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**HOUSE BILL 1379**

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**State of Washington**                      **67th Legislature**                      **2021 Regular Session**

**By** Representatives Lovick, Boehnke, Sutherland, Ryu, and Dent

Read first time 01/26/21. Referred to Committee on Transportation.

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 duties of the unpiloted aircraft  
14 system coordinator include:

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

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

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

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

3 (e) Identifying and disseminating information on unpiloted  
4 aircraft system training sites;

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

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

11 (h) Acting as the principle advisor to the secretary on unpiloted  
12 aircraft system matters;

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

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

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

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

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

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

1 registration fee required by this section are the only requisites for  
2 registration of an aircraft under this section.

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

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

20 ~~((5))~~ (6) The provisions of this section do not apply to:

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

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

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

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

30 ~~(ii) The aircraft is a large private airplane as defined in RCW~~  
31 ~~82.08.215 and remains in this state for a period of ninety days or~~  
32 ~~longer, but only when:~~

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

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

39 ~~(C) Within ninety days of the date the airplane first arrived in~~  
40 ~~this state during the calendar year, the nonresident files a written~~

1 ~~statement with the department indicating that the airplane is exempt~~  
2 ~~from registration under this subsection (5)(c)(ii). The written~~  
3 ~~statement must be filed in a form and manner prescribed by the~~  
4 ~~department and must include such information as the department~~  
5 ~~requires. The department may require additional periodic verification~~  
6 ~~that the airplane remains exempt from registration under this~~  
7 ~~subsection (5)(c)(ii) and that written statements conform with the~~  
8 ~~provisions of chapter 5.50 RCW)) which is owned by a nonresident and~~  
9 ~~registered in another state. However, if said aircraft remains in~~  
10 ~~and/or is based in this state for a period of 90 days or longer it is~~  
11 ~~not exempt under this section;~~

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

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

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

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

23 (h) A nonresident of this state owning an aircraft, which is  
24 based at an airport jointly owned or operated by a municipal  
25 corporation or other governmental entity within this state and  
26 another state, and the owner or operator provides proof that all  
27 taxes, license fees, and registration fees required by the state in  
28 which the owner or operator resides has been paid; and

29 (i) Unpiloted aircraft used exclusively for hobby or recreation.

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

38 ~~((7))~~ (8) A municipality or port district that owns, operates,  
39 or leases an airport, as defined in RCW 47.68.020, with the intent to  
40 operate, must require from an aircraft owner proof of aircraft

1 registration as a condition of leasing or selling tiedown or hangar  
2 space for an aircraft. It is the responsibility of the lessee or  
3 purchaser to register the aircraft. Proof of registration must be  
4 provided according to the following schedule:

5 (a) For the purchase of tiedown or hangar space, the municipality  
6 or port district must allow the purchaser thirty days from the date  
7 of the application for purchase to produce proof of aircraft  
8 registration.

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

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

17 ~~((+8))~~ (9) The airport must work with the aviation division to  
18 assist in its efforts to register aircraft by providing information  
19 about based aircraft on an annual basis as requested by the division.

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

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

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

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

37 (3) Possession of the appropriate effective federal certificate,  
38 permit, rating, or license relating to ownership and airworthiness of  
39 the aircraft, and payment of the excise tax imposed by Title 82 RCW

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

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

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

22 ~~((5))~~ (6) The provisions of this section do not apply to:

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

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

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

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31 or both, for a period less than ninety days; or~~

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

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

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

1       ~~(C) Within ninety days of the date the airplane first arrived in~~  
2 ~~this state during the calendar year, the nonresident files a written~~  
3 ~~statement with the department indicating that the airplane is exempt~~  
4 ~~from registration under this subsection (5)(c)(ii). The written~~  
5 ~~statement must be filed in a form and manner prescribed by the~~  
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10 ~~provisions of chapter 5.50 RCW) which is owned by a nonresident and~~  
11 ~~registered in another state. However, if said aircraft remains in~~  
12 ~~and/or is based in this state for a period of 90 days or longer it is~~  
13 ~~not exempt under this section;~~

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

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

19       (f) 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; ~~((and))~~

22       (g) 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       (h) A nonresident of this state owning an aircraft, which is  
26 based at an airport jointly owned or operated by a municipal  
27 corporation or other governmental entity within this state and  
28 another state, and the owner or operator provides proof that all  
29 taxes, license fees, and registration fees required by the state in  
30 which the owner or operator resides has been paid; and

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33 any change in ownership of a registered aircraft. The notification  
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35 full name and address of the former owner, and the full name and  
36 address of the new owner. For failure to so notify the secretary, the  
37 registration of that aircraft may be canceled by the secretary,  
38 subject to reinstatement upon application and payment of a  
39 reinstatement fee of ten dollars by the new owner.

1       (~~(7)~~) (8) A municipality or port district that owns, operates,  
2 or leases an airport, as defined in RCW 47.68.020, with the intent to  
3 operate, must require from an aircraft owner proof of aircraft  
4 registration as a condition of leasing or selling tiedown or hangar  
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13 days or more, the municipality or port district must allow the lessee  
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15 of the application for lease of tiedown or hangar space.

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

20       (~~(8)~~) (9) The airport must work with the aviation division to  
21 assist in its efforts to register aircraft by providing information  
22 about based aircraft on an annual basis as requested by the division.

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

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

26       As used in this chapter, unless the context clearly indicates  
27 otherwise:

28       (1) "Aeronautics" means the science and art of flight and  
29 including, but not limited to, transportation by aircraft; the  
30 operation, construction, repair, or maintenance of aircraft, aircraft  
31 power plants and accessories, including the repair, packing, and  
32 maintenance of parachutes; the design, establishment, construction,  
33 extension, operation, improvement, repair, or maintenance of airports  
34 or air navigation facilities; and instruction in flying or ground  
35 subjects pertaining thereto.

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



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

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

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

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

9 (7) "Air navigation facility" means any facility, other than one  
10 owned or operated by the United States, used in, available for use  
11 in, or designed for use in aid of air navigation, including any  
12 structures, mechanisms, lights, beacons, markers, communicating  
13 systems, or other instrumentalities or devices used or useful as an  
14 aid, or constituting an advantage or convenience, to the safe taking-  
15 off, navigation, and landing of aircraft, or the safe and efficient  
16 operation or maintenance of an airport, and any combination of any or  
17 all of such facilities.

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

21 (9) "Airman or airwoman" means any individual who engages, as the  
22 person in command, or as pilot, mechanic, or member of the crew in  
23 the navigation of aircraft while under way, and any individual who is  
24 directly in charge of the inspection, maintenance, overhauling, or  
25 repair of aircraft engines, airframes, propellers, or appliances, and  
26 any individual who serves in the capacity of aircraft dispatcher or  
27 air-traffic control tower operator; but does not include any  
28 individual employed outside the United States, or any individual  
29 employed by a manufacturer of aircraft, aircraft engines, airframes,  
30 propellers, or appliances to perform duties as inspector or mechanic  
31 in connection therewith, or any individual performing inspection or  
32 mechanical duties in connection with aircraft owned or operated by  
33 the person.

34 (10) "Aeronautics instructor" means any individual who for hire  
35 or reward engages in giving instruction or offering to give  
36 instruction in flying or ground subjects pertaining to aeronautics,  
37 but excludes any instructor in a public school, university, or  
38 institution of higher learning duly accredited and approved for  
39 carrying on collegiate work, who instructs in flying or ground

1 subjects pertaining to aeronautics, while in the performance of his  
2 or her duties at such school, university, or institution.

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

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

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

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

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

23 (16) "Aviation division" means the aeronautics division of the  
24 department.

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

27 (18) "Unpiloted aircraft system" means an aircraft operated  
28 without the possibility of direct human intervention from within or  
29 on the aircraft, and is synonymous with the term "unmanned aircraft  
30 system". An unpiloted aircraft system must meet the same criteria and  
31 standards established by the federal aviation administration for an  
32 unmanned aircraft system.

33 NEW SECTION. Sec. 5. Section 2 of this act expires July 1,  
34 2031.

35 NEW SECTION. Sec. 6. Section 3 of this act takes effect July 1,  
36 2031.

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

--- END ---