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SENATE BILL 5392

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State of Washington

58th Legislature

2003 Regular Session

By Senators Haugen, Horn, Jacobsen and Swecker

Read first time 01/23/2003. Referred to Committee on Highways & Transportation.

1 AN ACT Relating to increasing fees for pilots and aircraft;  
2 amending RCW 47.68.233, 47.68.234, 47.68.250, 82.42.020, 82.48.030, and  
3 82.48.080; repealing RCW 82.42.025; providing an effective date; and  
4 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 of at least fifteen dollars but  
12 not to exceed ((ten)) thirty dollars for each registration. All  
13 registration certificates issued under this section shall be renewed  
14 annually during the month of 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 of at least  
28 fifteen dollars but not to exceed (~~ten~~) thirty dollars for each  
29 registration. A registration certificate issued under this section is  
30 to be renewed 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~~) at least fifteen dollars but not to exceed  
12 thirty dollars shall be charged for each such registration and each  
13 annual renewal thereof.

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

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

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

1 prescribe requirements for the possession and exhibition of such  
2 certificates or other evidences.

3 The provisions of this section shall not apply to:

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

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

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

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

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

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

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

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

33 A municipality or port district that owns, operates, or leases an  
34 airport, as defined in RCW 47.68.020, with the intent to operate, shall  
35 require from an aircraft owner proof of aircraft registration (~~or  
36 proof of intent to register an aircraft~~) as a condition of leasing or  
37 selling tiedown or hangar space for an aircraft. The airport shall  
38 inform the lessee or purchaser of the tiedown or hangar space of the

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

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

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

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

1           **Sec. 5.** RCW 82.48.030 and 1983 2nd ex.s. c 3 s 22 are each amended  
2 to read as follows:

3           (1) The amount of the tax imposed by this chapter for each calendar  
4 year shall be 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

16           (2) Beginning January 1, 2004, an additional twenty percent  
17 surchage is added to each of the fees under subsection (1) of this  
18 section.

19           (3) The amount of tax imposed under subsections (1) and (2) of this  
20 section for each calendar year shall be divided into twelve parts  
21 corresponding to the months of the calendar year and the excise tax  
22 upon an aircraft registered for the first time in this state after the  
23 last day of any month shall only be levied for the remaining months of  
24 the calendar year including the month in which the aircraft is being  
25 registered: PROVIDED, That the minimum amount payable shall be three  
26 dollars.

27           An aircraft shall be deemed registered for the first time in this  
28 state when such aircraft was not previously registered by this state  
29 for the year immediately preceding the year in which application for  
30 registration is made.

31           **Sec. 6.** RCW 82.48.080 and 1995 c 170 s 2 are each amended to read  
32 as follows:

33           The secretary shall regularly pay to the state treasurer the excise  
34 taxes collected under this chapter(~~(, which shall)~~). The amounts  
35 collected under RCW 82.48.030(1) must be credited by the state

1 treasurer as follows: Ninety percent to the general fund and ten  
2 percent to the aeronautics account in the transportation fund for  
3 administrative expenses. The additional surcharge collected under RCW  
4 82.48.030(2) must be credited by the state treasurer to the aeronautics  
5 account in the transportation fund.

6 NEW SECTION. Sec. 7. RCW 82.42.025 (Computation of aircraft fuel  
7 tax rate) and 1983 c 49 s 2 & 1982 1st ex.s. c 25 s 3 are each  
8 repealed.

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

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