
SUBSTITUTE SENATE BILL 5392

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Highways & Transportation (originally sponsored by Senators Haugen, Horn, Jacobsen and Swecker)

READ FIRST TIME 02/27/03.

1 AN ACT Relating to increasing fees for pilots and aircraft;
2 amending RCW 47.68.233, 47.68.234, 47.68.250, and 82.42.020; repealing
3 RCW 82.42.025; providing an effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 47.68.233 and 2000 c 176 s 1 are each amended to read
6 as follows:

7 The department shall require that every pilot who is a resident of
8 this state and every nonresident pilot who regularly operates any
9 aircraft in this state be registered with the department. The
10 department shall charge an annual fee (~~(not to exceed ten dollars)~~) of
11 fifteen dollars for each registration. All registration certificates
12 issued under this section shall be renewed annually during the month of
13 the registrant's birthdate.

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

1 Registration shall be effected by filing with the department a
2 certified written statement that contains the information reasonably
3 required by the department. The department shall issue certificates of
4 registration and in connection therewith shall prescribe requirements
5 for the possession and exhibition of the certificates.

6 The provisions of this section do not apply to:

7 (1) A pilot who operates an aircraft exclusively in the service of
8 any government or any political subdivision thereof, including the
9 government of the United States, any state, territory, or possession of
10 the United States, or the District of Columbia;

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

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

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

18 Failure to register as provided in this section is a violation of
19 RCW 47.68.230 and subjects the offender to the penalties incident
20 thereto.

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

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

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

35 Registration is (~~affected [effected]~~) effected by filing with the
36 department a certified written statement that contains the information
37 reasonably required by the department. The department shall issue

1 certificates of registration and, in connection with the certificates,
2 shall provide requirements for the possession and exhibition of the
3 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. 3.** RCW 47.68.250 and 1999 c 302 s 2 are each amended to read
8 as follows:

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

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

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

31 It shall not be necessary for the registrant to provide the
32 secretary with originals or copies of federal certificates, permits,
33 ratings, or licenses. The secretary shall issue certificates of
34 registration, or such other evidences of registration or payment of
35 fees as he or she may deem proper; and in connection therewith may
36 prescribe requirements for the possession and exhibition of such
37 certificates or other evidences.

1 The provisions of this section shall not apply to:

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

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

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

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

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

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

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

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

31 A municipality or port district that owns, operates, or leases an
32 airport, as defined in RCW 47.68.020, with the intent to operate, shall
33 require from an aircraft owner proof of aircraft registration (~~(or~~
34 ~~proof of intent to register an aircraft)~~) as a condition of leasing or
35 selling tiedown or hangar space for an aircraft. The airport shall
36 inform the lessee or purchaser of the tiedown or hangar space of the
37 state law requiring registration and direct the person to comply with
38 the state law if the person has not already done so. The airport may

1 lease or sell tiedown or hangar space to owners of nonregistered
2 aircraft after presenting them with the appropriate state registration
3 forms. It is then the responsibility of the lessee or purchaser to
4 register the aircraft. The airport shall report to the department's
5 aviation division at the end of each month, the names, addresses, and
6 "N" numbers of those aircraft owners not yet registered.

7 **Sec. 4.** RCW 82.42.020 and 1996 c 104 s 13 are each amended to read
8 as follows:

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

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

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

4 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
5 preservation of the public peace, health, or safety, or support of the
6 state government and its existing public institutions, and takes effect
7 July 1, 2003.

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