

SB 6056 - H AMD
By Representative

ADOPTED AS AMENDED 04/27/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 47.68.233 and 2000 c 176 s 1 are each amended to read
4 as follows:

5 The department shall require that every pilot who is a resident of
6 this state and every nonresident pilot who regularly operates any
7 aircraft in this state be registered with the department. The
8 department shall charge an annual fee (~~((not to exceed ten dollars))~~) of
9 fifteen dollars for each registration. For the period of July 1, 2003,
10 through June 30, 2005, seven dollars of each registration fee collected
11 shall be deposited into the aeronautics account, to be used solely for
12 airport maintenance. All registration certificates issued under this
13 section shall be renewed annually during the month of the registrant's
14 birthdate.

15 Except as provided in the paragraph above, the registration fee
16 imposed by this section shall be used by the department for the purpose
17 of (a) search and rescue of lost and downed aircraft and airmen under
18 the direction and supervision of the secretary, (b) safety and
19 education, and (c) volunteer recognition and support.

20 Registration shall be effected by filing with the department a
21 certified written statement that contains the information reasonably
22 required by the department. The department shall issue certificates of
23 registration and in connection therewith shall prescribe requirements
24 for the possession and exhibition of the certificates.

25 The provisions of this section do not apply to:

26 (1) A pilot who operates an aircraft exclusively in the service of
27 any government or any political subdivision thereof, including the
28 government of the United States, any state, territory, or possession of
29 the United States, or the District of Columbia;

30 (2) A pilot registered under the laws of a foreign country;

1 (3) A pilot engaged exclusively in commercial flying constituting
2 an act of interstate or foreign commerce;

3 (4) A person piloting an aircraft equipped with fully functioning
4 dual controls when a licensed instructor is in full charge of one set
5 of the controls and the flight is solely for instruction or for the
6 demonstration of the aircraft to a bona fide prospective purchaser.

7 Failure to register as provided in this section is a violation of
8 RCW 47.68.230 and subjects the offender to the penalties incident
9 thereto.

10 **Sec. 2.** RCW 47.68.234 and 1993 c 208 s 3 are each amended to read
11 as follows:

12 The department shall require that every airman or airwoman that is
13 not registered under RCW 47.68.233 and who is a resident of this state,
14 or every nonresident airman or airwoman who is regularly performing
15 duties as an airman or airwoman within this state, be registered with
16 the department. The department shall charge an annual fee (~~not to~~
17 ~~exceed ten dollars~~) of fifteen dollars for each registration. For the
18 period of July 1, 2003, through June 30, 2005, seven dollars of which
19 shall be deposited into the aeronautics account, to be used solely for
20 airport maintenance. A registration certificate issued under this
21 section is to be renewed annually during the month of the registrant's
22 birthdate.

23 Except as provided in the paragraph above, the department shall use
24 the registration fee imposed under this section for the purposes of:
25 (1) Search and rescue of lost and downed aircraft and airmen or
26 airwomen under the direction and supervision of the secretary; and (2)
27 safety and education.

28 Registration is (~~affected [effected]~~) effected by filing with the
29 department a certified written statement that contains the information
30 reasonably required by the department. The department shall issue
31 certificates of registration and, in connection with the certificates,
32 shall provide requirements for the possession and exhibition of the
33 certificates.

34 Failure to register as provided in this section is a violation of
35 RCW 47.68.230 and subjects the offender to the penalties incident to
36 this section.

1 **Sec. 3.** RCW 47.68.240 and 2000 c 229 s 2 are each amended to read
2 as follows:

3 (1) Any person violating any of the provisions of this chapter, or
4 any of the rules, regulations, or orders issued pursuant thereto, shall
5 be guilty of a misdemeanor and shall be punished as provided under
6 chapter 9A.20 RCW, except that any person violating any of the
7 provisions of RCW 47.68.220, 47.68.230, or 47.68.255 shall be guilty of
8 a gross misdemeanor which shall be punished as provided under chapter
9 9A.20 RCW. In addition to, or in lieu of, the penalties provided in
10 this section, or as a condition to the suspension of a sentence which
11 may be imposed pursuant thereto, for violations of RCW 47.68.220 and
12 47.68.230, the court in its discretion may prohibit the violator from
13 operating an aircraft within the state for such period as it may
14 determine but not to exceed one year. Violation of the duly imposed
15 prohibition of the court may be treated as a separate offense under
16 this section or as a contempt of court.

17 (2) In addition to the provisions of subsection (1) of this
18 section, failure to register an aircraft, as required by this chapter
19 is subject to the following civil penalties:

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

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

24 (c) If the aircraft registration is over one hundred eighty days
25 past due, the civil penalty is four hundred dollars.

26 (3) In addition to the provisions in subsection (1) of this
27 section, failure to register as a pilot, airman, or airwoman, as
28 required by this chapter, is subject to a civil penalty of four times
29 the fees that are due. If the pilot registration is sixty days past
30 due, the pilot, airman, or airwoman is subject to the civil penalty of
31 four times the fees that are due.

32 (4) The revenue from penalties prescribed in subsection (2) of this
33 section must be deposited into the aeronautics account under RCW
34 82.42.090. The revenue from penalties prescribed in subsection (3) of
35 this section must be deposited into the aircraft search and rescue,
36 safety, and education account under RCW 47.68.236.

1 **Sec. 4.** RCW 47.68.250 and 1999 c 302 s 2 are each amended to read
2 as follows:

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

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

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

25 It shall not be necessary for the registrant to provide the
26 secretary with originals or copies of federal certificates, permits,
27 ratings, or licenses. The secretary shall issue certificates of
28 registration, or such other evidences of registration or payment of
29 fees as he or she may deem proper; and in connection therewith may
30 prescribe requirements for the possession and exhibition of such
31 certificates or other evidences.

32 The provisions of this section shall not apply to:

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

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

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

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

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

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

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

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

25 (~~A municipality or port district that owns, operates, or leases an~~
26 ~~airport, as defined in RCW 47.68.020, with the intent to operate, shall~~
27 ~~require from an aircraft owner proof of aircraft registration or proof~~
28 ~~of intent to register an aircraft as a condition of leasing or selling~~
29 ~~tiedown or hangar space for an aircraft. The airport shall inform the~~
30 ~~lessee or purchaser of the tiedown or hangar space of the state law~~
31 ~~requiring registration and direct the person to comply with the state~~
32 ~~law if the person has not already done so. The airport may lease or~~
33 ~~sell tiedown or hangar space to owners of nonregistered aircraft after~~
34 ~~presenting them with the appropriate state registration forms. It is~~
35 ~~then the responsibility of the lessee or purchaser to register the~~
36 ~~aircraft. The airport shall report to the department's aviation~~
37 ~~division at the end of each month, the names, addresses, and "N"~~

1 ~~numbers of those aircraft owners not yet registered))~~ A municipality or
2 port district that owns, operates, or leases an airport, as defined in
3 RCW 47.68.020, with the intent to operate, shall require from an
4 aircraft owner proof of aircraft registration as a condition of leasing
5 or selling tiedown or hanger space for an aircraft. It is the
6 responsibility of the lessee or purchaser to register the aircraft.
7 The airport shall work with the aviation division to assist in its
8 efforts to register aircraft by providing information about based
9 aircraft on an annual basis as requested by the division.

10 **Sec. 5.** RCW 82.42.020 and 1996 c 104 s 13 are each amended to read
11 as follows:

12 There is hereby levied, and there shall be collected by every
13 distributor of aircraft fuel, an excise tax at the rate (~~computed~~
14 ~~under RCW 82.42.025~~) of ten cents on each gallon of aircraft fuel
15 sold, delivered or used in this state: PROVIDED HOWEVER, That such
16 aircraft fuel excise tax shall not apply to fuel for aircraft that both
17 operate from a private, non-state-funded airfield during at least
18 ninety-five percent of the aircraft's normal use and are used
19 principally for the application of pesticides, herbicides, or other
20 agricultural chemicals and shall not apply to fuel for emergency
21 medical air transport entities: PROVIDED FURTHER, That there shall be
22 collected from every consumer or user of aircraft fuel either the use
23 tax imposed by RCW 82.12.020, as amended, or the retail sales tax
24 imposed by RCW 82.08.020, as amended, collection procedure to be as
25 prescribed by law and/or rule or regulation of the department of
26 revenue. The taxes imposed by this chapter shall be collected and paid
27 to the state but once in respect to any aircraft fuel.

28 The tax required by this chapter, to be collected by the seller, is
29 held in trust by the seller until paid to the department, and a seller
30 who appropriates or converts the tax collected to his or her own use or
31 to any use other than the payment of the tax to the extent that the
32 money required to be collected is not available for payment on the due
33 date as prescribed in this chapter is guilty of a felony, or gross
34 misdemeanor in accordance with the theft and anticipatory provisions of
35 Title 9A RCW. A person, partnership, corporation, or corporate officer
36 who fails to collect the tax imposed by this section, or who has

1 collected the tax and fails to pay it to the department in the manner
2 prescribed by this chapter, is personally liable to the state for the
3 amount of the tax.

4 NEW SECTION. **Sec. 6.** RCW 82.42.025 (Computation of aircraft fuel
5 tax rate) and 1983 c 49 s 2 & 1982 1st ex.s. c 25 s 3 are each
6 repealed.

7 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 July 1, 2003."

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