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SENATE BILL 6056

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State of Washington

58th Legislature

2003 Regular Session

By Senators Haugen and Horn

Read first time 03/31/2003. Referred to Committee on Highways & Transportation.

1 AN ACT Relating to fees, taxes, and penalties for pilots and  
2 aircraft; amending RCW 47.68.233, 47.68.234, 47.68.240, 47.68.250, and  
3 82.42.020; repealing RCW 82.42.025; prescribing penalties; providing an  
4 effective date; and declaring an emergency.

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

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

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

15 The registration fee imposed by this section shall be used by the  
16 department for the purpose of (a) search and rescue of lost and downed  
17 aircraft and airmen under the direction and supervision of the  
18 secretary, (b) safety and education, and (c) volunteer recognition and  
19 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 47.68.240 and 2000 c 229 s 2 are each amended to read  
8 as follows:

9 (1) Any person violating any of the provisions of this chapter, or  
10 any of the rules, regulations, or orders issued pursuant thereto, shall  
11 be guilty of a misdemeanor and shall be punished as provided under  
12 chapter 9A.20 RCW, except that any person violating any of the  
13 provisions of RCW 47.68.220, 47.68.230, or 47.68.255 shall be guilty of  
14 a gross misdemeanor which shall be punished as provided under chapter  
15 9A.20 RCW. In addition to, or in lieu of, the penalties provided in  
16 this section, or as a condition to the suspension of a sentence which  
17 may be imposed pursuant thereto, for violations of RCW 47.68.220 and  
18 47.68.230, the court in its discretion may prohibit the violator from  
19 operating an aircraft within the state for such period as it may  
20 determine but not to exceed one year. Violation of the duly imposed  
21 prohibition of the court may be treated as a separate offense under  
22 this section or as a contempt of court.

23 (2) In addition to the provisions of subsection (1) of this  
24 section, failure to register an aircraft, as required by this chapter,  
25 is subject to a civil penalty of one hundred dollars per aircraft for  
26 the first violation. Subsequent violations in the same year are  
27 subject to the following civil penalties:

28 (a) For the second violation, a civil penalty of two hundred  
29 dollars per aircraft;

30 (b) For the third and subsequent violations, a civil penalty of  
31 four hundred dollars per aircraft.

32 (3) In addition to the provisions in subsection (1) of this  
33 section, failure to register as a pilot, airman, or airwoman, as  
34 required by this chapter, is subject to a civil penalty of four times  
35 the fees that are due.

36 (4) The revenue from penalties prescribed in subsection (2) of this  
37 section must be deposited into the aeronautics account under RCW

1 82.42.090. The revenue from penalties prescribed in subsection (3) of  
2 this section must be deposited into the aircraft search and rescue,  
3 safety, and education account under RCW 47.68.236.

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

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

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

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

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

35 The provisions of this section shall not apply to:

36 (1) An aircraft owned by and used exclusively in the service of any  
37 government or any political subdivision thereof, including the

1 government of the United States, any state, territory, or possession of  
2 the United States, or the District of Columbia, which is not engaged in  
3 carrying persons or property for commercial purposes;

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

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

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

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

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

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

20 The secretary shall be notified within (~~one week~~) thirty days of  
21 any change in ownership of a registered aircraft. The notification  
22 shall 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 of  
24 the new owner. For failure to so notify the secretary, the  
25 registration of that aircraft may be canceled by the secretary, subject  
26 to reinstatement upon application and payment of a reinstatement fee of  
27 ten dollars by the new owner.

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

1 register the aircraft. The airport shall report to the department's  
2 aviation division at the end of each month, the names, addresses, and  
3 "N" numbers of those aircraft owners not yet registered.

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

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

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

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

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

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