

CERTIFICATION OF ENROLLMENT

SENATE BILL 6056

58th Legislature
2003 Regular Session

Passed by the Senate April 27, 2003
YEAS 34 NAYS 14

President of the Senate

Passed by the House April 27, 2003
YEAS 67 NAYS 31

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SENATE BILL 6056 as passed by the
Senate and the House of
Representatives on the dates
hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 6056

AS AMENDED BY THE HOUSE

Passed Legislature - 2003 Regular Session

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. For the period of July 1, 2003,
13 through June 30, 2005, seven dollars of each registration fee collected
14 shall be deposited into the aeronautics account, to be used solely for
15 airport maintenance. All registration certificates issued under this
16 section shall be renewed annually during the month of the registrant's
17 birthdate.

18 Except as provided in the paragraph above, the registration fee
19 imposed by this section shall be used by the department for the purpose

1 of (a) search and rescue of lost and downed aircraft and airmen under
2 the direction and supervision of the secretary, (b) safety and
3 education, and (c) volunteer recognition and support.

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

9 The provisions of this section do not apply to:

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

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

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

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

21 Failure to register as provided in this section is a violation of
22 RCW 47.68.230 and subjects the offender to the penalties incident
23 thereto.

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

26 The department shall require that every airman or airwoman that is
27 not registered under RCW 47.68.233 and who is a resident of this state,
28 or every nonresident airman or airwoman who is regularly performing
29 duties as an airman or airwoman within this state, be registered with
30 the department. The department shall charge an annual fee (~~not to~~
31 ~~exceed ten dollars~~) of fifteen dollars for each registration. For the
32 period of July 1, 2003, through June 30, 2005, seven dollars of which
33 shall be deposited into the aeronautics account, to be used solely for
34 airport maintenance. A registration certificate issued under this
35 section is to be renewed annually during the month of the registrant's
36 birthdate.

1 Except as provided in the paragraph above, the department shall use
2 the registration fee imposed under this section for the purposes of:
3 (1) Search and rescue of lost and downed aircraft and airmen or
4 airwomen under the direction and supervision of the secretary; and (2)
5 safety and education.

6 Registration is (~~affected~~~~[effected]~~) effected by filing with the
7 department a certified written statement that contains the information
8 reasonably required by the department. The department shall issue
9 certificates of registration and, in connection with the certificates,
10 shall provide requirements for the possession and exhibition of the
11 certificates.

12 Failure to register as provided in this section is a violation of
13 RCW 47.68.230 and subjects the offender to the penalties incident to
14 this section.

15 **Sec. 3.** RCW 47.68.240 and 2000 c 229 s 2 are each amended to read
16 as follows:

17 (1) Any person violating any of the provisions of this chapter, or
18 any of the rules, regulations, or orders issued pursuant thereto, shall
19 be guilty of a misdemeanor and shall be punished as provided under
20 chapter 9A.20 RCW, except that any person violating any of the
21 provisions of RCW 47.68.220, 47.68.230, or 47.68.255 shall be guilty of
22 a gross misdemeanor which shall be punished as provided under chapter
23 9A.20 RCW. In addition to, or in lieu of, the penalties provided in
24 this section, or as a condition to the suspension of a sentence which
25 may be imposed pursuant thereto, for violations of RCW 47.68.220 and
26 47.68.230, the court in its discretion may prohibit the violator from
27 operating an aircraft within the state for such period as it may
28 determine but not to exceed one year. Violation of the duly imposed
29 prohibition of the court may be treated as a separate offense under
30 this section or as a contempt of court.

31 (2) In addition to the provisions of subsection (1) of this
32 section, failure to register an aircraft, as required by this chapter
33 is subject to the following civil penalties:

34 (a) If the aircraft registration is sixty days to one hundred
35 nineteen days past due, the civil penalty is one hundred dollars.

36 (b) If the aircraft registration is one hundred twenty days to one
37 hundred eighty days past due, the civil penalty is two hundred dollars.

1 (c) If the aircraft registration is over one hundred eighty days
2 past due, the civil penalty is four hundred dollars.

3 (3) In addition to the provisions in subsection (1) of this
4 section, failure to register as a pilot, airman, or airwoman, as
5 required by this chapter, is subject to a civil penalty of four times
6 the fees that are due. If the pilot registration is sixty days past
7 due, the pilot, airman, or airwoman is subject to the civil penalty of
8 four times the fees that are due.

9 (4) The revenue from penalties prescribed in subsection (2) of this
10 section must be deposited into the aeronautics account under RCW
11 82.42.090. The revenue from penalties prescribed in subsection (3) of
12 this section must be deposited into the aircraft search and rescue,
13 safety, and education account under RCW 47.68.236.

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

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

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

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

1 It shall not be necessary for the registrant to provide the
2 secretary with originals or copies of federal certificates, permits,
3 ratings, or licenses. The secretary shall issue certificates of
4 registration, or such other evidences of registration or payment of
5 fees as he or she may deem proper; and in connection therewith may
6 prescribe requirements for the possession and exhibition of such
7 certificates or other evidences.

8 The provisions of this section shall not apply to:

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

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

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

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

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

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

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

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

1 (~~A municipality or port district that owns, operates, or leases an~~
2 ~~airport, as defined in RCW 47.68.020, with the intent to operate, shall~~
3 ~~require from an aircraft owner proof of aircraft registration or proof~~
4 ~~of intent to register an aircraft as a condition of leasing or selling~~
5 ~~tiedown or hangar space for an aircraft. The airport shall inform the~~
6 ~~lessee or purchaser of the tiedown or hangar space of the state law~~
7 ~~requiring registration and direct the person to comply with the state~~
8 ~~law if the person has not already done so. The airport may lease or~~
9 ~~sell tiedown or hangar space to owners of nonregistered aircraft after~~
10 ~~presenting them with the appropriate state registration forms. It is~~
11 ~~then the responsibility of the lessee or purchaser to register the~~
12 ~~aircraft. The airport shall report to the department's aviation~~
13 ~~division at the end of each month, the names, addresses, and "N"~~
14 ~~numbers of those aircraft owners not yet registered)) A municipality or
15 port district that owns, operates, or leases an airport, as defined in
16 RCW 47.68.020, with the intent to operate, shall require from an
17 aircraft owner proof of aircraft registration as a condition of leasing
18 or selling tiedown or hanger space for an aircraft. It is the
19 responsibility of the lessee or purchaser to register the aircraft.
20 The airport shall work with the aviation division to assist in its
21 efforts to register aircraft by providing information about based
22 aircraft on an annual basis as requested by the division.~~

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

25 There is hereby levied, and there shall be collected by every
26 distributor of aircraft fuel, an excise tax at the rate (~~computed~~
27 ~~under RCW 82.42.025~~) of ten cents on each gallon of aircraft fuel
28 sold, delivered or used in this state: PROVIDED HOWEVER, That such
29 aircraft fuel excise tax shall not apply to fuel for aircraft that both
30 operate from a private, non-state-funded airfield during at least
31 ninety-five percent of the aircraft's normal use and are used
32 principally for the application of pesticides, herbicides, or other
33 agricultural chemicals and shall not apply to fuel for emergency
34 medical air transport entities: PROVIDED FURTHER, That there shall be
35 collected from every consumer or user of aircraft fuel either the use
36 tax imposed by RCW 82.12.020, as amended, or the retail sales tax
37 imposed by RCW 82.08.020, as amended, collection procedure to be as

1 prescribed by law and/or rule or regulation of the department of
2 revenue. The taxes imposed by this chapter shall be collected and paid
3 to the state but once in respect to any aircraft fuel.

4 The tax required by this chapter, to be collected by the seller, is
5 held in trust by the seller until paid to the department, and a seller
6 who appropriates or converts the tax collected to his or her own use or
7 to any use other than the payment of the tax to the extent that the
8 money required to be collected is not available for payment on the due
9 date as prescribed in this chapter is guilty of a felony, or gross
10 misdemeanor in accordance with the theft and anticipatory provisions of
11 Title 9A RCW. A person, partnership, corporation, or corporate officer
12 who fails to collect the tax imposed by this section, or who has
13 collected the tax and fails to pay it to the department in the manner
14 prescribed by this chapter, is personally liable to the state for the
15 amount of the tax.

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

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

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