
HOUSE BILL 2766

State of Washington

66th Legislature

2020 Regular Session

By Representatives Mead, Slatter, Dent, Klippert, and Ortiz-Self; by request of Department of Transportation

Read first time 01/21/20. Referred to Committee on Transportation.

1 AN ACT Relating to establishing an air operations branch;
2 amending RCW 47.68.380 and 47.68.020; and adding a new section to
3 chapter 47.68 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 47.68
6 RCW to read as follows:

7 The aviation division of the department shall plan, train, and
8 function as the air operations branch. The aviation division executes
9 the air operations branch incident command system responsibility for
10 a governor declaration of emergency pursuant to RCW 43.06.210 as part
11 of the emergency management division of the state military
12 department's emergency operations center response. The air operations
13 branch director reports to the state's emergency operations center
14 once activated. The aviation division director, or his or her
15 designee, shall act as the air operations branch director. As the
16 senior state aviation official, the duties of the air operations
17 branch director in preparation of, response to, and recovery for an
18 incident include:

19 (1) Prioritizing deployment and employment of air assets
20 available to the state in accordance with the priorities of the

1 director of the emergency management division of the state military
2 department;

3 (2) Assessing the ongoing needs and capabilities of aviation
4 emergency response within the state to include both manned and
5 unmanned aircraft;

6 (3) Training and composition of the air operations branch staff
7 and other associated aviation support personnel in accordance with
8 the incident command system;

9 (4) Coordinating with state and federal agencies expected to
10 contribute to the staffing of the air operations branch;

11 (5) Identifying, assessing, and assisting airfields likely to
12 support an aviation response;

13 (6) Coordinating a public outreach program;

14 (7) Maintaining operational control over air and support assets
15 for the incident or coordinating the employment and support for air
16 operation resources;

17 (8) Requesting additional aviation resources, as required,
18 through the emergency management division of the state military
19 department; and

20 (9) Undertaking other aviation emergency response coordination
21 duties that are deemed appropriate by the director of the emergency
22 management division and the air operations branch director.

23 **Sec. 2.** RCW 47.68.380 and 2008 c 34 s 1 are each amended to read
24 as follows:

25 (1) The (~~aviation division of the~~) department is responsible
26 for the conduct and management of all aerial search and rescue within
27 the state. This includes search and rescue efforts involving aircraft
28 and airships. The (~~division~~) department is also responsible for
29 search and rescue activities involving electronic emergency signaling
30 devices such as emergency locator transmitters (ELT's) and emergency
31 position indicating radio beacons (EPIRB's).

32 (2) An act or omission by any person registered with the
33 (~~aviation division of the~~) department for the purpose of engaging
34 in aerial search and rescue activities, while engaged in such
35 activities, shall not impose any liability on the department or the
36 person for civil damages resulting from the act or omission. However,
37 the immunity provided under this subsection shall not apply to an act
38 or omission that constitutes gross negligence or willful or wanton
39 misconduct. For the purpose of this subsection, "aerial search and

1 rescue activities" includes, but is not limited to, training and
2 training-related activities, but does not include appropriate search
3 and rescue activities conducted under the authority of RCW 38.52.400.

4 **Sec. 3.** RCW 47.68.020 and 1993 c 208 s 4 are each amended to
5 read as follows:

6 As used in this chapter, unless the context clearly indicates
7 otherwise:

8 (1) "Aeronautics" means the science and art of flight and
9 including but not limited to transportation by aircraft; the
10 operation, construction, repair, or maintenance of aircraft, aircraft
11 power plants and accessories, including the repair, packing, and
12 maintenance of parachutes; the design, establishment, construction,
13 extension, operation, improvement, repair, or maintenance of airports
14 or air navigation facilities; and instruction in flying or ground
15 subjects pertaining thereto.

16 (2) "Aircraft" means any contrivance now known, or hereafter
17 invented, used or designed for navigation of or flight in the air.

18 (3) "Airport" means any area of land or water which is used, or
19 intended for use, for the landing and take-off of aircraft, and any
20 appurtenant areas which are used, or intended for use, for airport
21 buildings or other airport facilities or right-of-way, together with
22 all airport buildings and facilities located thereon.

23 (4) "Department" means the state department of transportation.

24 (5) "Secretary" means the state secretary of transportation.

25 (6) "State" or "this state" means the state of Washington.

26 (7) "Air navigation facility" means any facility, other than one
27 owned or operated by the United States, used in, available for use
28 in, or designed for use in aid of air navigation, including any
29 structures, mechanisms, lights, beacons, markers, communicating
30 systems, or other instrumentalities or devices used or useful as an
31 aid, or constituting an advantage or convenience, to the safe taking-
32 off, navigation, and landing of aircraft, or the safe and efficient
33 operation or maintenance of an airport, and any combination of any or
34 all of such facilities.

35 (8) "Operation of aircraft" or "operate aircraft" means the use,
36 navigation, or piloting of aircraft in the airspace over this state
37 or upon any airport within this state.

38 (9) "Airman or airwoman" means any individual who engages, as the
39 person in command, or as pilot, mechanic, or member of the crew in

1 the navigation of aircraft while under way, and any individual who is
2 directly in charge of the inspection, maintenance, overhauling, or
3 repair of aircraft engines, airframes, propellers, or appliances, and
4 any individual who serves in the capacity of aircraft dispatcher or
5 air-traffic control tower operator; but does not include any
6 individual employed outside the United States, or any individual
7 employed by a manufacturer of aircraft, aircraft engines, airframes,
8 propellers, or appliances to perform duties as inspector or mechanic
9 in connection therewith, or any individual performing inspection or
10 mechanical duties in connection with aircraft owned or operated by
11 the person.

12 (10) "Aeronautics instructor" means any individual who for hire
13 or reward engages in giving instruction or offering to give
14 instruction in flying or ground subjects pertaining to aeronautics,
15 but excludes any instructor in a public school, university, or
16 institution of higher learning duly accredited and approved for
17 carrying on collegiate work, who instructs in flying or ground
18 subjects pertaining to aeronautics, while in the performance of his
19 or her duties at such school, university, or institution.

20 (11) "Air school" means any person who advertises, represents, or
21 holds out as giving or offering to give instruction in flying or
22 ground subjects pertaining to aeronautics whether for or without hire
23 or reward; but excludes any public school, university, or institution
24 of higher learning duly accredited and approved for carrying on
25 collegiate work.

26 (12) "Person" means any individual, firm, partnership,
27 corporation, company, association, joint stock association, or body
28 politic; and includes any trustee, receiver, assignee, or other
29 similar representative thereof.

30 (13) "Municipal" means pertaining to a municipality, and
31 "municipality" means any county, city, town, authority, district, or
32 other political subdivision or public corporation of this state.

33 (14) "Airport hazard" means any structure, object of natural
34 growth, or use of land, which obstructs the airspace required for the
35 flight of aircraft in landing or taking off at an airport or is
36 otherwise hazardous to such landing or taking off.

37 (15) "State airway" means a route in the navigable airspace over
38 and above the lands or waters of this state, designated by the
39 department as a route suitable for air navigation.

1 (16) "Air operations branch" means an organization created in
2 accordance with the incident command system to perform aviation
3 emergency response.

4 (17) "Air operations branch director" means the aviation division
5 director or his or her designee.

6 (18) "Aviation division" means the aeronautics division of the
7 department of transportation.

8 (19) "Unmanned aircraft" means an aircraft operated without the
9 possibility of direct human intervention from within or on the
10 aircraft.

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