

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1379

67th Legislature
2021 Regular Session

Passed by the House April 12, 2021
Yeas 93 Nays 5

**Speaker of the House of
Representatives**

Passed by the Senate April 8, 2021
Yeas 48 Nays 1

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1379** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1379

AS AMENDED BY THE SENATE

Passed Legislature - 2021 Regular Session

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 (3) By December 1, 2022, the department shall provide a report to
23 the transportation committees of the legislature and the department
24 of commerce that provides details on the specific activities,
25 accomplishments, and opportunities undertaken by the unpiloted
26 aircraft system coordinator as to each of the duties provided in this
27 section. The report must also be shared with interested aviation and
28 aerospace industry stakeholders. The report shall include:

29 (a) Information on the specific activities, accomplishments, and
30 opportunities taken by the aviation division director or the
31 director's designee in their role as the unpiloted aircraft system
32 coordinator;

33 (b) A statement on the justification and need for the aviation
34 division director or the director's designee to continue to perform
35 the specific activities of the unpiloted aircraft system coordinator;
36 and

37 (c) Recommendations on any changes to the scope of the work and
38 duties of the unpiloted aircraft system coordinator. This shall
39 include recommendations on the reassignment of duties of the
40 unpiloted aircraft system coordinator to the department's aviation

1 division and recommendations on the termination of the unpiloted
2 aircraft system coordinator position.

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

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

10 (2) The department must review the fee schedule based on the
11 number of unpiloted aircraft systems registered under any single
12 entity. Consideration should be given to the cost to administer the
13 program and the number of commercial aircraft registered in the
14 state. The department shall collaborate with the department of
15 commerce, the department of revenue, and industry representatives in
16 determining any recommendations to revise the initial fee. The report
17 is due to the transportation committees of the legislature by
18 December 1, 2022.

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

26 ~~((3))~~ (4) The registration fee imposed by this section is
27 payable to and collected by the secretary. The fee for any calendar
28 year must be paid during the month of January, and collected by the
29 secretary at the time of the collection by him or her of the excise
30 tax. If the secretary is satisfied that the requirements for
31 registration of the aircraft have been met, he or she must issue to
32 the owner of the aircraft a certificate of registration therefor. The
33 secretary must pay to the state treasurer the registration fees
34 collected under this section, which registration fees must be
35 credited to the aeronautics account.

36 ~~((4))~~ (5) It is not necessary for the registrant to provide the
37 secretary with originals or copies of federal certificates, permits,
38 ratings, or licenses. The secretary must issue certificates of
39 registration, or such other evidences of registration or payment of

1 fees as he or she may deem proper; and in connection therewith may
2 prescribe requirements for the possession and exhibition of such
3 certificates or other evidences.

4 ~~((+5+))~~ (6) The provisions of this section do not apply to:

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

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

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

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

14 (ii) The aircraft is a large private airplane as defined in RCW
15 82.08.215 and remains in this state for a period of ninety days or
16 longer, but only when:

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

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

23 (C) Within ninety days of the date the airplane first arrived in
24 this state during the calendar year, the nonresident files a written
25 statement with the department indicating that the airplane is exempt
26 from registration under this subsection ~~((+5+))~~ (6)(c)(ii). The
27 written statement must be filed in a form and manner prescribed by
28 the department and must include such information as the department
29 requires. The department may require additional periodic verification
30 that the airplane remains exempt from registration under this
31 subsection ~~((+5+))~~ (6)(c)(ii) and that written statements conform
32 with the provisions of chapter 5.50 RCW;

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

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

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

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

4 (h) Unpiloted aircraft systems used exclusively for hobby or
5 recreation.

6 ~~((+6))~~ (7) The secretary must be notified within thirty days of
7 any change in ownership of a registered aircraft. The notification
8 must contain the N, NC, NR, NL, or NX number of the aircraft, the
9 full name and address of the former owner, and the full name and
10 address of the new owner. For failure to so notify the secretary, the
11 registration of that aircraft may be canceled by the secretary,
12 subject to reinstatement upon application and payment of a
13 reinstatement fee of ten dollars by the new owner.

14 ~~((+7))~~ (8) A municipality or port district that owns, operates,
15 or leases an airport, as defined in RCW 47.68.020, with the intent to
16 operate, must require from an aircraft owner proof of aircraft
17 registration as a condition of leasing or selling tiedown or hangar
18 space for an aircraft. It is the responsibility of the lessee or
19 purchaser to register the aircraft. Proof of registration must be
20 provided according to the following schedule:

21 (a) For the purchase of tiedown or hangar space, the municipality
22 or port district must allow the purchaser thirty days from the date
23 of the application for purchase to produce proof of aircraft
24 registration.

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

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

33 ~~((+8))~~ (9) The airport must work with the aviation division to
34 assist in its efforts to register aircraft by providing information
35 about based aircraft on an annual basis as requested by the division.

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

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

1 (1) Every aircraft, inclusive of commercial unpowered aircraft
2 systems, must be registered with the department for each calendar
3 year in which the aircraft is operated or is based within this state.
4 A fee of fifteen dollars is charged for each such registration and
5 each annual renewal thereof.

6 (2) The department must review the fee schedule based on the
7 number of unpowered aircraft systems registered under any single
8 entity. Consideration should be given to the cost to administer the
9 program and the number of commercial aircraft registered in the
10 state. The department shall collaborate with the department of
11 commerce, the department of revenue, and industry representatives in
12 determining any recommendations to revise the initial fee. The report
13 is due to the transportation committees of the legislature by
14 December 1, 2022.

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

22 ~~((3))~~ (4) The registration fee imposed by this section is
23 payable to and collected by the secretary. The fee for any calendar
24 year must be paid during the month of January, and must be collected
25 by the secretary at the time of the collection by him or her of the
26 excise tax. If the secretary is satisfied that the requirements for
27 registration of the aircraft have been met, he or she must issue to
28 the owner of the aircraft a certificate of registration therefor. The
29 secretary must pay to the state treasurer the registration fees
30 collected under this section, which registration fees must be
31 credited to the aeronautics account.

32 ~~((4))~~ (5) It is not necessary for the registrant to provide the
33 secretary with originals or copies of federal certificates, permits,
34 ratings, or licenses. The secretary must 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
37 prescribe requirements for the possession and exhibition of such
38 certificates or other evidences.

39 ~~((5))~~ (6) The provisions of this section do not apply to:

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

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

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12 longer, but only when:

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

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

19 (C) Within ninety days of the date the airplane first arrived in
20 this state during the calendar year, the nonresident files a written
21 statement with the department indicating that the airplane is exempt
22 from registration under this subsection (~~((5))~~) (6)(c)(ii). The
23 written statement must be filed in a form and manner prescribed by
24 the department and must include such information as the department
25 requires. The department may require additional periodic verification
26 that the airplane remains exempt from registration under this
27 subsection (~~((5))~~) (6)(c)(ii) and that written statements conform
28 with the provisions of chapter 5.50 RCW;

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

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

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

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

1 (h) Unpiloted aircraft systems used exclusively for hobby or
2 recreation.

3 ~~((6))~~ (7) The secretary must be notified within thirty days of
4 any change in ownership of a registered aircraft. The notification
5 must contain the N, NC, NR, NL, or NX number of the aircraft, the
6 full name and address of the former owner, and the full name and
7 address of the new owner. For failure to so notify the secretary, the
8 registration of that aircraft may be canceled by the secretary,
9 subject to reinstatement upon application and payment of a
10 reinstatement fee of ten dollars by the new owner.

11 ~~((7))~~ (8) A municipality or port district that owns, operates,
12 or leases an airport, as defined in RCW 47.68.020, with the intent to
13 operate, must require from an aircraft owner proof of aircraft
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22 (b) For the lease of tiedown or hangar space that extends thirty
23 days or more, the municipality or port district must allow the lessee
24 thirty days to produce proof of aircraft registration from the date
25 of the application for lease of tiedown or hangar space.

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

30 ~~((8))~~ (9) The airport must work with the aviation division to
31 assist in its efforts to register aircraft by providing information
32 about based aircraft on an annual basis as requested by the division.

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

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

36 As used in this chapter, unless the context clearly indicates
37 otherwise:

38 (1) "Aeronautics" means the science and art of flight and
39 including, but not limited to, transportation by aircraft; the

1 operation, construction, repair, or maintenance of aircraft, aircraft
2 power plants and accessories, including the repair, packing, and
3 maintenance of parachutes; the design, establishment, construction,
4 extension, operation, improvement, repair, or maintenance of airports
5 or air navigation facilities; and instruction in flying or ground
6 subjects pertaining thereto.

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

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

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

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

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

18 (7) "Air navigation facility" means any facility, other than one
19 owned or operated by the United States, used in, available for use
20 in, or designed for use in aid of air navigation, including any
21 structures, mechanisms, lights, beacons, markers, communicating
22 systems, or other instrumentalities or devices used or useful as an
23 aid, or constituting an advantage or convenience, to the safe taking-
24 off, navigation, and landing of aircraft, or the safe and efficient
25 operation or maintenance of an airport, and any combination of any or
26 all of such facilities.

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

30 (9) "Airman or airwoman" means any individual who engages, as the
31 person in command, or as pilot, mechanic, or member of the crew in
32 the navigation of aircraft while under way, and any individual who is
33 directly in charge of the inspection, maintenance, overhauling, or
34 repair of aircraft engines, airframes, propellers, or appliances, and
35 any individual who serves in the capacity of aircraft dispatcher or
36 air-traffic control tower operator; but does not include any
37 individual employed outside the United States, or any individual
38 employed by a manufacturer of aircraft, aircraft engines, airframes,
39 propellers, or appliances to perform duties as inspector or mechanic
40 in connection therewith, or any individual performing inspection or

1 mechanical duties in connection with aircraft owned or operated by
2 the person.

3 (10) "Aeronautics instructor" means any individual who for hire
4 or reward engages in giving instruction or offering to give
5 instruction in flying or ground subjects pertaining to aeronautics,
6 but excludes any instructor in a public school, university, or
7 institution of higher learning duly accredited and approved for
8 carrying on collegiate work, who instructs in flying or ground
9 subjects pertaining to aeronautics, while in the performance of his
10 or her duties at such school, university, or institution.

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

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

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

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

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

31 (16) "Aviation division" means the aeronautics division of the
32 department.

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

35 (18) "Unpiloted aircraft system" means an aircraft operated
36 without the possibility of direct human intervention from within or
37 on the aircraft and is synonymous with the term "unmanned aircraft
38 system". An unpiloted aircraft system must meet the same criteria and
39 standards established by the federal aviation administration for an
40 unmanned aircraft system.

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

3 NEW SECTION. **Sec. 6.** Section 3 of this act takes effect July 1,
4 2031.

5 NEW SECTION. **Sec. 7.** Except for section 3 of this act, this act
6 is necessary for the immediate preservation of the public peace,
7 health, or safety, or support of the state government and its
8 existing public institutions, and takes effect July 1, 2021.

--- END ---