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**HOUSE BILL 2413**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Representatives Dent, Tarleton, Dye, Gregerson, Griffey, Hargrove, Klippert, Pike, Muri, Condotta, and McBride

AN ACT Relating to aircraft registration simplification and fairness; amending RCW 47.68.240, 47.68.250, and 47.68.250; creating new sections; providing effective dates; and providing an expiration date.

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

NEW SECTION. **Sec.**  The legislature finds that the current penalty structure for late aircraft registration is unfair and excessive. The legislature further finds that the timing of providing proof of registration places a burden on aircraft owners attempting to lease or purchase hanger space for their aircraft. The legislature intends to streamline the penalty structure of late registrations and clarify the requirements for providing proof of registration in order to reduce administrative processes and eliminate excessive penalty charges.

**Sec.**  RCW 47.68.240 and 2005 c 341 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, any person violating any of the provisions of this chapter, or any of the rules, regulations, or orders issued pursuant thereto, is guilty of a misdemeanor.

(2)(a) Any person violating any of the provisions of RCW 47.68.220, 47.68.230, or 47.68.255 is guilty of a gross misdemeanor.

(b) In addition to, or in lieu of, the penalties provided in this section, or as a condition to the suspension of a sentence which may be imposed pursuant thereto, for violations of RCW 47.68.220 and 47.68.230, the court in its discretion may prohibit the violator from operating an aircraft within the state for such period as it may determine but not to exceed one year. Violation of the duly imposed prohibition of the court may be treated as a separate offense under this section or as a contempt of court.

(3) In addition to the provisions of subsections (1) and (2) of this section, failure to register an aircraft, as required by this chapter is subject to ((~~the following civil penalties:~~

~~(a) If the aircraft registration is sixty days to one hundred nineteen days past due, the civil penalty is one hundred dollars.~~

~~(b) If the aircraft registration is one hundred twenty days to one hundred eighty days past due, the civil penalty is two hundred dollars.~~

~~(c) If the aircraft registration is over one hundred eighty days past due, the civil penalty is four hundred dollars~~)) a penalty of one hundred dollars if the aircraft registration is sixty days or more past due.

(4) The revenue from ((~~penalties~~)) the penalty prescribed in subsection (3) of this section must be deposited into the aeronautics account under RCW 82.42.090.

**Sec.**  RCW 47.68.250 and 2013 2nd sp.s. c 13 s 1102 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

(C) Within ninety days of the date the airplane first arrived in this state during the calendar year, the nonresident files a written statement with the department indicating that the airplane is exempt from registration under this subsection (5)(c)(ii). The written statement must be filed in a form and manner prescribed by the department and must include such information as the department requires. The department may require additional periodic verification that the airplane remains exempt from registration under this subsection (5)(c)(ii) and that written statements conform with the provisions of RCW 9A.72.085;

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

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

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

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

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

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

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

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

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

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

**Sec.**  RCW 47.68.250 and 2003 c 375 s 4 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NEW SECTION. **Sec.**  Section 2 of this act applies to registrations that initially become past due beginning on or after July 1, 2016.

NEW SECTION. **Sec.**  Section 3 of this act takes effect July 1, 2016.

NEW SECTION. **Sec.**  Section 3 of this act expires July 1, 2021.

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

**--- END ---**