

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5337

Chapter 208, Laws of 1993

(partial veto)

53rd Legislature
1993 Regular Session

AIRCRAFT REGISTRATION AND AIRMAN OR AIRWOMAN
REGISTRATION--REVISIONS

EFFECTIVE DATE: 7/25/93

Passed by the Senate March 8, 1993
YEAS 47 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House April 15, 1993
YEAS 95 NAYS 1

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Approved May 6, 1993, with the
exception of section 6, which is
vetoed.

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the
Senate of the State of Washington, do
hereby certify that the attached is
SUBSTITUTE SENATE BILL 5337 as passed
by the Senate and the House of
Representatives on the dates hereon
set forth.

MARTY BROWN

Secretary

FILED

May 6, 1993 - 1:26 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5337

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Sutherland and Vognild)

Read first time 02/10/93.

1 AN ACT Relating to the department of transportation's aeronautics
2 division; amending RCW 14.20.010, 14.20.020, 47.68.020, 47.68.230,
3 47.68.240, and 47.68.250; adding a new section to chapter 47.68 RCW;
4 and prescribing penalties.

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

6 **Sec. 1.** RCW 14.20.010 and 1984 c 7 s 9 are each amended to read as
7 follows:

8 When used in this chapter and RCW 47.68.250 and 82.48.100:

9 (1) "Person" includes a firm, partnership, or corporation;

10 (2) "Dealer" means a person engaged in the business of selling,
11 exchanging, or acting as a broker of aircraft or who offers for sale
12 two or more aircraft within a calendar year;

13 (3) "Aircraft" means any weight-carrying device or structure for
14 navigation of the air, designed to be supported by the air, but which
15 is heavier than air and is mechanically driven;

16 (4) "Secretary" means the secretary of the state department of
17 transportation.

1 **Sec. 2.** RCW 14.20.020 and 1984 c 7 s 10 are each amended to read
2 as follows:

3 (1) It is unlawful for a person to act as an aircraft dealer
4 without a currently valid aircraft dealer's license issued under this
5 chapter. A person acting as an aircraft dealer without a currently
6 issued aircraft dealer's license is guilty of a misdemeanor and shall
7 be punished by either a fine of not more than one thousand dollars or
8 by imprisonment for not more than ninety days, or both. A person
9 convicted on a second or subsequent conviction within a five-year
10 period is guilty of a gross misdemeanor and shall be punished by either
11 a fine of not more than five thousand dollars or by imprisonment for
12 not more than one year, or both. In addition to, or in lieu of, the
13 penalties provided in this section, or as a condition to the suspension
14 of a sentence that may be imposed under this section, the court in its
15 discretion may prohibit the violator from acting as an aircraft dealer
16 within the state for such a period as it may determine but not to
17 exceed one year. Violation of the duly imposed prohibition of the
18 court may be treated as a separate offense under this section or as
19 contempt of court.

20 (2) Any person applying for an aircraft dealer's license shall do
21 so at the office of the secretary on a form provided for that purpose
22 by the secretary.

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.68 RCW
24 to read as follows:

25 The department shall require that every airman or airwoman that is
26 not registered under RCW 47.68.233 and who is a resident of this state,
27 or every nonresident airman or airwoman who is regularly performing
28 duties as an airman or airwoman within this state, be registered with
29 the department. The department shall charge an annual fee not to
30 exceed ten dollars for each registration. A registration certificate
31 issued under this section is to be renewed annually during the month of
32 the registrant's birthdate.

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

37 Registration is affected by filing with the department a certified
38 written statement that contains the information reasonably required by

1 the department. The department shall issue certificates of
2 registration and, in connection with the certificates, shall provide
3 requirements for the possession and exhibition of the certificates.

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

7 **Sec. 4.** RCW 47.68.020 and 1984 c 7 s 342 are each amended to read
8 as follows:

9 As used in this chapter, unless the context clearly indicates
10 otherwise:

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

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

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

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

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

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

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

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

4 (9) "Airman or airwoman" means any individual who engages, as the
5 person in command, or as pilot, mechanic, or member of the crew in the
6 navigation of aircraft while under way, and any individual who is
7 directly in charge of the inspection, maintenance, overhauling, or
8 repair of aircraft engines, airframes, propellers, or appliances, and
9 any individual who serves in the capacity of aircraft dispatcher or
10 air-traffic control tower operator; but does not include any individual
11 employed outside the United States, or any individual employed by a
12 manufacturer of aircraft, aircraft engines, airframes, propellers, or
13 appliances to perform duties as inspector or mechanic in connection
14 therewith, or any individual performing inspection or mechanical duties
15 in connection with aircraft owned or operated by the person.

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

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

30 (12) "Person" means any individual, firm, partnership, corporation,
31 company, association, joint stock association, or body politic; and
32 includes any trustee, receiver, assignee, or other similar
33 representative thereof.

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

37 (14) "Airport hazard" means any structure, object of natural
38 growth, or use of land, which obstructs the airspace required for the

1 flight of aircraft in landing or taking off at an airport or is
2 otherwise hazardous to such landing or taking off.

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

6 **Sec. 5.** RCW 47.68.230 and 1987 c 220 s 1 are each amended to read
7 as follows:

8 It shall be unlawful for any person to operate or cause or
9 authorize to be operated any civil aircraft within this state unless
10 such aircraft has an appropriate effective certificate, permit or
11 license issued by the United States, if such certificate, permit or
12 license is required by the United States, and a current registration
13 certificate issued by the secretary of transportation, if registration
14 of the aircraft with the department of transportation is required by
15 this chapter. It shall be unlawful for any person to engage in
16 aeronautics as an airman or airwoman in the state unless ((he)) the
17 person has an appropriate effective airman or airwoman certificate,
18 permit, rating or license issued by the United States authorizing him
19 or her to engage in the particular class of aeronautics in which he or
20 she is engaged, if such certificate, permit, rating or license is
21 required by the United States and a current airman's or airwoman's
22 registration certificate issued by the department of transportation as
23 required by RCW 47.68.233 or section 3 of this act.

24 Where a certificate, permit, rating or license is required for an
25 airman or airwoman by the United States or by RCW 47.68.233 or section
26 3 of this act, it shall be kept in his or her personal possession when
27 he or she is operating within the state. Where a certificate, permit
28 or license is required by the United States or by this chapter for an
29 aircraft, it shall be carried in the aircraft at all times while the
30 aircraft is operating in the state and shall be conspicuously posted in
31 the aircraft where it may be readily seen by passengers or inspectors.
32 Such certificates shall be presented for inspection upon the demand of
33 any peace officer, or any other officer of the state or of a
34 municipality or member, official or employee of the department of
35 transportation authorized pursuant to this chapter to enforce the
36 aeronautics laws, or any official, manager or person in charge of any
37 airport, or upon the reasonable request of any person.

1 **Sec. 6. RCW 47.68.240 and 1987 c 202 s 216 are each amended to*
2 *read as follows:*

3 *Any person violating any of the provisions of this chapter, or any*
4 *of the rules, regulations, or orders issued pursuant thereto, shall be*
5 *guilty of a misdemeanor and shall be punished by a fine of not more*
6 *than one ((~~hundred~~)) thousand dollars or by imprisonment for not more*
7 *than ((~~thirty~~)) ninety days, or both such fine and imprisonment:*
8 *PROVIDED, That any person violating any of the provisions of RCW*
9 *47.68.220 ((~~or 47.68.230~~)) shall be guilty of a gross misdemeanor which*
10 *shall be punished by a fine of not more than ((~~one~~)) five thousand*
11 *dollars or by imprisonment for not more than one year or by both ((~~in~~*
12 *any proceeding brought in superior court and by a fine of not more than*
13 *five hundred dollars or by imprisonment for not more than six months or*
14 *by both in any proceedings brought in district court)). In addition*
15 *to, or in lieu of, the penalties provided in this section, or as a*
16 *condition to the suspension of a sentence which may be imposed pursuant*
17 *thereto, the court in its discretion may prohibit the violator from*
18 *operating an aircraft within the state for such period as it may*
19 *determine but not to exceed one year. Violation of the duly imposed*
20 *prohibition of the court may be treated as a separate offense under*
21 *this section or as a contempt of court.*

22 **Sec. 6 was vetoed, see message at end of chapter.*

23 **Sec. 7.** RCW 47.68.250 and 1987 c 220 s 3 are each amended to read
24 as follows:

25 Every aircraft shall be registered with the department for each
26 calendar year in which the aircraft is operated or is based within this
27 state. A fee of four dollars shall be charged for each such
28 registration and each annual renewal thereof.

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

36 The registration fee imposed by this section shall be payable to
37 and collected by the secretary. The fee for any calendar year must be
38 paid during the month of January, and shall be collected by the

1 secretary at the time of the collection by him or her of the said
2 excise tax. If the secretary is satisfied that the requirements for
3 registration of the aircraft have been met, he or she shall thereupon
4 issue to the owner of the aircraft a certificate of registration
5 therefor. The secretary shall pay to the state treasurer the
6 registration fees collected under this section, which registration fees
7 shall be credited to the aeronautics account in the general fund.

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

15 The provisions of this section shall not apply to:

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

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

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

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

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

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

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

37 The secretary shall be notified within one week of any change in
38 ownership of a registered aircraft. The notification shall contain the
39 N, NC, NR, NL, or NX number of the aircraft, the full name and address

1 of the former owner, and the full name and address of the new owner.
2 For failure to so notify the secretary, the registration of that
3 aircraft may be canceled by the secretary, subject to reinstatement
4 upon application and payment of a reinstatement fee of ten dollars by
5 the new owner.

Passed the Senate March 8, 1993.

Passed the House April 15, 1993.

Approved by the Governor May 6, 1993, with the exception of certain
items which were vetoed.

Filed in Office of Secretary of State May 6, 1993.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 6,
Substitute Senate Bill No. 5337 entitled:

"AN ACT Relating to the department of transportation's aeronautics
division."

Section 6 of the bill amends RCW 47.68.240, addressing the
penalties associated with violations of the aeronautics statutes in
chapter 47.68 RCW.

Engrossed Substitute House Bill No. 1127, which is awaiting my
approval, deals with licensing and penalty issues generally for motor
vehicles, water craft and aircraft, and also amends RCW 47.68.240 to
make the penalties uniform between all modes of transportation.

In this instance, I believe it is appropriate to defer to the
Legislature's judgment in their efforts to have uniform penalties for
all modes of transportation.

For these reasons, I have vetoed Section 6 of Substitute Senate
Bill No. 5337.

With the exception of section 6, Substitute Senate Bill No. 5337 is
approved."