
SUBSTITUTE SENATE BILL 5138

State of Washington

66th Legislature

2019 Regular Session

By Senate Transportation (originally sponsored by Senators Honeyford and Wagoner)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to aircraft registration; amending RCW 47.68.020,
2 47.68.250, and 47.68.250; providing effective dates; and providing an
3 expiration date.

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

5 **Sec. 1.** RCW 47.68.020 and 1993 c 208 s 4 are each amended to
6 read as follows:

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

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

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

19 (3) "Airport" means any area of land or water which is used, or
20 intended for use, for the landing and take-off of aircraft, and any
21 appurtenant areas which are used, or intended for use, for airport

1 buildings or other airport facilities or right-of-way, together with
2 all airport buildings and facilities located thereon.

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

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

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

6 (7) "Air navigation facility" means any facility, other than one
7 owned or operated by the United States, used in, available for use
8 in, or designed for use in aid of air navigation, including any
9 structures, mechanisms, lights, beacons, markers, communicating
10 systems, or other instrumentalities or devices used or useful as an
11 aid, or constituting an advantage or convenience, to the safe taking-
12 off, navigation, and landing of aircraft, or the safe and efficient
13 operation or maintenance of an airport, and any combination of any or
14 all of such facilities.

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

18 (9) "Airman or airwoman" means any individual who engages, as the
19 person in command, or as pilot, mechanic, or member of the crew in
20 the navigation of aircraft while under way, and any individual who is
21 directly in charge of the inspection, maintenance, overhauling, or
22 repair of aircraft engines, airframes, propellers, or appliances, and
23 any individual who serves in the capacity of aircraft dispatcher or
24 air-traffic control tower operator; but does not include any
25 individual employed outside the United States, or any individual
26 employed by a manufacturer of aircraft, aircraft engines, airframes,
27 propellers, or appliances to perform duties as inspector or mechanic
28 in connection therewith, or any individual performing inspection or
29 mechanical duties in connection with aircraft owned or operated by
30 the person.

31 (10) "Aeronautics instructor" means any individual who for hire
32 or reward engages in giving instruction or offering to give
33 instruction in flying or ground subjects pertaining to aeronautics,
34 but excludes any instructor in a public school, university, or
35 institution of higher learning duly accredited and approved for
36 carrying on collegiate work, who instructs in flying or ground
37 subjects pertaining to aeronautics, while in the performance of his
38 or her duties at such school, university, or institution.

39 (11) "Air school" means any person who advertises, represents, or
40 holds out as giving or offering to give instruction in flying or

1 ground subjects pertaining to aeronautics whether for or without hire
2 or reward; but excludes any public school, university, or institution
3 of higher learning duly accredited and approved for carrying on
4 collegiate work.

5 (12) "Person" means any individual, firm, partnership,
6 corporation, company, association, joint stock association, or body
7 politic; and includes any trustee, receiver, assignee, or other
8 similar representative thereof.

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

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

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

19 (16) "Commercial" means an aircraft, manned or unmanned, not used
20 exclusively for hobby or recreation.

21 **Sec. 2.** RCW 47.68.250 and 2017 3rd sp.s. c 25 s 44 are each
22 amended to read as follows:

23 (1) Every aircraft, inclusive of commercial unmanned aircraft,
24 must be registered with the department for each calendar year in
25 which the aircraft is operated or is based within this state. A fee
26 of fifteen dollars is charged for each such registration and each
27 annual renewal thereof.

28 (2) Possession of the appropriate effective federal certificate,
29 permit, rating, or license relating to ownership and airworthiness of
30 the aircraft, and payment of the excise tax imposed by Title 82 RCW
31 for the privilege of using the aircraft within this state during the
32 year for which the registration is sought, and payment of the
33 registration fee required by this section are the only requisites for
34 registration of an aircraft under this section.

35 (3) The registration fee imposed by this section is payable to
36 and collected by the secretary. The fee for any calendar year must be
37 paid during the month of January, and must be collected by the
38 secretary at the time of the collection by him or her of the excise
39 tax. If the secretary is satisfied that the requirements for

1 registration of the aircraft have been met, he or she must issue to
2 the owner of the aircraft a certificate of registration therefor. The
3 secretary must pay to the state treasurer the registration fees
4 collected under this section, which registration fees must be
5 credited to the aeronautics account.

6 (4) It is not necessary for the registrant to provide the
7 secretary with originals or copies of federal certificates, permits,
8 ratings, or licenses. The secretary must issue certificates of
9 registration, or such other evidences of registration or payment of
10 fees as he or she may deem proper; and in connection therewith may
11 prescribe requirements for the possession and exhibition of such
12 certificates or other evidences.

13 (5) The provisions of this section do not apply to:

14 (a) An aircraft owned by and used exclusively in the service of
15 any government or any political subdivision thereof, including the
16 government of the United States, any state, territory, or possession
17 of the United States, or the District of Columbia, which is not
18 engaged in carrying persons or property for commercial purposes;

19 (b) An aircraft registered under the laws of a foreign country;

20 (c) An aircraft that is owned by a nonresident if:

21 (i) The aircraft remains in this state or is based in this state,
22 or both, for a period less than ninety days; or

23 (ii) The aircraft is a large private airplane as defined in RCW
24 82.08.215 and remains in this state for a period of ninety days or
25 longer, but only when:

26 (A) The airplane is in this state exclusively for the purpose of
27 repairs, alterations, or reconstruction, including any flight testing
28 related to the repairs, alterations, or reconstruction, or for the
29 purpose of continual storage of not less than one full calendar year;

30 (B) An employee of the facility providing these services is on
31 board the airplane during any flight testing; and

32 (C) Within ninety days of the date the airplane first arrived in
33 this state during the calendar year, the nonresident files a written
34 statement with the department indicating that the airplane is exempt
35 from registration under this subsection (5)(c)(ii). The written
36 statement must be filed in a form and manner prescribed by the
37 department and must include such information as the department
38 requires. The department may require additional periodic verification
39 that the airplane remains exempt from registration under this

1 subsection (5)(c)(ii) and that written statements conform with the
2 provisions of RCW 9A.72.085;

3 (d) ~~((An))~~ A manned aircraft engaged principally in commercial
4 flying constituting an act of interstate or foreign commerce;

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

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

11 (g) An aircraft based within the state that is in an unairworthy
12 condition, is not operated within the registration period, and has
13 obtained a written exemption issued by the secretary;

14 (h) A nonresident of this state owning an aircraft, which is
15 based at an airport jointly owned or operated by a municipal
16 corporation or other governmental entity within this state and
17 another state, and the owner or operator provides proof that all
18 taxes, license fees, and registration fees required by the state in
19 which the owner or operator resides has been paid; and

20 (i) Unmanned aircraft used exclusively for hobby or recreation.

21 (6) The secretary must be notified within thirty days of any
22 change in ownership of a registered aircraft. The notification must
23 contain the ~~((N, NC, NR, NL, or NX))~~ federal number of the aircraft,
24 the full name and address of the former owner, and the full name and
25 address of the new owner. For failure to so notify the secretary, the
26 registration of that aircraft may be canceled by the secretary,
27 subject to reinstatement upon application and payment of a
28 reinstatement fee of ten dollars by the new owner.

29 (7) A municipality or port district that owns, operates, or
30 leases an airport, as defined in RCW 47.68.020, with the intent to
31 operate, must require from an aircraft owner proof of aircraft
32 registration as a condition of leasing or selling tiedown or hangar
33 space for an aircraft. It is the responsibility of the lessee or
34 purchaser to register the aircraft. Proof of registration must be
35 provided according to the following schedule:

36 (a) For the purchase of tiedown or hangar space, the municipality
37 or port district must allow the purchaser thirty days from the date
38 of the application for purchase to produce proof of aircraft
39 registration.

1 (b) For the lease of tiedown or hangar space that extends thirty
2 days or more, the municipality or port district must allow the lessee
3 thirty days to produce proof of aircraft registration from the date
4 of the application for lease of tiedown or hangar space.

5 (c) For the lease of tiedown or hangar space that extends less
6 than thirty days, the municipality or port district must allow the
7 lessee to produce proof of aircraft registration at any point prior
8 to the final day of the lease.

9 (8) The airport must work with the aviation division to assist in
10 its efforts to register aircraft by providing information about based
11 aircraft on an annual basis as requested by the division.

12 **Sec. 3.** RCW 47.68.250 and 2017 3rd sp.s. c 25 s 46 are each
13 amended to read as follows:

14 (1) Every aircraft, inclusive of commercial unmanned aircraft,
15 must be registered with the department for each calendar year in
16 which the aircraft is operated or is based within this state. A fee
17 of fifteen dollars is charged for each such registration and each
18 annual renewal thereof.

19 (2) Possession of the appropriate effective federal certificate,
20 permit, rating, or license relating to ownership and airworthiness of
21 the aircraft, and payment of the excise tax imposed by Title 82 RCW
22 for the privilege of using the aircraft within this state during the
23 year for which the registration is sought, and payment of the
24 registration fee required by this section are the only requisites for
25 registration of an aircraft under this section.

26 (3) The registration fee imposed by this section is payable to
27 and collected by the secretary. The fee for any calendar year must be
28 paid during the month of January, and collected by the secretary at
29 the time of the collection by him or her of the said excise tax. If
30 the secretary is satisfied that the requirements for registration of
31 the aircraft have been met, he or she must issue to the owner of the
32 aircraft a certificate of registration therefor. The secretary must
33 pay to the state treasurer the registration fees collected under this
34 section, which registration fees must be credited to the aeronautics
35 account.

36 (4) It is not necessary for the registrant to provide the
37 secretary with originals or copies of federal certificates, permits,
38 ratings, or licenses. The secretary must issue certificates of
39 registration, or such other evidences of registration or payment of

1 fees as he or she may deem proper; and in connection therewith may
2 prescribe requirements for the possession and exhibition of such
3 certificates or other evidences.

4 (5) The provisions of this section do not apply to:

5 (a) An aircraft owned by and used exclusively in the service of
6 any government or any political subdivision thereof, including the
7 government of the United States, any state, territory, or possession
8 of the United States, or the District of Columbia, which is not
9 engaged in carrying persons or property for commercial purposes;

10 (b) An aircraft registered under the laws of a foreign country;

11 (c) An aircraft which is owned by a nonresident and registered in
12 another state. However, if said aircraft remains in and/or is based
13 in this state for a period of ninety days or longer it is not exempt
14 under this section;

15 (d) ~~((An))~~ A manned aircraft engaged principally in commercial
16 flying constituting an act of interstate or foreign commerce;

17 (e) An aircraft owned by the commercial manufacturer thereof
18 while being operated for test or experimental purposes, or for the
19 purpose of training crews for purchasers of the aircraft;

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

23 (g) An aircraft based within the state that is in an unairworthy
24 condition, is not operated within the registration period, and has
25 obtained a written exemption issued by the secretary;

26 (h) A nonresident of this state owning an aircraft, which is
27 based at an airport jointly owned or operated by a municipal
28 corporation or other governmental entity within this state and
29 another state, and the owner or operator provides proof that all
30 taxes, license fees, and registration fees required by the state in
31 which the owner or operator resides has been paid; and

32 (i) Unmanned aircraft used exclusively for hobby or recreation.

33 (6) The secretary must be notified within thirty days of any
34 change in ownership of a registered aircraft. The notification must
35 contain the ~~((N, NC, NR, NL, or NX))~~ federal number of the aircraft,
36 the full name and address of the former owner, and the full name and
37 address of the new owner. For failure to so notify the secretary, the
38 registration of that aircraft may be canceled by the secretary,
39 subject to reinstatement upon application and payment of a
40 reinstatement fee of ten dollars by the new owner.

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2 leases an airport, as defined in RCW 47.68.020, with the intent to
3 operate, must require from an aircraft owner proof of aircraft
4 registration as a condition of leasing or selling tiedown or hangar
5 space for an aircraft. It is the responsibility of the lessee or
6 purchaser to register the aircraft. Proof of registration must be
7 provided according to the following schedule:

8 (a) For the purchase of tiedown or hangar space, the municipality
9 or port district must allow the purchaser thirty days from the date
10 of the application for purchase to produce proof of aircraft
11 registration.

12 (b) For the lease of tiedown or hangar space that extends thirty
13 days or more, the municipality or port district must allow the lessee
14 thirty days to produce proof of aircraft registration from the date
15 of the application for lease of tiedown or hangar space.

16 (c) For the lease of tiedown or hangar space that extends less
17 than thirty days, the municipality or port district must allow the
18 lessee to produce proof of aircraft registration at any point prior
19 to the final day of the lease.

20 (8) The airport must work with the aviation division to assist in
21 its efforts to register aircraft by providing information about based
22 aircraft on an annual basis as requested by the division.

23 NEW SECTION. **Sec. 4.** Sections 1 and 2 of this act take effect
24 January 1, 2020.

25 NEW SECTION. **Sec. 5.** Section 3 of this act takes effect July 1,
26 2021.

27 NEW SECTION. **Sec. 6.** Section 2 of this act expires July 1,
28 2021.

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