

CERTIFICATION OF ENROLLMENT

SENATE BILL 5627

Chapter 56, Laws of 2013

63rd Legislature
2013 Regular Session

TAXES--COMMUTER AIR CARRIERS

EFFECTIVE DATE: 01/01/14

Passed by the Senate March 11, 2013
YEAS 41 NAYS 8

BRAD OWEN

President of the Senate

Passed by the House April 9, 2013
YEAS 71 NAYS 22

FRANK CHOPP

Speaker of the House of Representatives

Approved April 23, 2013, 4:42 p.m.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5627** as passed by the Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

April 24, 2013

**Secretary of State
State of Washington**

SENATE BILL 5627

Passed Legislature - 2013 Regular Session

State of Washington 63rd Legislature 2013 Regular Session

By Senators Eide, Parlette, Ranker, Shin, and Litzow

Read first time 02/06/13. Referred to Committee on Transportation.

1 AN ACT Relating to the taxation of commuter air carriers; amending
2 RCW 84.12.200, 82.48.010, and 82.48.030; adding a new section to
3 chapter 84.36 RCW; and providing an effective date.

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

5 **Sec. 1.** RCW 84.12.200 and 1998 c 335 s 1 are each amended to read
6 as follows:

7 (~~For the purposes of this chapter and unless otherwise required by~~
8 ~~the context:~~) The definitions in this section apply throughout this
9 chapter unless the context clearly requires otherwise.

10 (1) "Department" without other designation means the department of
11 revenue of the state of Washington.

12 (2) "Railroad company" means and includes any person owning or
13 operating a railroad, street railway, suburban railroad or interurban
14 railroad in this state, whether its line of railroad be maintained at
15 the surface, or above or below the surface of the earth, or by whatever
16 power its vehicles are transported; or owning any station, depot,
17 terminal or bridge for railroad purposes, as owner, lessee or
18 otherwise.

1 (3)(a) "Airplane company" means and includes any person owning,
2 controlling, operating or managing real or personal property, used or
3 to be used for or in connection with or to facilitate the conveyance
4 and transportation of persons and/or property by aircraft, and engaged
5 in the business of transporting persons and/or property for
6 compensation, as owner, lessee or otherwise.

7 (b) "Airplane company" does not include a "commuter air carrier" as
8 defined in RCW 82.48.010, whose ground property and equipment is
9 located primarily on privately held real property.

10 (4) "Electric light and power company" means and includes any
11 person owning, controlling, operating or managing real or personal
12 property, used or to be used for or in connection with or to facilitate
13 the generation, transmission or distribution of electricity in this
14 state, and engaged in the business of furnishing, transmitting,
15 distributing or generating electrical energy for light, heat or power
16 for compensation as owner, lessee or otherwise.

17 (5) "Telegraph company" means and includes any person owning,
18 controlling, operating or managing any telegraph or cable line in this
19 state, with appliances for the transmission of messages, and engaged in
20 the business of furnishing telegraph service for compensation, as
21 owner, lessee or otherwise.

22 (6) "Telephone company" means and includes any person owning,
23 controlling, operating or managing real or personal property, used or
24 to be used for or in connection with or to facilitate the transmission
25 of communication by telephone in this state through owned or controlled
26 exchanges and/or switchboards, and engaged in the business of
27 furnishing telephonic communication for compensation as owner, lessee
28 or otherwise.

29 (7) "Gas company" means and includes any person owning,
30 controlling, operating or managing real or personal property, used or
31 to be used for or in connection with or to facilitate the manufacture,
32 transportation, or distribution of natural or manufactured gas in this
33 state, and engaged for compensation in the business of furnishing gas
34 for light, heat, power or other use, as owner, lessee or otherwise.

35 (8) "Pipe line company" means and includes any person owning,
36 controlling, operating or managing real or personal property, used or
37 to be used for or in connection with or to facilitate the conveyance or

1 transportation of oils, natural or manufactured gas and/or other
2 substances, except water, by pipe line in this state, and engaged in
3 such business for compensation, as owner, lessee or otherwise.

4 (9) "Logging railroad company" means and includes any person
5 owning, controlling, operating or managing real or personal property,
6 used or to be used for or in connection with or to facilitate the
7 conveyance and transportation of forest products by rail in this state,
8 and engaged in the business of transporting forest products either as
9 private carrier or carrier for hire.

10 (10) "Person" means and includes any individual, firm,
11 copartnership, joint venture, association, corporation, trust, or any
12 other group acting as a unit, whether mutual, cooperative or otherwise,
13 and/or trustees or receivers appointed by any court.

14 (11) "Company" means and includes any railroad company, airplane
15 company, electric light and power company, telegraph company, telephone
16 company, gas company, pipe line company, or logging railroad company;
17 and the term "companies" means and includes all of such companies.

18 (12) "Operating property" means and includes all property, real and
19 personal, owned by any company, or held by it as occupant, lessee or
20 otherwise, including all franchises and lands, buildings, rights-of-
21 way, water powers, motor vehicles, wagons, horses, aircraft,
22 aerodromes, hangars, office furniture, water mains, gas mains, pipe
23 lines, pumping stations, tanks, tank farms, holders, reservoirs,
24 telephone lines, telegraph lines, transmission and distribution lines,
25 dams, generating plants, poles, wires, cables, conduits, switch boards,
26 devices, appliances, instruments, equipment, machinery, landing slips,
27 docks, roadbeds, tracks, terminals, rolling stock equipment,
28 appurtenances and all other property of a like or different kind,
29 situate within the state of Washington, used by the company in the
30 conduct of its operations; and, in case of personal property used
31 partly within and partly without the state, it means and includes a
32 proportion of such personal property to be determined as in this
33 chapter provided.

34 (13) "Nonoperating property" means all physical property owned by
35 any company, other than that used during the preceding calendar year in
36 the conduct of its operations. It includes all lands and/or buildings
37 wholly used by any person other than the owning company. In cases
38 where lands and/or buildings are used partially by the owning company

1 in the conduct of its operations and partially by any other person not
2 assessable under this chapter under lease, sublease, or other form of
3 tenancy, the operating and nonoperating property of the company whose
4 property is assessed (~~hereunder shall~~) under this section must be
5 determined by the department of revenue in such manner as will, in its
6 judgment, secure the separate valuation of such operating and
7 nonoperating property upon a fair and equitable basis. The amount of
8 operating revenue received from tenants or occupants of property of the
9 owning company (~~shall~~) may not be considered material in determining
10 the classification of such property.

11 **Sec. 2.** RCW 82.48.010 and 1995 c 318 s 4 are each amended to read
12 as follows:

13 (~~For the purposes of this chapter, unless otherwise required by~~
14 ~~the context:~~) The definitions in this section apply throughout this
15 chapter unless the context clearly requires otherwise.

16 (1) "Aircraft" means any weight-carrying device or structure for
17 navigation of the air which is designed to be supported by the
18 air(~~+~~).

19 (2) "Secretary" means the secretary of transportation(~~+~~).

20 (3) "Person" includes a firm, partnership, limited liability
21 company, or corporation(~~+~~).

22 (4) "Small multi-engine fixed wing" means any piston-driven multi-
23 engine fixed wing aircraft with a maximum gross weight as listed by the
24 manufacturer of less than seventy-five hundred pounds(~~+~~ and).

25 (5) "Large multi-engine fixed wing" means any piston-driven multi-
26 engine fixed wing aircraft with a maximum gross weight as listed by the
27 manufacturer of seventy-five hundred pounds or more.

28 (6) "Commuter air carrier" means an air carrier holding authority
29 under Title 14, Part 298 of the code of federal regulations that
30 carries passengers on at least five round trips per week on at least
31 one route between two or more points according to its published flight
32 schedules that specify the times, days of the week, and places between
33 which those flights are performed.

34 **Sec. 3.** RCW 82.48.030 and 1983 2nd ex.s. c 3 s 22 are each amended
35 to read as follows:

1 (1)(a) Except as otherwise provided in (b) of this subsection, the
 2 amount of the tax imposed by this chapter for each calendar year
 3 (~~shall be~~) is as follows:

Type of aircraft	Registration fee
Single engine fixed wing	\$ 50
Small multi-engine fixed wing	65
Large multi-engine fixed wing	80
Turboprop multi-engine fixed wing	100
Turbojet multi-engine fixed wing	125
Helicopter	75
Sailplane	20
Lighter than air	20
Home built	20

14 (b) The amount of tax imposed by this chapter for each calendar
 15 year with respect to aircraft owned and operated by a commuter air
 16 carrier that is not an airplane company as defined in RCW 84.12.200 is
 17 as follows:

<u>Gross maximum take-off</u> <u>weight of the aircraft</u>	<u>Registration fee</u>
<u>Less than 4,001 lbs.</u>	<u>\$500</u>
<u>4,001-6,000 lbs.</u>	<u>\$1,000</u>
<u>6,001-8,000 lbs.</u>	<u>\$2,000</u>
<u>8,001-9,000 lbs.</u>	<u>\$3,000</u>
<u>9,001-12,500 lbs.</u>	<u>\$4,000</u>

25 (2)(a) The amount of tax imposed under subsection (1) of this
 26 section for each calendar year (~~shall~~) must be divided into twelve
 27 parts corresponding to the months of the calendar year and the excise
 28 tax upon an aircraft registered for the first time in this state after
 29 the last day of any month (~~shall~~) may only be levied for the
 30 remaining months of the calendar year including the month in which the
 31 aircraft is being registered(~~:- PROVIDED, - That~~). However, the
 32 minimum amount payable (~~shall be~~) is three dollars.

1 **(b)** An aircraft (~~shall be~~) is deemed registered for the first
2 time in this state when such aircraft was not previously registered by
3 this state for the year immediately preceding the year in which
4 application for registration is made.

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 84.36 RCW
6 to read as follows:

7 (1) An aircraft owned and operated by a commuter air carrier in
8 respect to which the tax imposed under RCW 82.48.030 has been paid for
9 a calendar year is exempt from property taxation for that calendar
10 year.

11 (2) For the purposes of this section, "aircraft" and "commuter air
12 carrier" have the same meanings as provided in RCW 82.48.010.

13 NEW SECTION. **Sec. 5.** This act takes effect January 1, 2014.

Passed by the Senate March 11, 2013.

Passed by the House April 9, 2013.

Approved by the Governor April 23, 2013.

Filed in Office of Secretary of State April 24, 2013.