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**SUBSTITUTE HOUSE BILL 1379**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** House Transportation (originally sponsored by Representatives Lovick, Boehnke, Sutherland, Ryu, and Dent)

READ FIRST TIME 02/22/21.

1 AN ACT Relating to establishing an unpiloted aircraft system  
2 state coordinator and program funding source; amending RCW 47.68.250,  
3 47.68.250, and 47.68.020; adding a new section to chapter 47.68 RCW;  
4 providing effective dates; providing an expiration date; and  
5 declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 47.68  
8 RCW to read as follows:

9 (1) Within amounts collected from commercial unpiloted aircraft  
10 registration fees pursuant to RCW 47.68.250(1), the aviation division  
11 director (also known as the senior state aviation official) or the  
12 aviation division director's designee shall act as the unpiloted  
13 aircraft system coordinator. The unpiloted aircraft system  
14 coordinator serves primarily in an advisory role and is not  
15 authorized to direct unpiloted aircraft system operations, training,  
16 or policy outside the department. The duties of the unpiloted  
17 aircraft system coordinator include:

18 (a) Assisting with unpiloted aircraft system training and  
19 continuing education for state agencies;

20 (b) Coordinating with local governments on state and federal  
21 unpiloted aircraft system policies and regulations;

1 (c) Acting as a state level coordinator for unpiloted aircraft  
2 system operations during a governor declaration of emergency pursuant  
3 to RCW 43.06.210;

4 (d) Coordinating with the federal aviation administration and  
5 state agencies on unpiloted aircraft system trends;

6 (e) Identifying and disseminating information on unpiloted  
7 aircraft system training sites;

8 (f) Establishing and maintaining an unpiloted aircraft system  
9 coordination website for state and local governments;

10 (g) Assisting with the advancement of unpiloted aircraft systems  
11 across the state in coordination with the department of commerce, the  
12 aerospace industry, and the commercial unmanned aircraft systems  
13 industry;

14 (h) Acting as the principal advisor to the secretary on unpiloted  
15 aircraft system matters;

16 (i) Undertaking other unpiloted aircraft system coordination  
17 duties that are deemed appropriate by the aviation division director  
18 and the unpiloted aircraft system coordinator including, but not  
19 limited to, overseeing unpiloted aircraft system symposiums or other  
20 events for state agencies and other stakeholder groups.

21 (2) The department may adopt rules to implement this section.

22 **Sec. 2.** RCW 47.68.250 and 2020 c 304 s 3 are each amended to  
23 read as follows:

24 (1) Every aircraft, inclusive of commercial unpiloted aircraft  
25 systems, must be registered with the department for each calendar  
26 year in which the aircraft is operated or is based within this state.  
27 A fee of fifteen dollars is charged for each such registration and  
28 each annual renewal thereof.

29 (2) The department must review the fee schedule based on the  
30 number of unpiloted aircraft systems registered under any single  
31 entity. Consideration should be given to the cost to administer the  
32 program and the number of commercial aircraft registered in the  
33 state. The department shall collaborate with the department of  
34 commerce, the department of revenue, and industry representatives in  
35 determining any recommendations to revise the initial fee. The report  
36 is due to the transportation committees of the legislature by  
37 December 1, 2022.

38 (3) Possession of the appropriate effective federal certificate,  
39 permit, rating, or license relating to ownership and airworthiness of

1 the aircraft, and payment of the excise tax imposed by Title 82 RCW  
2 for the privilege of using the aircraft within this state during the  
3 year for which the registration is sought, and payment of the  
4 registration fee required by this section are the only requisites for  
5 registration of an aircraft under this section.

6 ~~((3))~~ (4) The registration fee imposed by this section is  
7 payable to and collected by the secretary. The fee for any calendar  
8 year must be paid during the month of January, and collected by the  
9 secretary at the time of the collection by him or her of the excise  
10 tax. If the secretary is satisfied that the requirements for  
11 registration of the aircraft have been met, he or she must issue to  
12 the owner of the aircraft a certificate of registration therefor. The  
13 secretary must pay to the state treasurer the registration fees  
14 collected under this section, which registration fees must be  
15 credited to the aeronautics account.

16 ~~((4))~~ (5) It is not necessary for the registrant to provide the  
17 secretary with originals or copies of federal certificates, permits,  
18 ratings, or licenses. The secretary must issue certificates of  
19 registration, or such other evidences of registration or payment of  
20 fees as he or she may deem proper; and in connection therewith may  
21 prescribe requirements for the possession and exhibition of such  
22 certificates or other evidences.

23 ~~((5))~~ (6) The provisions of this section do not apply to:

24 (a) An aircraft owned by and used exclusively in the service of  
25 any government or any political subdivision thereof, including the  
26 government of the United States, any state, territory, or possession  
27 of the United States, or the District of Columbia, which is not  
28 engaged in carrying persons or property for commercial purposes;

29 (b) An aircraft registered under the laws of a foreign country;

30 (c) An aircraft that is owned by a nonresident if:

31 (i) The aircraft remains in this state or is based in this state,  
32 or both, for a period less than ninety days; or

33 (ii) The aircraft is a large private airplane as defined in RCW  
34 82.08.215 and remains in this state for a period of ninety days or  
35 longer, but only when:

36 (A) The airplane is in this state exclusively for the purpose of  
37 repairs, alterations, or reconstruction, including any flight testing  
38 related to the repairs, alterations, or reconstruction, or for the  
39 purpose of continual storage of not less than one full calendar year;

1 (B) An employee of the facility providing these services is on  
2 board the airplane during any flight testing; and

3 (C) Within ninety days of the date the airplane first arrived in  
4 this state during the calendar year, the nonresident files a written  
5 statement with the department indicating that the airplane is exempt  
6 from registration under this subsection (~~((5))~~) (6)(c)(ii). The  
7 written statement must be filed in a form and manner prescribed by  
8 the department and must include such information as the department  
9 requires. The department may require additional periodic verification  
10 that the airplane remains exempt from registration under this  
11 subsection (~~((5))~~) (6)(c)(ii) and that written statements conform  
12 with the provisions of chapter 5.50 RCW;

13 (d) (~~(A)~~) A piloted aircraft engaged principally in commercial  
14 flying constituting an act of interstate or foreign commerce;

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

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

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

24 (h) Unpiloted aircraft systems used exclusively for hobby or  
25 recreation.

26 (~~((6))~~) (7) The secretary must be notified within thirty days of  
27 any change in ownership of a registered aircraft. The notification  
28 must contain the N, NC, NR, NL, or NX number of the aircraft, the  
29 full name and address of the former owner, and the full name and  
30 address of the new owner. For failure to so notify the secretary, the  
31 registration of that aircraft may be canceled by the secretary,  
32 subject to reinstatement upon application and payment of a  
33 reinstatement fee of ten dollars by the new owner.

34 (~~((7))~~) (8) A municipality or port district that owns, operates,  
35 or leases an airport, as defined in RCW 47.68.020, with the intent to  
36 operate, must require from an aircraft owner proof of aircraft  
37 registration as a condition of leasing or selling tiedown or hangar  
38 space for an aircraft. It is the responsibility of the lessee or  
39 purchaser to register the aircraft. Proof of registration must be  
40 provided according to the following schedule:

1 (a) For the purchase of tiedown or hangar space, the municipality  
2 or port district must allow the purchaser thirty days from the date  
3 of the application for purchase to produce proof of aircraft  
4 registration.

5 (b) For the lease of tiedown or hangar space that extends thirty  
6 days or more, the municipality or port district must allow the lessee  
7 thirty days to produce proof of aircraft registration from the date  
8 of the application for lease of tiedown or hangar space.

9 (c) For the lease of tiedown or hangar space that extends less  
10 than thirty days, the municipality or port district must allow the  
11 lessee to produce proof of aircraft registration at any point prior  
12 to the final day of the lease.

13 ~~((+8))~~ (9) The airport must work with the aviation division to  
14 assist in its efforts to register aircraft by providing information  
15 about based aircraft on an annual basis as requested by the division.

16 (10) The department may adopt rules to implement this section.

17 **Sec. 3.** RCW 47.68.250 and 2019 c 232 s 23 are each amended to  
18 read as follows:

19 (1) Every aircraft, inclusive of commercial unpiloted aircraft  
20 systems, must be registered with the department for each calendar  
21 year in which the aircraft is operated or is based within this state.  
22 A fee of fifteen dollars is charged for each such registration and  
23 each annual renewal thereof.

24 (2) The department must review the fee schedule based on the  
25 number of unpiloted aircraft systems registered under any single  
26 entity. Consideration should be given to the cost to administer the  
27 program and the number of commercial aircraft registered in the  
28 state. The department shall collaborate with the department of  
29 commerce, the department of revenue, and industry representatives in  
30 determining any recommendations to revise the initial fee. The report  
31 is due to the transportation committees of the legislature by  
32 December 1, 2022.

33 (3) Possession of the appropriate effective federal certificate,  
34 permit, rating, or license relating to ownership and airworthiness of  
35 the aircraft, and payment of the excise tax imposed by Title 82 RCW  
36 for the privilege of using the aircraft within this state during the  
37 year for which the registration is sought, and payment of the  
38 registration fee required by this section are the only requisites for  
39 registration of an aircraft under this section.

1       (~~(3)~~) (4) The registration fee imposed by this section is  
2 payable to and collected by the secretary. The fee for any calendar  
3 year must be paid during the month of January, and must be collected  
4 by the secretary at the time of the collection by him or her of the  
5 excise tax. If the secretary is satisfied that the requirements for  
6 registration of the aircraft have been met, he or she must issue to  
7 the owner of the aircraft a certificate of registration therefor. The  
8 secretary must pay to the state treasurer the registration fees  
9 collected under this section, which registration fees must be  
10 credited to the aeronautics account.

11       (~~(4)~~) (5) It is not necessary for the registrant to provide the  
12 secretary with originals or copies of federal certificates, permits,  
13 ratings, or licenses. The secretary must issue certificates of  
14 registration, or such other evidences of registration or payment of  
15 fees as he or she may deem proper; and in connection therewith may  
16 prescribe requirements for the possession and exhibition of such  
17 certificates or other evidences.

18       (~~(5)~~) (6) The provisions of this section do not apply to:

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

24       (b) An aircraft registered under the laws of a foreign country;

25       (c) An aircraft that is owned by a nonresident if:

26       (i) The aircraft remains in this state or is based in this state,  
27 or both, for a period less than ninety days; or

28       (ii) The aircraft is a large private airplane as defined in RCW  
29 82.08.215 and remains in this state for a period of ninety days or  
30 longer, but only when:

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32 repairs, alterations, or reconstruction, including any flight testing  
33 related to the repairs, alterations, or reconstruction, or for the  
34 purpose of continual storage of not less than one full calendar year;

35       (B) An employee of the facility providing these services is on  
36 board the airplane during any flight testing; and

37       (C) Within ninety days of the date the airplane first arrived in  
38 this state during the calendar year, the nonresident files a written  
39 statement with the department indicating that the airplane is exempt  
40 from registration under this subsection (~~(5)~~) (6)(c)(ii). The

1 written statement must be filed in a form and manner prescribed by  
2 the department and must include such information as the department  
3 requires. The department may require additional periodic verification  
4 that the airplane remains exempt from registration under this  
5 subsection (~~((5))~~) (6)(c)(ii) and that written statements conform  
6 with the provisions of chapter 5.50 RCW;

7 (d) (~~(A)~~) A piloted aircraft engaged principally in commercial  
8 flying constituting an act of interstate or foreign commerce;

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

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

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

18 (h) Unpiloted aircraft systems used exclusively for hobby or  
19 recreation.

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21 any change in ownership of a registered aircraft. The notification  
22 must contain the N, NC, NR, NL, or NX number of the aircraft, the  
23 full name and address of the former owner, and the full name and  
24 address of the new owner. For failure to so notify the secretary, the  
25 registration of that aircraft may be canceled by the secretary,  
26 subject to reinstatement upon application and payment of a  
27 reinstatement fee of ten dollars by the new owner.

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29 or leases an airport, as defined in RCW 47.68.020, with the intent to  
30 operate, must require from an aircraft owner proof of aircraft  
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32 space for an aircraft. It is the responsibility of the lessee or  
33 purchaser to register the aircraft. Proof of registration must be  
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36 or port district must allow the purchaser thirty days from the date  
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38 registration.

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40 days or more, the municipality or port district must allow the lessee

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3 (c) For the lease of tiedown or hangar space that extends less  
4 than thirty days, the municipality or port district must allow the  
5 lessee to produce proof of aircraft registration at any point prior  
6 to the final day of the lease.

7 ~~((+8))~~ (9) The airport must work with the aviation division to  
8 assist in its efforts to register aircraft by providing information  
9 about based aircraft on an annual basis as requested by the division.

10 (10) The department may adopt rules to implement this section.

11 **Sec. 4.** RCW 47.68.020 and 1993 c 208 s 4 are each amended to  
12 read as follows:

13 As used in this chapter, unless the context clearly indicates  
14 otherwise:

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

23 (2) "Aircraft" means ~~((any))~~ a piloted or unmanned contrivance  
24 now known, or hereafter invented, used or designed for navigation of  
25 or flight in the air.

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

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

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

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

34 (7) "Air navigation facility" means any facility, other than one  
35 owned or operated by the United States, used in, available for use  
36 in, or designed for use in aid of air navigation, including any  
37 structures, mechanisms, lights, beacons, markers, communicating  
38 systems, or other instrumentalities or devices used or useful as an  
39 aid, or constituting an advantage or convenience, to the safe taking-



1 off, navigation, and landing of aircraft, or the safe and efficient  
2 operation or maintenance of an airport, and any combination of any or  
3 all of such facilities.

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

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

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

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

34 (12) "Person" means any individual, firm, partnership,  
35 corporation, company, association, joint stock association, or body  
36 politic; and includes any trustee, receiver, assignee, or other  
37 similar representative thereof.

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

1 (14) "Airport hazard" means any structure, object of natural  
2 growth, or use of land, which obstructs the airspace required for the  
3 flight of aircraft in landing or taking off at an airport or is  
4 otherwise hazardous to such landing or taking off.

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

8 (16) "Aviation division" means the aeronautics division of the  
9 department.

10 (17) "Commercial" means an aircraft, piloted or unpiloted, not  
11 used exclusively for hobby or recreation.

12 (18) "Unpiloted aircraft system" means an aircraft operated  
13 without the possibility of direct human intervention from within or  
14 on the aircraft and is synonymous with the term "unmanned aircraft  
15 system". An unpiloted aircraft system must meet the same criteria and  
16 standards established by the federal aviation administration for an  
17 unmanned aircraft system.

18 NEW SECTION. Sec. 5. Section 2 of this act expires July 1,  
19 2031.

20 NEW SECTION. Sec. 6. Section 3 of this act takes effect July 1,  
21 2031.

22 NEW SECTION. Sec. 7. This act is necessary for the immediate  
23 preservation of the public peace, health, or safety, or support of  
24 the state government and its existing public institutions, and takes  
25 effect July 1, 2021.

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