons or property for commercial purposes;

32 (2) An aircraft registered under the laws of a foreign country;

33 (3) An aircraft which is owned by a nonresident and registered in  
34 another state: PROVIDED, That if said aircraft shall remain in and/or  
35 be based in this state for a period of ninety days or longer it shall  
36 not be exempt under this section;

1 (4) An aircraft engaged principally in commercial flying  
2 constituting an act of interstate or foreign commerce;

3 (5) An aircraft owned by the commercial manufacturer thereof while  
4 being operated for test or experimental purposes, or for the purpose of  
5 training crews for purchasers of the aircraft;

6 (6) An aircraft being held for sale, exchange, delivery, test, or  
7 demonstration purposes solely as stock in trade of an aircraft dealer  
8 licensed under Title 14 RCW;

9 (7) An aircraft based within the state that is in an unairworthy  
10 condition, is not operated within the registration period, and has  
11 obtained a written exemption issued by the secretary.

12 The secretary shall be notified within (~~one week~~) thirty days of  
13 any change in ownership of a registered aircraft. The notification  
14 shall contain the N, NC, NR, NL, or NX number of the aircraft, the full  
15 name and address of the former owner, and the full name and address of  
16 the new owner. For failure to so notify the secretary, the  
17 registration of that aircraft may be canceled by the secretary, subject  
18 to reinstatement upon application and payment of a reinstatement fee of  
19 ten dollars by the new owner.

20 (~~A municipality or port district that owns, operates, or leases an  
21 airport, as defined in RCW 47.68.020, with the intent to operate, shall  
22 require from an aircraft owner proof of aircraft registration or proof  
23 of intent to register an aircraft as a condition of leasing or selling  
24 tiedown or hangar space for an aircraft. The airport shall inform the  
25 lessee or purchaser of the tiedown or hangar space of the state law  
26 requiring registration and direct the person to comply with the state  
27 law if the person has not already done so. The airport may lease or  
28 sell tiedown or hangar space to owners of nonregistered aircraft after  
29 presenting them with the appropriate state registration forms. It is  
30 then the responsibility of the lessee or purchaser to register the  
31 aircraft. The airport shall report to the department's aviation  
32 division at the end of each month, the names, addresses, and "N"  
33 numbers of those aircraft owners not yet registered~~) A municipality or  
34 port district that owns, operates, or leases an airport, as defined in  
35 RCW 47.68.020, with the intent to operate, shall require from an  
36 aircraft owner proof of aircraft registration as a condition of leasing  
37 or selling tiedown or hanger space for an aircraft. It is the

1 responsibility of the lessee or purchaser to register the aircraft.  
2 The airport shall work with the aviation division to assist in its  
3 efforts to register aircraft by providing information about based  
4 aircraft on an annual basis as requested by the division.

5 **Sec. 5.** RCW 82.42.020 and 1996 c 104 s 13 are each amended to read  
6 as follows:

7 There is hereby levied, and there shall be collected by every  
8 distributor of aircraft fuel, an excise tax at the rate (~~computed~~  
9 ~~under RCW 82.42.025~~) of ten cents on each gallon of aircraft fuel  
10 sold, delivered or used in this state: PROVIDED HOWEVER, That such  
11 aircraft fuel excise tax shall not apply to fuel for aircraft that both  
12 operate from a private, non-state-funded airfield during at least  
13 ninety-five percent of the aircraft's normal use and are used  
14 principally for the application of pesticides, herbicides, or other  
15 agricultural chemicals and shall not apply to fuel for emergency  
16 medical air transport entities: PROVIDED FURTHER, That there shall be  
17 collected from every consumer or user of aircraft fuel either the use  
18 tax imposed by RCW 82.12.020, as amended, or the retail sales tax  
19 imposed by RCW 82.08.020, as amended, collection procedure to be as  
20 prescribed by law and/or rule or regulation of the department of  
21 revenue. The taxes imposed by this chapter shall be collected and paid  
22 to the state but once in respect to any aircraft fuel.

23 The tax required by this chapter, to be collected by the seller, is  
24 held in trust by the seller until paid to the department, and a seller  
25 who appropriates or converts the tax collected to his or her own use or  
26 to any use other than the payment of the tax to the extent that the  
27 money required to be collected is not available for payment on the due  
28 date as prescribed in this chapter is guilty of a felony, or gross  
29 misdemeanor in accordance with the theft and anticipatory provisions of  
30 Title 9A RCW. A person, partnership, corporation, or corporate officer  
31 who fails to collect the tax imposed by this section, or who has  
32 collected the tax and fails to pay it to the department in the manner  
33 prescribed by this chapter, is personally liable to the state for the  
34 amount of the tax.

1        NEW SECTION.   **Sec. 6.**   RCW 82.42.025 (Computation of aircraft fuel  
2 tax rate) and 1983 c 49 s 2 & 1982 1st ex.s. c 25 s 3 are each  
3 repealed.

4        NEW SECTION.   **Sec. 7.**   This act is necessary for the immediate  
5 preservation of the public peace, health, or safety, or support of the  
6 state government and its existing public institutions, and takes effect  
7 July 1, 2003."

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