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**SENATE BILL 5138**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Honeyford and Wagoner

Prefiled 01/11/19. Read first time 01/14/19. Referred to Committee on Transportation.

1 AN ACT Relating to aircraft registration; amending RCW 47.68.020,  
2 47.68.250, and 47.68.250; providing an effective date; and providing  
3 an 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, that is  
20 used for compensation or hire.

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 aircraft engaged principally in commercial flying  
4 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; and

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.

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

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

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

39 (b) For the lease of tiedown or hangar space that extends thirty  
40 days or more, the municipality or port district must allow the lessee

1 thirty days to produce proof of aircraft registration from the date  
2 of the application for lease of tiedown or hangar space.

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

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

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

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

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

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

34 (4) It is not necessary for the registrant to provide the  
35 secretary with originals or copies of federal certificates, permits,  
36 ratings, or licenses. The secretary must issue certificates of  
37 registration, or such other evidences of registration or payment of  
38 fees as he or she may deem proper; and in connection therewith may

1 prescribe requirements for the possession and exhibition of such  
2 certificates or other evidences.

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

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

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

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

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

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

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

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

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

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

39 (7) A municipality or port district that owns, operates, or  
40 leases an airport, as defined in RCW 47.68.020, with the intent to

1 operate, must require from an aircraft owner proof of aircraft  
2 registration as a condition of leasing or selling tiedown or hangar  
3 space for an aircraft. It is the responsibility of the lessee or  
4 purchaser to register the aircraft. Proof of registration must be  
5 provided according to the following schedule:

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

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

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

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

21 NEW SECTION. **Sec. 4.** Section 3 of this act takes effect July 1,  
22 2021.

23 NEW SECTION. **Sec. 5.** Section 2 of this act expires July 1,  
24 2021.

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