

2 **ESHB 1562** - S COMM AMD
3 By Committee on Transportation

4 ADOPTED 4/12/99

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 14.08.122 and 1987 c 254 s 2 are each amended to read
8 as follows:

9 An airport operator may adopt all regulations necessary for rental
10 and use of airport facilities and for the expeditious collection of
11 airport charges. The regulations may also establish procedures for the
12 enforcement of these regulations by the airport operator. The
13 regulations shall include the following:

14 (1) Procedures authorizing airport personnel to take reasonable
15 measures including, but not limited to, the use of chains, ropes, and
16 locks to secure aircraft within the airport facility so that the
17 aircraft are in the possession and control of the airport operator and
18 cannot be removed from the airport. These procedures may be used if an
19 owner hangaring or parking an aircraft at the airport fails, after
20 being notified that charges are owing and of the owner's right to
21 contest that such charges are owing, to pay the airport charges owed
22 ((and the account is at least sixty days delinquent)) or to commence
23 legal proceedings. Notification shall be by registered mail to the
24 owner at his or her last known address. In the case of an aircraft
25 where an owner's address cannot be determined or obtained after
26 reasonable effort, the airport operator need not give such notice prior
27 to securing the aircraft. At the time of securing the aircraft, an
28 authorized airport employee shall attach to the aircraft a readily
29 visible notice and shall make a reasonable attempt to send a copy of
30 the notice to the owner at his or her last known address by registered
31 mail, return receipt requested, and ((a)) an additional copy of the
32 notice by first class mail. The notice shall be of a reasonable size
33 and shall contain the following information:

- 34 (a) The date and time the notice was attached;
35 (b) A reasonable description of the aircraft;
36 (c) The identity of the authorized employee;

1 (d) The amount of airport charges owing;

2 (e) A statement that if the account is not paid in full within
3 (~~one hundred eighty~~) ninety days from the time the notice was
4 attached the aircraft may be sold at public auction to satisfy the
5 airport charges;

6 (~~f~~) (~~The time and place of sale;~~

7 ~~(g)~~) A statement of the owner's right to commence legal
8 proceedings to contest the charges owing and to have the aircraft
9 released upon posting of an adequate cash bond or other security; and

10 (~~(h)~~) (g) The address and telephone number where additional
11 information may be obtained concerning the release of the aircraft.

12 (2) Procedures authorizing airport personnel at their discretion to
13 (~~place~~) move aircraft (~~in~~) to an area within the airport operator's
14 control or for storage with private persons under the airport
15 operator's control as bailees of the airport facility. (~~Reasonable~~)
16 Costs of any such procedure shall be paid by the aircraft's owner.

17 (3) If an aircraft is secured under subsection (1) of this section
18 or moved under conditions authorized (~~under~~) by subsection (2) of
19 this section the owner who is obligated for hangaring or parking or
20 other airport charges may regain possession of the aircraft by:

21 (a) Making arrangements satisfactory with the airport operator for
22 the immediate removal of the aircraft from the airport's hangar, or
23 making arrangements for authorized parking; and

24 (b) By making payment to the airport operator of all airport
25 charges or by posting with the airport operator a sufficient cash bond
26 or other security acceptable to such operator, to be held in trust by
27 the airport operator pending written agreement of the parties with
28 respect to payment by the aircraft owner of the amount owing, or
29 pending resolution of charges in a civil action in a court of competent
30 jurisdiction. Upon written agreement or judicial resolution, the trust
31 shall terminate and the airport operator shall receive so much of the
32 bond or other security as is necessary to satisfy the agreement, or any
33 judgment, costs, and interest as may be awarded to the airport
34 operator. The balance shall be refunded immediately to the owner at
35 the owner's last known address by registered mail, return receipt
36 requested. The airport operator shall send to the owner by first class
37 mail a notice that the balance of funds was forwarded to him or her by
38 registered mail, return receipt requested.

1 (4) If an aircraft parked or hangared at an airport is abandoned,
2 the airport operator may authorize the public sale of the aircraft by
3 authorized personnel to the highest and best bidder for cash as
4 follows:

5 (a) If an aircraft has been secured by the airport operator under
6 subsection (1) of this section and is not released to the owner under
7 the bonding provisions of this section within (~~one hundred eighty~~)
8 ninety days after notifying or attempting to notify the owner under
9 subsection (1) of this section, or in all other cases, for (~~one~~
10 ~~hundred eighty~~) ninety days after the airport operator secures the
11 aircraft, the aircraft shall be conclusively presumed to have been
12 abandoned by the owner;

13 (b) Before the aircraft is sold, the owner of the aircraft shall be
14 given at least twenty days' notice of sale by registered mail, return
15 receipt requested, if the name and address of the owner are known, and
16 the notice of sale shall be published at least once, more than ten but
17 less than twenty days before the sale, in a newspaper of general
18 circulation in the county in which the airport is located. The notice
19 shall include the name of the aircraft, if any, its aircraft
20 identification number, the last known owner and address, the time and
21 place of sale, the amount of airport charges that will be owing at the
22 time of sale, a reasonable description of the aircraft to be sold and
23 a statement that the airport operator may bid all or part of its
24 airport charges at the sale and may become a purchaser at the sale;

25 (c) Before the aircraft is sold, any person seeking to redeem an
26 impounded aircraft under this section may commence a lawsuit in the
27 superior court of the county in which the aircraft was impounded, to
28 contest the validity of the impoundment or the amount of airport
29 charges owing. Such lawsuit must be commenced within ten days of the
30 date the notification was provided under subsection (1) of this
31 section, or the right to a hearing is waived and the owner is liable
32 for any airport charges owing the airport operator. In the event of
33 litigation, the prevailing party is entitled to reasonable attorneys'
34 fees and costs;

35 (d) The proceeds of a sale under this section shall first be
36 applied to payment of airport charges owed. The balance, if any, shall
37 be deposited with the department of revenue to be held in trust for the
38 owner or owners and lienholders for a period of one year. If more than
39 one owner appears on the aircraft title, and/or if any liens appear on

1 the title, the department must, if a claim is made, interplead the
2 balance into a court of competent jurisdiction for distribution. The
3 department may release the balance to the legal owner provided that the
4 claim is made within one year of sale and only one legal owner and no
5 lienholders appear on the title. If no valid claim is made within one
6 year of the date of sale, the excess funds from the sale shall be
7 deposited in the aircraft search and rescue, safety, and education
8 account created in RCW 47.68.236. If the sale is for a sum less than
9 the applicable airport charges, the airport operator is entitled to
10 assert a claim against the aircraft owner or owners for the deficiency;

11 (e) In the event that no one purchases the aircraft at a sale, or
12 that the aircraft is not removed from the premises or other
13 arrangements are not made within ten days of the sale, title to the
14 aircraft shall revert to the airport operator.

15 (5) The regulations authorized under this section shall be
16 enforceable only if:

17 (a) The airport operator has had its tariff and/or regulations,
18 including any and all regulations authorizing the impoundment of an
19 aircraft that is the subject of delinquent airport charges,
20 conspicuously posted at the airport manager's office at all times.

21 (b) All impounding remedies available to the airport operator are
22 included in any written contract for airport charges between an airport
23 operator and an aircraft owner; and

24 ~~((+6+))~~ (c) All rules and regulations authorized under this section
25 are adopted either pursuant to chapter 34.05 RCW, or by resolution of
26 the appropriate legislative authority, as applicable.

27 **Sec. 2.** RCW 47.68.250 and 1998 c 188 s 1 are each amended to read
28 as follows:

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

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

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

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

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

21 The provisions of this section shall not apply to:

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

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

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

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

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

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

1 (7) 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.

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

12 A municipality or port district that owns, operates, or leases an
13 airport, as defined in RCW 47.68.020, with the intent to operate, shall
14 require from an aircraft owner proof of aircraft registration or proof
15 of intent to register an aircraft as a condition of leasing or selling
16 tiedown or hangar space for an aircraft. The airport shall inform the
17 lessee or purchaser of the tiedown or hangar space of the state law
18 requiring registration and direct the person to comply with the state
19 law if the person has not already done so. The airport may lease or
20 sell tiedown or hangar space to owners of nonregistered aircraft after
21 presenting them with the appropriate state registration forms. It is
22 then the responsibility of the lessee or purchaser to register the
23 aircraft. The airport shall report to the department's aviation
24 division at the end of each month, the names, addresses, and "N"
25 numbers of those aircraft owners not yet registered.

26 **Sec. 3.** RCW 82.48.100 and 1965 ex.s. c 173 s 28 are each amended
27 to read as follows:

28 This chapter shall not apply to:

29 Aircraft owned by and used exclusively in the service of any
30 government or any political subdivision thereof, including the
31 government of the United States, any state, territory, or possession of
32 the United States, or the District of Columbia, which are not engaged
33 in carrying persons or property for commercial purposes;

34 Aircraft registered under the laws of a foreign country;

35 Aircraft which are owned by a nonresident and registered in another
36 state: PROVIDED, That if any such aircraft shall remain in and/or be
37 based in this state for a period of ninety days or longer it shall not
38 be exempt under this section;

1 Aircraft engaged principally in commercial flying which constitutes
2 interstate or foreign commerce; and aircraft owned by the manufacturer
3 thereof while being operated for test or experimental purposes, or for
4 the purpose of training crews for purchasers of the aircraft;

5 Aircraft being held for sale, exchange, delivery, test, or
6 demonstration purposes solely as stock in trade of an aircraft dealer
7 licensed under Title 14 RCW;

8 Aircraft owned by a nonresident of this state if the aircraft is
9 kept at an airport in this state and that airport is jointly owned or
10 operated by a municipal corporation or other governmental entity of
11 this state and a municipal corporation or other governmental entity of
12 another state, and the owner or operator of the aircraft provides the
13 department with proof that the owner or operator has paid all taxes,
14 license fees, and registration fees required by the state in which the
15 owner or operator resides."

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17 By Committee on Transportation

18 ADOPTED 4/12/99

19 On page 1, line 2 of the title, after "charges;" strike the
20 remainder of the title and insert "and amending RCW 14.08.122,
21 47.68.250, and 82.48.100."

EFFECT: The current \$4 aircraft registration fee is increased to \$8. Airplanes housed at airports jointly owned or operated by governmental entities from two or more states, and whose owners are nonresidents of Washington State, are exempt from paying Washington's aircraft registration excise tax if they can show proof that they have paid all taxes, license fees, and registration fees required by the state in which they reside. (Example: Idaho residents whose planes are housed at the Pullman Moscow airport would be exempt from Washington's aircraft registration excise tax.)

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