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**SUBSTITUTE HOUSE BILL 2413**

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**State of Washington**

**64th Legislature**

**2016 Regular Session**

**By** House Transportation (originally sponsored by Representatives Dent, Tarleton, Dye, Gregerson, Griffey, Hargrove, Klippert, Pike, Muri, Condotta, and McBride)

1       AN ACT Relating to aircraft registration simplification and  
2 fairness; amending RCW 47.68.240, 47.68.250, and 47.68.250; creating  
3 new sections; providing effective dates; and providing an expiration  
4 date.

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

6       NEW SECTION.   **Sec. 1.**   The legislature finds that the current  
7 penalty structure for late aircraft registration is unfair and  
8 excessive. The legislature further finds that the timing of providing  
9 proof of registration places a burden on aircraft owners attempting  
10 to lease or purchase hangar space for their aircraft. The legislature  
11 intends to streamline the penalty structure of late registrations and  
12 clarify the requirements for providing proof of registration in order  
13 to reduce administrative processes and eliminate excessive penalty  
14 charges.

15       **Sec. 2.**   RCW 47.68.240 and 2005 c 341 s 2 are each amended to  
16 read as follows:

17       (1) Except as provided in subsection (2) of this section, any  
18 person violating any of the provisions of this chapter, or any of the  
19 rules, regulations, or orders issued pursuant thereto, is guilty of a  
20 misdemeanor.

1 (2)(a) Any person violating any of the provisions of RCW  
2 47.68.220, 47.68.230, or 47.68.255 is guilty of a gross misdemeanor.

3 (b) In addition to, or in lieu of, the penalties provided in this  
4 section, or as a condition to the suspension of a sentence which may  
5 be imposed pursuant thereto, for violations of RCW 47.68.220 and  
6 47.68.230, the court in its discretion may prohibit the violator from  
7 operating an aircraft within the state for such period as it may  
8 determine but not to exceed one year. Violation of the duly imposed  
9 prohibition of the court may be treated as a separate offense under  
10 this section or as a contempt of court.

11 (3) In addition to the provisions of subsections (1) and (2) of  
12 this section, failure to register an aircraft, as required by this  
13 chapter is subject to (~~the following civil penalties:~~

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

16 ~~(b) If the aircraft registration is one hundred twenty days to~~  
17 ~~one hundred eighty days past due, the civil penalty is two hundred~~  
18 ~~dollars.~~

19 ~~(c) If the aircraft registration is over one hundred eighty days~~  
20 ~~past due, the civil penalty is four hundred dollars)) a penalty of~~

21 one hundred dollars if the aircraft registration is sixty days or  
22 more past due.

23 (4) The revenue from (~~penalties~~) the penalty prescribed in  
24 subsection (3) of this section must be deposited into the aeronautics  
25 account under RCW 82.42.090.

26 **Sec. 3.** RCW 47.68.250 and 2013 2nd sp.s. c 13 s 1102 are each  
27 amended to read as follows:

28 (1) Every aircraft must be registered with the department for  
29 each calendar year in which the aircraft is operated or is based  
30 within this state. A fee of fifteen dollars is charged for each such  
31 registration and each annual renewal thereof.

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

1 (3) The registration fee imposed by this section is payable to  
2 and collected by the secretary. The fee for any calendar year must be  
3 paid during the month of January, and must be collected by the  
4 secretary at the time of the collection by him or her of the excise  
5 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 in the transportation fund.

11 (4) 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) 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:

31 (A) The airplane is in this state exclusively for the purpose of  
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)(c)(ii). The written

1 statement must be filed in a form and manner prescribed by the  
2 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)(c)(ii) and that written statements conform with the  
6 provisions of RCW 9A.72.085;

7 (d) An aircraft engaged principally in commercial flying  
8 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.

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

26 (7) A municipality or port district that owns, operates, or  
27 leases an airport, as defined in RCW 47.68.020, with the intent to  
28 operate, must require from an aircraft owner proof of aircraft  
29 registration as a condition of leasing or selling tiedown or  
30 (~~hanger~~) hangar space for an aircraft. It is the responsibility of  
31 the lessee or purchaser to register the aircraft. Proof of  
32 registration must be provided according to the following schedule:

33 (a) For the purchase of tiedown or hangar space, the municipality  
34 or port district must allow the purchaser thirty days from the date  
35 of the application for purchase to produce proof of aircraft  
36 registration.

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

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

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

8 **Sec. 4.** RCW 47.68.250 and 2003 c 375 s 4 are each amended to  
9 read as follows:

10 (1) Every aircraft (~~shall~~) must be registered with the  
11 department for each calendar year in which the aircraft is operated  
12 or is based within this state. A fee of fifteen dollars (~~shall be~~)  
13 is charged for each such registration and each annual renewal  
14 thereof.

15 (2) 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 (~~shall be~~) are the only  
21 requisites for registration of an aircraft under this section.

22 (3) The registration fee imposed by this section (~~shall be~~) 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 (~~shall be~~)  
25 collected by the secretary at the time of the collection by him or  
26 her of the said excise tax. If the secretary is satisfied that the  
27 requirements for registration of the aircraft have been met, he or  
28 she (~~shall thereupon~~) must issue to the owner of the aircraft a  
29 certificate of registration therefor. The secretary (~~shall~~) must  
30 pay to the state treasurer the registration fees collected under this  
31 section, which registration fees (~~shall~~) must be credited to the  
32 aeronautics account in the transportation fund.

33 (4) It (~~shall~~) is not (~~be~~) necessary for the registrant to  
34 provide the secretary with originals or copies of federal  
35 certificates, permits, ratings, or licenses. The secretary (~~shall~~)  
36 must issue certificates of registration, or such other evidences of  
37 registration or payment of fees as he or she may deem proper; and in  
38 connection therewith may prescribe requirements for the possession  
39 and exhibition of such certificates or other evidences.

1       (5) The provisions of this section (~~(shall)~~) do not apply to:

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

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

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

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

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

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

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

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

34       (7) A municipality or port district that owns, operates, or  
35 leases an airport, as defined in RCW 47.68.020, with the intent to  
36 operate, (~~(shall)~~) must require from an aircraft owner proof of  
37 aircraft registration as a condition of leasing or selling tiedown or  
38 (~~(hanger)~~) hangar space for an aircraft. It is the responsibility of  
39 the lessee or purchaser to register the aircraft. Proof of  
40 registration must be 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) The airport ((shall)) 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       NEW SECTION.    Sec. 5.    Section 2 of this act applies to  
17 registrations that initially become past due beginning on or after  
18 July 1, 2016.

19       NEW SECTION.    Sec. 6.    Section 3 of this act takes effect July 1,  
20 2016.

21       NEW SECTION.    Sec. 7.    Section 3 of this act expires July 1,  
22 2021.

23       NEW SECTION.    Sec. 8.    Section 4 of this act takes effect July 1,  
24 2021.

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