Chapter 47.68 RCW
AERONAUTICS

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Recycling at airports: RCW 70A.200.110.

RCW 47.68.010 Statement of policy. It is hereby declared that the purpose of this chapter is to further the public interest and aeronautical progress by providing for the protection and promotion of safety in aeronautics; by cooperating in effecting uniformity of the laws and regulations relating to the development and regulation of aeronautics in the several states consistent with federal aeronautics laws and regulations; by granting to a state agency such powers and imposing upon it such duties that the state may properly perform its functions relative to aeronautics and effectively exercise its jurisdiction over persons and property within such jurisdiction, assist in the development of a statewide system of airports, cooperate with and assist the municipalities of this state and others engaged in aeronautics, and encourage and develop aeronautics; by establishing only such regulations as are essential in order that persons engaged in aeronautics of every character may so engage with the least possible restriction, consistent with the safety and the rights of others; and by providing for cooperation with the federal authorities in the development of a national system of civil aviation and for coordination of the aeronautical activities of those authorities and the authorities of this state. [1947 c 165 s 2; Rem. Supp. 1947 s 10964-82. Formerly RCW 14.04.010.]

RCW 47.68.015 Change of meaning, certain terms. Unless the language specifically indicates otherwise, or unless the context plainly requires a different interpretation:

Wherever in any provision in the Revised Code of Washington the term "Washington state aeronautics commission", "the state aeronautics commission", "the aeronautics commission of the state", "the aeronautics commission", or "the commission" (when referring to the Washington state aeronautics commission) is used, it shall mean the department of transportation created in RCW 47.01.031.

Wherever in any provision in the Revised Code of Washington the term "state director of aeronautics", "director of aeronautics", or "director" (when referring to the state director of aeronautics) is used, it shall mean the secretary of transportation whose office is created in RCW 47.01.041. [1977 ex.s. c 151 s 22.]

RCW 47.68.020 Definitions. As used in this chapter, unless the context clearly indicates otherwise:

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

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

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

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

(5) "Aircraft" means a piloted or unmanned contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air.

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

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

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

(9) "Airport sponsor" means any public agency or private entity owning or leasing a public use airport.

(10) "Aviation division" means the aeronautics division of the department.

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

(12) "Department" means the state department of transportation.

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

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

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

(16) "Public agency" means any state, political subdivision of a state, tax-supported organization, or Indian tribe.

(17) "Public use airport" means any airport that is used for public, governmental, county, or municipal purposes for matters of public necessity.

(18) "Secretary" means the state secretary of transportation.

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

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

(21) "Unpiloted aircraft system" means an aircraft operated without the possibility of direct human intervention from within or on the aircraft and is synonymous with the term "unmanned aircraft system". An unpiloted aircraft system must meet the same criteria and standards established by the federal aviation administration for an unmanned aircraft system. [2021 c 175 s 11; 2021 c 131 s 4; 1993 c 208 s 4; 1984 c 7 s 342; 1947 c 165 s 1; Rem. Supp. 1947 s 10964-81. Formerly RCW 14.04.020.]

Reviser's note: (1) The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

(2) This section was amended by 2021 c 131 s 4 and by 2021 c 175 s 11, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Findings—Effective date—2021 c 175: See notes following RCW 47.68.430.

Effective date—2021 c 131: See note following RCW 47.68.420.

RCW 47.68.060 Offices. Suitable offices and office equipment shall be provided by the state for the aeronautics division of the department of transportation in a city in the state that it may designate, and the department may incur the necessary expense for office furniture, stationery, printing, incidental expenses, and other expenses necessary for the administration of this chapter. [1984 c 7 s 343; 1947 c 165 s 6; Rem. Supp. 1947 s 10964-86. Formerly RCW 14.04.060.]

RCW 47.68.070 General powers. The department has general supervision over aeronautics within this state. It is empowered and directed to encourage, foster, and assist in the development of aeronautics in this state and to encourage the establishment of airports and air navigation facilities. It shall cooperate with and assist the federal government, the municipalities of this state, and other persons in the development of aeronautics, and shall seek to coordinate the aeronautical activities of these bodies and persons. Municipalities are authorized to cooperate with the department in the development of aeronautics and aeronautical facilities in this state. [1984 c 7 s 344; 1947 c 165 s 7; Rem. Supp. 1947 s 10964-87. Formerly RCW 14.04.070.]

RCW 47.68.080 Drafts of legislation, other duties. The department may draft and recommend necessary legislation to advance the interests of the state in aeronautics, represent the state in aeronautical matters before federal agencies and other state agencies, and participate as party plaintiff or defendant or as intervener on behalf of the state or any municipality or citizen thereof in any controversy which involves the interest of the state in aeronautics. [1984 c 7 s 345; 1947 c 165 s 8; 1945 c 252 s 5; Rem. Supp. 1947 s 10964-88. Formerly RCW 14.04.080.]

RCW 47.68.090 Aid to municipalities, Indian tribes, persons—Federal aid. (1) The department of transportation may make available its engineering and other technical services, with or without charge, to any municipality or person desiring them in connection with the planning, acquisition, construction, improvement, maintenance, or operation of airports or air navigation facilities.

(2)(a) The department may render financial assistance by grant or loan, or both, to the following entities out of appropriations made by the legislature for the following purposes:

(i) Any municipality or municipalities acting jointly in the planning, acquisition, construction, improvement, maintenance, or operation of an airport owned or controlled, or to be owned or controlled by such municipality or municipalities;

(ii) Any Indian tribe recognized as such by the federal government or such tribes acting jointly in the planning, acquisition, construction, improvement, maintenance, or operation of an airport, owned or controlled, or to be owned or controlled by such tribe or tribes, and to be held available for the general use of the public; or

(iii) Any person or persons acting jointly in the planning, acquisition, construction, improvement, maintenance, or operation of an airport, owned or controlled, or to be owned or controlled by such person or persons, and to be held available for the general use of the public.

(b) Such financial assistance may be furnished in connection with federal or other financial aid for the same purposes: PROVIDED, That no grant or loan, or both, shall be in excess of $750,000 for any one project: PROVIDED FURTHER, That no grant or loan, or both, shall be granted unless the municipality or municipalities acting jointly, the tribe or tribes acting jointly, or the person or persons acting jointly shall from their own funds match any funds made available by the department upon such ratio as the department may prescribe.

(c) The requirements of (b) of this subsection do not apply for projects when directed to do so by the legislature during the 2023-2025 fiscal biennium in an omnibus transportation appropriations act.

(d) The department must establish, by rule, criteria for administering financial assistance to any entity.

(3) The department is authorized to act as agent of any municipality or municipalities acting jointly, any tribe or tribes acting jointly, or any person or persons acting jointly upon the request of such municipality or municipalities, tribe or tribes, or person or persons in accepting, receiving, receipting for, and disbursing federal moneys, and other moneys public or private, made available to finance, in whole or in part, the planning, acquisition, construction, improvement, maintenance, or operation of an airport or air navigation facility; and if requested by such municipality or municipalities, tribe or tribes, or person or persons, may act as its or their agent in contracting for and supervising such planning, acquisition, construction, improvement, maintenance, or operation; and all municipalities, tribes, and persons are authorized to designate the department as their agent for the foregoing purposes. The department, as principal on behalf of the state, and any municipality on its own behalf, may enter into any contracts, with each other or with the United States or with any person, which may be required in connection with a grant or loan of federal moneys for airport or air navigation facility purposes. All federal moneys accepted under this section shall be accepted and transferred or expended by the department upon such terms and conditions as are prescribed by the United States. All moneys received by the department pursuant to this section shall be deposited in the state treasury, and, unless otherwise prescribed by the authority from which such moneys were received, shall be kept in separate funds designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such moneys are hereby appropriated for the purposes for which the same were made available, to be disbursed or expended in accordance with the terms and conditions upon which they were made available: PROVIDED, That any landing fee or charge imposed by any Indian tribe or tribes for the privilege of use of an airport facility planned, acquired, constructed, improved, maintained, or operated with financial assistance from the department pursuant to this section must apply equally to tribal and nontribal members: PROVIDED FURTHER, That in the event any municipality or municipalities, Indian tribe or tribes, or person or persons, or any distributor of aircraft fuel as defined by RCW 82.42.010 which operates in any airport facility which has received financial assistance pursuant to this section, fails to collect the aircraft fuel excise tax as specified in chapter 82.42 RCW, all funds or value of technical assistance given or paid to such municipality or municipalities, Indian tribe or tribes, or person or persons under the provisions of this section shall revert to the department, and shall be due and payable to the department immediately. [2024 c 310 s 607; 2017 c 48 s 2; 2011 c 51 s 1; 2009 c 470 s 718; 1980 c 67 s 1; 1975 1st ex.s. c 161 s 1; 1947 c 165 s 9; Rem. Supp. 1947 s 10964-89. Formerly RCW 14.04.090.]

Effective date—2024 c 310: See note following RCW 14.40.020.

Finding—2017 c 48: "The legislature finds that the Washington state department of transportation airport investment study identified total statewide airport preservation and capital needs and included a list of recommended changes. One of the recommendations is to increase the maximum amount authorized by the airport aid program per grant to airports. This change can help smaller airports use the state grant to match federal funding." [2017 c 48 s 1.]

Effective date—2009 c 470: See note following RCW 46.68.170.

Distributor of aircraft fuel defined: RCW 82.42.010.

RCW 47.68.100 Acquisition and disposal of airports, facilities, etc. The department is authorized on behalf of and in the name of the state, out of appropriations and other moneys made available for such purposes, to plan, establish, construct, enlarge, improve, maintain, equip, operate, regulate, protect, and police airports, air navigation facilities, and air markers and/or air marking systems, either within or without the state, including the construction, installation, equipment, maintenance, and operation at the airports of buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air travelers. For such purposes the department may by purchase, gift, devise, lease, condemnation, or otherwise, acquire property, real or personal, or any interest therein, including easements or land outside the boundaries of an airport or airport site, as are necessary to permit safe and efficient operation of the airports or to permit the removal, elimination, marking, or lighting of obstructions or airport hazards, or to prevent the establishment of airport hazards. In like manner the department may acquire existing airports and air navigation facilities. However, it shall not acquire or take over any airport or air navigation facility owned or controlled by a municipality of this or any other state without the consent of the municipality. The department may by sale, lease, or otherwise, dispose of any property, airport, air navigation facility, or portion thereof or interest therein. The disposal by sale, lease, or otherwise shall be in accordance with the laws of this state governing the disposition of other property of the state, except that in the case of disposals to any municipality or state government or the United States for aeronautical purposes incident thereto, the sale, lease, or other disposal may be effected in such manner and upon such terms as the department deems in the best interest of the state. The department may exercise any powers granted by this section jointly with any municipalities, agencies, or departments of the state government, with other states or their municipalities, or with the United States. [1984 c 7 s 346; 1947 c 165 s 10; Rem. Supp. 1947 s 10964-90. Formerly RCW 14.04.100.]

RCW 47.68.110 Zoning powers not interfered with. Nothing contained in this chapter shall be construed to limit any right, power or authority of the state or a municipality to regulate airport hazards by zoning. [1947 c 165 s 11; Rem. Supp. 1947 s 10964-91. Formerly RCW 14.04.110.]

Planning commissions: Chapter 35.63 RCW.

RCW 47.68.120 Condemnation, how exercised. In the condemnation of property authorized by this chapter, the department shall proceed in the name of the state in the manner that property is acquired by the department for public uses. [1984 c 7 s 347; 1947 c 165 s 12; Rem. Supp. 1947 s 10964-92. Formerly RCW 14.04.120.]

Acquisition of highway property: Chapter 47.12 RCW.

Eminent domain by state: Chapter 8.04 RCW.

RCW 47.68.130 Contracts or leases of facilities in operating airports. In operating an airport or air navigation facility owned or controlled by the state, the department may enter into contracts, leases, and other arrangements for a term not exceeding twenty-five years with any persons. The department may grant the privilege of using or improving the airport or air navigation facility or any portion or facility thereof or space therein for commercial purposes, confer the privilege of supplying goods, commodities, things, services, or facilities at the airport or air navigation facility, or make available services to be furnished by the department or its agents at the airport or air navigation facility. In each case the department may establish the terms and conditions and fix the charges, rentals, or fees for the privileges or services, which shall be reasonable and uniform for the same class of privilege or service and shall be established with due regard to the property and improvements used and the cost of operation to the state. In no case shall the public be deprived of its rightful, equal, and uniform use of the airport, air navigation facility, or portion or facility thereof. [1984 c 7 s 348; 1947 c 165 s 13; Rem. Supp. 1947 s 10964-93. Formerly RCW 14.04.130.]

RCW 47.68.140 Lease of airports. The department may by contract, lease, or other arrangement, upon a consideration fixed by it, grant to any qualified person for a term not to exceed twenty-five years the privilege of operating, as agent of the state or otherwise, any airport owned or controlled by the state: PROVIDED, That no such person shall be granted any authority to operate the airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the department might not have undertaken under RCW 47.68.130. [1983 c 3 s 141; 1947 c 165 s 14; Rem. Supp. 1947 s 10964-94. Formerly RCW 14.04.140.]

RCW 47.68.150 Lien for state's charges. To enforce the payment of any charges for repairs to, improvements, storage, or care of any personal property made or furnished by the department or its agents in connection with the operation of an airport or air navigation facility owned or operated by the state, the state shall have liens on such property, which shall be enforceable by the department as provided by law. [1984 c 7 s 349; 1947 c 165 s 15; Rem. Supp. 1947 s 10964-95. Formerly RCW 14.04.150.]

RCW 47.68.160 Acceptance of federal moneys. The department is authorized to accept, receive, receipt for, disburse, and expend federal moneys, and other moneys public or private, made available to accomplish, in whole or in part, any of the purposes of this section. All federal moneys accepted under this section shall be accepted and expended by the department upon such terms and conditions as are prescribed by the United States. In accepting federal moneys under this section, the department shall have the same authority to enter into contracts on behalf of the state as is granted to the department under RCW 47.68.090 with respect to federal moneys accepted on behalf of municipalities. All moneys received by the department pursuant to this section shall be deposited in the state treasury, and, unless otherwise prescribed by the authority from which such moneys were received, shall be kept in separate funds designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such moneys are hereby appropriated for the purpose of which the same were made available, to be disbursed or expended in accordance with the terms and conditions upon which they were made available. [1983 c 3 s 142; 1947 c 165 s 16; 1945 c 252 s 7; Rem. Supp. 1947 s 10964-96. Formerly RCW 14.04.160.]

RCW 47.68.170 State airways system. The department may designate, design, and establish, expand, or modify a state airways system that will best serve the interest of the state. It may chart the airways system and arrange for publication and distribution of such maps, charts, notices, and bulletins relating to the airways as may be required in the public interest. The system shall be supplementary to and coordinated in design and operation with the federal airways system. It may include all types of air navigation facilities, whether publicly or privately owned, if the facilities conform to federal safety standards. [1984 c 7 s 350; 1947 c 165 s 17; Rem. Supp. 1947 s 10964-97. Formerly RCW 14.04.170.]

RCW 47.68.180 Execution of necessary contracts. The department may enter into any contracts necessary to the execution of the powers granted it by this chapter. All contracts made by the department, either as the agent of the state or as the agent of any municipality, shall be made pursuant to the laws of the state governing the making of like contracts. Where the planning, acquisition, construction, improvement, maintenance, or operation of any airport or air navigation facility is financed wholly or partially with federal moneys, the department as agent of the state or of any municipality, may let contracts in the manner prescribed by the federal authorities acting under the laws of the United States and any rules or regulations made thereunder. [1984 c 7 s 351; 1947 c 165 s 18; Rem. Supp. 1947 s 10964-98. Formerly RCW 14.04.180.]

RCW 47.68.185 Establishment of procedures required by conditions of federal transfers of facilities. The department is authorized to establish the necessary accounts or administrative procedures required by conditions attached to transfers of airport facilities from the federal government to the state of Washington. [1984 c 7 s 352; 1963 c 73 s 1. Formerly RCW 14.04.185.]

RCW 47.68.190 Exclusive grants prohibited. The department shall not grant any exclusive right for the use of any landing area or air navigation facility under its jurisdiction. This section shall not be construed to prevent the making of contracts, leases, and other arrangements pursuant to this chapter. [1984 c 7 s 353; 1947 c 165 s 19; Rem. Supp. 1947 s 10964-99. Formerly RCW 14.04.190.]

RCW 47.68.200 Exercise of powers, public and governmental purpose. The acquisition of any lands or interest therein pursuant to this chapter, the planning, acquisition, establishment, construction, improvement, maintenance, equipment, and operation of airports and air navigation facilities, whether by the state separately or jointly with any municipality or municipalities, and the exercise of any other powers herein granted to the department are public and governmental functions, exercised for a public purpose, and matters of public necessity. All lands and other property and privileges acquired and used by or on behalf of the state in the manner and for the purposes enumerated in this chapter shall and are declared to be acquired and used for public and governmental purposes and as a matter of public necessity. [1984 c 7 s 354; 1947 c 165 s 20; Rem. Supp. 1947 s 10964-100. Formerly RCW 14.04.200.]

RCW 47.68.210 Rules—Standards. The department of transportation may perform such acts, issue and amend such orders, make, promulgate, and amend such reasonable general rules, and procedures, and establish such minimum standards, consistent with the provisions of this chapter, as it shall deem necessary to perform its duties hereunder; all commensurate with and for the purpose of protecting and insuring the general public interest and safety, the safety of persons operating, using or traveling in aircraft or persons receiving instruction in flying or ground subjects pertaining to aeronautics, and the safety of persons and property on land or water, and developing and promoting aeronautics in this state. No rule of the department shall apply to airports or air navigation facilities owned or operated by the United States.

The department shall keep on file with the code reviser, and at the principal office of the department, a copy of all its rules for public inspection.

The department shall provide for the publication and general distribution of all its orders, rules, and procedures having general effect. [1982 c 35 s 198; 1947 c 165 s 21; Rem. Supp. 1947 s 10964-101. Formerly RCW 14.04.210.]

Intent—Severability—Effective dates—Application—1982 c 35: See notes following RCW 43.07.160.

Notice of meetings: Chapter 42.30 RCW.

RCW 47.68.220 Operating aircraft recklessly or under influence of intoxicants or drugs. It shall be unlawful for any person to operate an aircraft in the air, or on the ground or water, while under the influence of intoxicating liquor, narcotics, or other habit-forming drug, or to operate an aircraft in the air or on the ground or

water, in a careless manner so as to endanger the life or property of another. In any proceeding charging careless or reckless operation of aircraft in violation of this section, the court in determining whether the operation was careless or reckless may consider the standards for safe operation of aircraft prescribed by federal statutes or regulations governing aeronautics. [1947 c 165 s 22; Rem. Supp. 1947 s 10964-102. Formerly RCW 14.04.220.]

RCW 47.68.230 Aircraft, airman, and airwoman certificates required. It shall be unlawful for any person to operate or cause or authorize to be operated any civil aircraft within this state unless such aircraft has an appropriate effective certificate, permit, or license issued by the United States, if such certificate, permit, or license is required by the United States, and a current registration certificate issued by the secretary of transportation, if registration of the aircraft with the department of transportation is required by this chapter. It shall be unlawful for any person to engage in aeronautics as an airman or airwoman in the state unless the person has an appropriate effective airman or airwoman certificate, permit, rating, or license issued by the United States authorizing him or her to engage in the particular class of aeronautics in which he or she is engaged, if such certificate, permit, rating, or license is required by the United States.

Where a certificate, permit, rating, or license is required for an airman or airwoman by the United States, it shall be kept in his or her personal possession when he or she is operating within the state. Where a certificate, permit, or license is required by the United States or by this chapter for an aircraft, it shall be carried in the aircraft at all times while the aircraft is operating in the state and shall be conspicuously posted in the aircraft where it may be readily seen by passengers or inspectors. Such certificates shall be presented for inspection upon the demand of any peace officer, or any other officer of the state or of a municipality or member, official, or employee of the department of transportation authorized pursuant to this chapter to enforce the aeronautics laws, or any official, manager, or person in charge of any airport, or upon the reasonable request of any person. [2005 c 341 s 1; 1993 c 208 s 5; 1987 c 220 s 1; 1979 c 158 s 205; 1967 ex.s. c 68 s 2; 1967 ex.s. c 9 s 7; 1949 c 49 s 11; 1947 c 165 s 23; Rem. Supp. 1949 s 10964-103. Formerly RCW 14.04.230.]

Effective date—2005 c 341: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005." [2005 c 341 s 6.]

RCW 47.68.235 License or certificate suspension—Noncompliance with support order—Reissuance. The department shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a *residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the

department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. [1997 c 58 s 859.]

***Reviser's note:** 1997 c 58 s 886 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for noncompliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates—Intent—1997 c 58: See notes following RCW 74.20A.320.

RCW 47.68.240 Penalties for violations. (1) Except as provided in subsection (2) of this section, any person violating any of the provisions of this chapter, or any of the rules, regulations, or orders issued pursuant thereto, is guilty of a misdemeanor.

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

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

(3) In addition to the provisions of subsections (1) and (2) of this section, failure to register an aircraft, as required by this chapter is subject to a penalty of one hundred dollars if the aircraft registration is sixty days or more past due.

(4) The revenue from the penalty prescribed in subsection (3) of this section must be deposited into the aeronautics account under RCW 82.42.090. [2016 c 20 s 2; 2005 c 341 s 2. Prior: 2003 c 375 s 3; 2003 c 53 s 265; 2000 c 229 s 2; 1999 c 277 s 5; 1993 c 238 s 3; 1987 c 202 s 216; 1983 c 3 s 145; 1947 c 165 s 24; Rem. Supp. 1947 s 10964-104. Formerly RCW 14.04.240.]

Application—2016 c 20 s 2: "Section 2 of this act applies to registrations that initially become past due beginning on or after July 1, 2016." [2016 c 20 s 5.]

Findings—Intent—2016 c 20: "The legislature finds that the current penalty structure for late aircraft registration is unfair and excessive. The legislature further finds that the timing of providing proof of registration places a burden on aircraft owners attempting to lease or purchase hangar space for their aircraft. The legislature intends to streamline the penalty structure of late registrations and clarify the requirements for providing proof of registration in order

to reduce administrative processes and eliminate excessive penalty charges." [2016 c 20 s 1.]

Effective date—2005 c 341: See note following RCW 47.68.230.

Effective date—2003 c 375: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003." [2003 c 375 s 7.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

Effective date—2000 c 229: See note following RCW 46.16A.030.

Intent—1987 c 202: See note following RCW 2.04.190.

RCW 47.68.250 Registration of aircraft. ***(Effective until January 1, 2027.)*** (1) Every aircraft, inclusive of commercial unpiloted aircraft systems, must be registered with the department for each calendar year in which the aircraft is operated or is based within this state. A fee of fifteen dollars is charged for each such registration and each annual renewal thereof.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) The department may adopt rules to implement this section. [2021 c 131 s 2; 2020 c 304 s 3; (2019 c 232 s 23 expired July 1, 2021); 2017 3rd sp.s. c 25 s 46; (2017 3rd sp.s. c 25 s 44 expired July 1, 2021); 2016 c 20 s 4; (2016 c 20 s 3 expired July 1, 2021); (2013 2nd sp.s. c 13 s 1102 expired July 1, 2021); 2003 c 375 s 4; 1999 c 302 s 2; 1998 c 188 s 1; 1995 c 170 s 3; 1993 c 208 s 7; 1987 c 220 s 3; 1979 c 158 s 206; 1967 ex.s. c 9 s 8; 1955 c 150 s 11; 1949 c 49 s 12; 1947 c 165 s 25; Rem. Supp. 1949 s 10964-105. Formerly RCW 14.04.250.]

Expiration—2021 c 131 s 2: "Section 2 of this act expires July 1, 2031." [2021 c 131 s 5.]

Effective date—2021 c 131: See note following RCW 47.68.420.

Effective date—2020 c 304 ss 3 and 5: "Sections 3 and 5 of this act take effect July 1, 2021." [2020 c 304 s 6.]

Expiration date—2020 c 304 ss 3 and 5: "Sections 3 and 5 of this act expire July 1, 2031." [2020 c 304 s 7.]

Intent—Findings—Tax preference review—2020 c 304 ss 1-5; 2013 2nd sp.s. c 13 ss 1101-1105: "(1) The legislature intends to promote the economic development of our state's aerospace cluster and increase the tax revenues collected by the state through promoting a competitive marketplace for storing and modifying unfurnished, noncommercial aircraft. The legislature finds that Washington is currently losing these types of jobs to other states, resulting in the loss of high-wage jobs and new tax revenue. Further, the legislature finds that the current tax statutes are an impediment to encouraging the development of aerospace clusters in our state. Therefore, the legislature intends to modify our state's tax policy to encourage aerospace cluster development within the state and increase tax revenues.

(2) The joint legislative audit and review committee, as part of its tax preference review process, must estimate the net impact on state tax revenues by comparing the decrease in state revenues resulting from the changes made in sections 1 through 5, chapter 304, Laws of 2020 and sections 1101 through 1105, chapter 13, Laws of 2013 2nd sp. sess. to the additional tax revenues generated from the direct, indirect, and induced economic impacts from those changes. The

committee must conduct its tax preference review of sections 1 through 5, chapter 304, Laws of 2020 and sections 1101 through 1105, chapter 13, Laws of 2013 2nd sp. sess. during calendar years 2016 and 2026 and report its findings and recommendations to the legislature by January 1, 2017, and January 1, 2027." [2020 c 304 s 9; 2013 2nd sp.s. c 13 s 1101.]

Expiration date—2020 c 304; 2013 2nd sp.s. c 13 ss 1102 and 1105: "Sections 1102 and 1105, chapter 13, Laws of 2013 2nd sp. sess. expire July 1, 2021." [2020 c 304 s 10; 2013 2nd sp.s. c 13 s 1906.]

Expiration date—2019 c 232 s 23: "Section 23 of this act expires July 1, 2021." [2019 c 232 s 28.]

Expiration date—2017 3rd sp.s. c 25 s 44: "Section 44 of this act expires July 1, 2021." [2017 3rd sp.s. c 25 s 45.]

Effective date—2017 3rd sp.s. c 25 s 46: "Section 46 of this act takes effect July 1, 2021." [2017 3rd sp.s. c 25 s 47.]

Effective date—2016 c 20 s 3: "Section 3 of this act takes effect July 1, 2016." [2016 c 20 s 6.]

Expiration date—2016 c 20 s 3: "Section 3 of this act expires July 1, 2021." [2016 c 20 s 7.]

Effective date—2016 c 20 s 4: "Section 4 of this act takes effect July 1, 2021." [2016 c 20 s 8.]

Findings—Intent—2016 c 20: See note following RCW 47.68.240.

Effective date—2013 2nd sp.s. c 13: See note following RCW 82.08.215.

Effective date—2003 c 375: See note following RCW 47.68.240.

Severability—1987 c 220: See note following RCW 47.68.230.

Aircraft dealers: Chapter 14.20 RCW.

Definition of terms: RCW 14.20.010, 47.68.020.

RCW 47.68.250 Registration of aircraft. *(Effective January 1, 2027.)* (1)(a) Every aircraft, inclusive of commercial unpiloted aircraft systems, must be registered with the department for each calendar year in which the aircraft is operated or is based within this state. A fee of $30, to be adjusted annually as provided in (b) of this subsection, is charged for each such registration and each annual renewal thereof.

(b) Beginning January 1, 2028, the aircraft registration fee required in (a) of this subsection must be adjusted annually by increasing the fee by two percent and the result must be rounded to the nearest whole dollar.

(2) The department must review the fee schedule based on the number of unpiloted aircraft systems registered under any single

entity. Consideration should be given to the cost to administer the program and the number of commercial aircraft registered in the state. The department shall collaborate with the department of commerce, the department of revenue, and industry representatives in determining any recommendations to revise the initial fee. The report is due to the transportation committees of the legislature by December 1, 2022.

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

(4) The registration fee imposed by this section is payable to and collected by the secretary. The fee for any calendar year must be paid during the month of January, and collected by the secretary at the time of the collection by him or her of the excise tax. If the secretary is satisfied that the requirements for registration of the aircraft have been met, he or she must issue to the owner of the aircraft a certificate of registration therefor. The secretary must pay to the state treasurer the registration fees collected under this section with 50 percent deposited in the aeronautics account created in RCW 82.42.090 and 50 percent deposited in the sustainable aviation fuel account created in RCW 43.31.645.

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

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

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

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

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

(i) The aircraft remains in this state or is based in this state, or both, for a period less than 90 days; or

(ii) The aircraft is a large private airplane as defined in RCW 82.08.215 and remains in this state for a period of 90 days or longer, but only when:

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

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

(C) Within 90 days of the date the airplane first arrived in this state during the calendar year, the nonresident files a written statement with the department indicating that the airplane is exempt from registration under this subsection (6)(c)(ii). The written statement must be filed in a form and manner prescribed by the department and must include such information as the department requires. The department may require additional periodic verification

that the airplane remains exempt from registration under this subsection (6)(c)(ii) and that written statements conform with the provisions of chapter 5.50 RCW;

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

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

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

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

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

(7) The secretary must be notified within 30 days of any change in ownership of a registered aircraft. The notification must contain the N, NC, NR, NL, or NX number of the aircraft, the full name and address of the former owner, and the full name and address of the new owner. For failure to so notify the secretary, the registration of that aircraft may be canceled by the secretary, subject to reinstatement upon application and payment of a reinstatement fee of $10 by the new owner.

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

(a) For the purchase of tiedown or hangar space, the municipality or port district must allow the purchaser 30 days from the date of the application for purchase to produce proof of aircraft registration.

(b) For the lease of tiedown or hangar space that extends 30 days or more, the municipality or port district must allow the lessee 30 days to produce proof of aircraft registration from the date of the application for lease of tiedown or hangar space.

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

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

(10) The department may adopt rules to implement this section. [2026 c 255 s 404; 2021 c 131 s 2; 2020 c 304 s 3; (2019 c 232 s 23 expired July 1, 2021); 2017 3rd sp.s. c 25 s 46; (2017 3rd sp.s. c 25 s 44 expired July 1, 2021); 2016 c 20 s 4; (2016 c 20 s 3 expired July 1, 2021); (2013 2nd sp.s. c 13 s 1102 expired July 1, 2021); 2003 c 375 s 4; 1999 c 302 s 2; 1998 c 188 s 1; 1995 c 170 s 3; 1993 c 208 s 7; 1987 c 220 s 3; 1979 c 158 s 206; 1967 ex.s. c 9 s 8; 1955 c 150 s 11; 1949 c 49 s 12; 1947 c 165 s 25; Rem. Supp. 1949 s 10964-105. Formerly RCW 14.04.250.]

Effective date—2026 c 255 ss 404, 406, and 407: "Sections 404, 406, and 407 of this act take effect January 1, 2027." [2026 c 255 s 1403.]

Expiration dates—2026 c 255 ss 404 and 1307: See note following RCW 43.79A.040.

Intent—2026 c 255: See note following RCW 82.08.020.

Expiration—2021 c 131 s 2: "Section 2 of this act expires July 1, 2031." [2021 c 131 s 5.]

Effective date—2021 c 131: See note following RCW 47.68.420.

Effective date—2020 c 304 ss 3 and 5: "Sections 3 and 5 of this act take effect July 1, 2021." [2020 c 304 s 6.]

Expiration date—2020 c 304 ss 3 and 5: "Sections 3 and 5 of this act expire July 1, 2031." [2020 c 304 s 7.]

Intent—Findings—Tax preference review—2020 c 304 ss 1-5; 2013 2nd sp.s. c 13 ss 1101-1105: "(1) The legislature intends to promote the economic development of our state's aerospace cluster and increase the tax revenues collected by the state through promoting a competitive marketplace for storing and modifying unfurnished, noncommercial aircraft. The legislature finds that Washington is currently losing these types of jobs to other states, resulting in the loss of high-wage jobs and new tax revenue. Further, the legislature finds that the current tax statutes are an impediment to encouraging the development of aerospace clusters in our state. Therefore, the legislature intends to modify our state's tax policy to encourage aerospace cluster development within the state and increase tax revenues.

(2) The joint legislative audit and review committee, as part of its tax preference review process, must estimate the net impact on state tax revenues by comparing the decrease in state revenues resulting from the changes made in sections 1 through 5, chapter 304, Laws of 2020 and sections 1101 through 1105, chapter 13, Laws of 2013 2nd sp. sess. to the additional tax revenues generated from the direct, indirect, and induced economic impacts from those changes. The committee must conduct its tax preference review of sections 1 through 5, chapter 304, Laws of 2020 and sections 1101 through 1105, chapter 13, Laws of 2013 2nd sp. sess. during calendar years 2016 and 2026 and report its findings and recommendations to the legislature by January 1, 2017, and January 1, 2027." [2020 c 304 s 9; 2013 2nd sp.s. c 13 s 1101.]

Expiration date—2020 c 304; 2013 2nd sp.s. c 13 ss 1102 and 1105: "Sections 1102 and 1105, chapter 13, Laws of 2013 2nd sp. sess. expire July 1, 2021." [2020 c 304 s 10; 2013 2nd sp.s. c 13 s 1906.]

Expiration date—2019 c 232 s 23: "Section 23 of this act expires July 1, 2021." [2019 c 232 s 28.]

Expiration date—2017 3rd sp.s. c 25 s 44: "Section 44 of this act expires July 1, 2021." [2017 3rd sp.s. c 25 s 45.]

Effective date—2017 3rd sp.s. c 25 s 46: "Section 46 of this act takes effect July 1, 2021." [2017 3rd sp.s. c 25 s 47.]

Effective date—2016 c 20 s 3: "Section 3 of this act takes effect July 1, 2016." [2016 c 20 s 6.]

Expiration date—2016 c 20 s 3: "Section 3 of this act expires July 1, 2021." [2016 c 20 s 7.]

Effective date—2016 c 20 s 4: "Section 4 of this act takes effect July 1, 2021." [2016 c 20 s 8.]

Findings—Intent—2016 c 20: See note following RCW 47.68.240.

Effective date—2013 2nd sp.s. c 13: See note following RCW 82.08.215.

Effective date—2003 c 375: See note following RCW 47.68.240.

Severability—1987 c 220: See note following RCW 47.68.230.

Aircraft dealers: Chapter 14.20 RCW.

Definition of terms: RCW 14.20.010, 47.68.020.

RCW 47.68.250 Registration of aircraft. *(Effective July 1, 2031.)* (1)(a) Every aircraft, inclusive of commercial unpiloted aircraft systems, must be registered with the department for each calendar year in which the aircraft is operated or is based within this state. A fee of $30, to be adjusted annually as provided in (b) of this subsection, is charged for each such registration and each annual renewal thereof.

(b) Beginning January 1, 2028, the aircraft registration fee required in (a) of this subsection must be adjusted annually by increasing the fee by two percent and the result must be rounded to the nearest whole dollar.

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

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

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

tax. If the secretary is satisfied that the requirements for registration of the aircraft have been met, he or she must issue to the owner of the aircraft a certificate of registration therefor. The secretary must pay to the state treasurer the registration fees collected under this section with 50 percent deposited in the aeronautics account created in RCW 82.42.090 and 50 percent deposited in the sustainable aviation fuel account created in RCW 43.31.645.

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

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

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

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

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

(i) The aircraft remains in this state or is based in this state, or both, for a period less than 90 days; or

(ii) The aircraft is a large private airplane as defined in RCW 82.08.215 and remains in this state for a period of 90 days or longer, but only when:

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

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

(C) Within 90 days of the date the airplane first arrived in this state during the calendar year, the nonresident files a written statement with the department indicating that the airplane is exempt from registration under this subsection (6)(c)(ii). The written statement must be filed in a form and manner prescribed by the department and must include such information as the department requires. The department may require additional periodic verification that the airplane remains exempt from registration under this subsection (6)(c)(ii) and that written statements conform with the provisions of chapter 5.50 RCW;

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

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

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

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

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

(7) The secretary must be notified within 30 days of any change in ownership of a registered aircraft. The notification must contain the N, NC, NR, NL, or NX number of the aircraft, the full name and address of the former owner, and the full name and address of the new owner. For failure to so notify the secretary, the registration of that aircraft may be canceled by the secretary, subject to reinstatement upon application and payment of a reinstatement fee of $10 by the new owner.

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

(a) For the purchase of tiedown or hangar space, the municipality or port district must allow the purchaser 30 days from the date of the application for purchase to produce proof of aircraft registration.

(b) For the lease of tiedown or hangar space that extends 30 days or more, the municipality or port district must allow the lessee 30 days to produce proof of aircraft registration from the date of the application for lease of tiedown or hangar space.

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

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

(10) The department may adopt rules to implement this section. [2026 c 255 s 405; 2021 c 131 s 3; (2019 c 232 s 23 expired July 1, 2021); (2017 3rd sp.s. c 25 s 44 expired July 1, 2021); (2016 c 20 s 3 expired July 1, 2021); (2013 2nd sp.s. c 13 s 1102 expired July 1, 2021); 2003 c 375 s 4; 1999 c 302 s 2; 1998 c 188 s 1; 1995 c 170 s 3; 1993 c 208 s 7; 1987 c 220 s 3; 1979 c 158 s 206; 1967 ex.s. c 9 s 8; 1955 c 150 s 11; 1949 c 49 s 12; 1947 c 165 s 25; Rem. Supp. 1949 s 10964-105. Formerly RCW 14.04.250.]

Effective dates—2026 c 255 ss 405 and 1308: See note following RCW 43.79A.040.

Intent—2026 c 255: See note following RCW 82.08.020.

Effective date—2021 c 131 s 3: "Section 3 of this act takes effect July 1, 2031." [2021 c 131 s 6.]

Intent—Findings—Tax preference review—2020 c 304 ss 1-5; 2013 2nd sp.s. c 13 ss 1101-1105: "(1) The legislature intends to promote the economic development of our state's aerospace cluster and increase the tax revenues collected by the state through promoting a competitive marketplace for storing and modifying unfurnished, noncommercial aircraft. The legislature finds that Washington is currently losing these types of jobs to other states, resulting in the loss of high-wage jobs and new tax revenue. Further, the legislature finds that the current tax statutes are an impediment to encouraging the development of aerospace clusters in our state. Therefore, the

legislature intends to modify our state's tax policy to encourage aerospace cluster development within the state and increase tax revenues.

(2) The joint legislative audit and review committee, as part of its tax preference review process, must estimate the net impact on state tax revenues by comparing the decrease in state revenues resulting from the changes made in sections 1 through 5, chapter 304, Laws of 2020 and sections 1101 through 1105, chapter 13, Laws of 2013 2nd sp. sess. to the additional tax revenues generated from the direct, indirect, and induced economic impacts from those changes. The committee must conduct its tax preference review of sections 1 through 5, chapter 304, Laws of 2020 and sections 1101 through 1105, chapter 13, Laws of 2013 2nd sp. sess. during calendar years 2016 and 2026 and report its findings and recommendations to the legislature by January 1, 2017, and January 1, 2027." [2020 c 304 s 9; 2013 2nd sp.s. c 13 s 1101.]

Expiration date—2020 c 304; 2013 2nd sp.s. c 13 ss 1102 and 1105: "Sections 1102 and 1105, chapter 13, Laws of 2013 2nd sp. sess. expire July 1, 2021." [2020 c 304 s 10; 2013 2nd sp.s. c 13 s 1906.]

Expiration date—2019 c 232 s 23: "Section 23 of this act expires July 1, 2021." [2019 c 232 s 28.]

Expiration date—2017 3rd sp.s. c 25 s 44: "Section 44 of this act expires July 1, 2021." [2017 3rd sp.s. c 25 s 45.]

Effective date—2016 c 20 s 3: "Section 3 of this act takes effect July 1, 2016." [2016 c 20 s 6.]

Expiration date—2016 c 20 s 3: "Section 3 of this act expires July 1, 2021." [2016 c 20 s 7.]

Findings—Intent—2016 c 20: See note following RCW 47.68.240.

Effective date—2013 2nd sp.s. c 13: See note following RCW 82.08.215.

Effective date—2003 c 375: See note following RCW 47.68.240.

Severability—1987 c 220: See note following RCW 47.68.230.

Aircraft dealers: Chapter 14.20 RCW.

Definition of terms: RCW 14.20.010, 47.68.020.

RCW 47.68.255 Evasive registration. A person who is required to register an aircraft under this chapter and who registers an aircraft in another state or foreign country evading the Washington aircraft excise tax is guilty of a gross misdemeanor. For a second or subsequent offense, the person convicted is also subject to a fine equal to four times the amount of avoided taxes and fees, no part of which may be suspended, except as provided in RCW 10.05.180. Excise taxes owed and fines assessed must be deposited in the manner provided under RCW 46.16A.030(6). [2019 c 459 s 4; 2019 c 423 s 204; 2010 c

161 s 1147; 2003 c 53 s 266; 2000 c 229 s 3; 1999 c 277 s 6; 1996 c 184 s 3; 1993 c 238 s 2.]

Reviser's note: This section was amended by 2019 c 423 s 204 and by 2019 c 459 s 4, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Finding—Intent—2019 c 459: See note following RCW 10.05.180.

Finding—Intent—Effective date—2019 c 423: See notes following RCW 82.08.0273.

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

Effective date—2000 c 229: See note following RCW 46.16A.030.

Effective date—1996 c 184: See note following RCW 46.16A.030.

RCW 47.68.280 Investigations, hearings, etc.—Subpoenas—Compelling attendance. The department or any officer or employee of the department designated by it has the power to hold investigations, inquiries, and hearings concerning matters covered by this chapter including accidents in aeronautics within this state. Hearings shall be open to the public and, except as hereinafter provided, shall be held upon such call or notice as the department deems advisable. The department and every officer or employee of the department designated by it to hold any inquiry, investigation, or hearing has the power to administer oaths and affirmations, certify to all official acts, issue subpoenas, and order the attendance of witnesses and the production of papers, books and documents. In case of the failure of a person to comply with a subpoena or order issued under the authority of this section, the department or its authorized representatives may invoke the aid of a competent court of general jurisdiction. The court may thereupon order the person to comply with the requirements of the subpoena or order or to give evidence touching the matter in question. Failure to obey the order of the court may be punished by the court as a contempt thereof. [1984 c 7 s 356; 1947 c 165 s 28; Rem. Supp. 1947 s 10964-108. Formerly RCW 14.04.280.]

RCW 47.68.290 Joint hearings—Cooperation. The department may confer with or hold joint hearings with any agency of the United States in connection with any matter arising under this chapter or relating to the development of aeronautics.

The department may avail itself of the cooperation, services, records, and facilities of the agencies of the United States as fully as may be practicable in the administration and enforcement of this chapter, and shall furnish to the agencies of the United States such services, records, and facilities as are practicable.

The department shall report to the appropriate agency of the United States all accidents in aeronautics in this state of which it is informed, and shall in so far as is practicable preserve, protect, and prevent the removal of the component parts of any aircraft involved in an accident being investigated by it until the federal agency institutes an investigation. [1984 c 7 s 357; 1947 c 165 s 29; Rem. Supp. 1947 s 10964-109. Formerly RCW 14.04.290.]

RCW 47.68.300 State and municipal agencies to cooperate. In carrying out this chapter the department may use the facilities and services of other agencies of the state and of the municipalities of the state to the utmost extent possible, and the agencies and municipalities are authorized and directed to make available their facilities and services. [1984 c 7 s 358; 1947 c 165 s 30; Rem. Supp. 1947 s 10964-110. Formerly RCW 14.04.300.]

RCW 47.68.310 Enforcement of aeronautics laws. It is the duty of the secretary, the department, the officers and employees of the department, and every state and municipal officer charged with the enforcement of state and municipal laws to enforce and assist in the enforcement of this chapter and of all other laws of this state relating to aeronautics. The secretary and those officers or employees of the department designated by the secretary in writing are granted police powers solely for the enforcement of state aeronautics laws and the rules having the effect of law. [1984 c 7 s 359; 1955 c 204 s 1; 1947 c 165 s 31; Rem. Supp. 1947 s 10964-111. Formerly RCW 14.04.310.]

RCW 47.68.320 Service of orders—Hearings—Review. Every order of the department requiring performance of certain acts or compliance with certain requirements and any denial or revocation of an approval, certificate, or license shall set forth the reasons and shall state the acts to be done or requirements to be met before approval by the department will be given or the approval, license, or certificate granted or restored, or the order modified or changed. Orders issued by the department under this chapter shall be served upon the persons affected either by certified mail or in person. In every case where notice and opportunity for a hearing are required under this chapter, the order of the department shall, on not less than ten days notice, specify a time when and place where the person affected may be heard, or the time within which the person may request a hearing, and the order shall become effective upon the expiration of the time for exercising the opportunity for a hearing, unless a hearing is held or requested within the time provided, in which case the order shall be suspended until the department affirms, disaffirms, or modifies the order after a hearing has been held or default by the person has been affected. To the extent practicable, hearings on the orders shall be in the county where the affected person resides or does business. Any person aggrieved by an order of the department or by the grant, denial, or revocation of an approval, license, or certificate may have the action of the department reviewed by the courts of this state under chapter 34.05 RCW. [1984 c 7 s 360; 1947 c 165 s 32; Rem. Supp. 1947 s 10964-112. Formerly RCW 14.04.320.]

RCW 47.68.330 Exchange of data, reports of violations, etc. The department is authorized to report to the appropriate federal agencies and agencies of other states all proceedings instituted charging violation of RCW 47.68.220 and 47.68.230 and all penalties, of which it has knowledge, imposed upon airmen or airwomen or the owners or operators of aircraft for violations of the law of this state relating to aeronautics or for violations of the rules, regulations, or orders of the department. The department is authorized to receive reports of penalties and other data from agencies of the federal government and other states and, when necessary, to enter into agreements with federal agencies and the agencies of other states governing the delivery, receipt, exchange, and use of reports and data. The department may make the reports and data of the federal agencies, the agencies of other states, and the courts of this state available, with or without request therefor, to any and all courts of this state. [2010 c 8 s 10023; 1983 c 3 s 146; 1947 c 165 s 33; Rem. Supp. 1947 s 10964-113. Formerly RCW 14.04.330.]

RCW 47.68.340 Hazardous structures and obstacles—Marking—Hearing to determine hazard. A structure or obstacle that obstructs the air space above ground or water level, when determined by the department after a hearing to be a hazard or potential hazard to the safe flight of aircraft, shall be plainly marked, illuminated, painted, lighted, or designated in a manner to be approved in accordance with the general rules of the department so that the structure or obstacle will be clearly visible to airmen or airwomen. In determining which structures or obstacles constitute a safety hazard, or a hazard to flight, the department shall take into account those obstacles located at a river, lake, or canyon crossing, and in other low-altitude flight paths usually traveled by aircraft including, but not limited to, airport areas and runway departure and approach areas as defined by federal air regulations. [2010 c 8 s 10024; 1995 c 153 s 2; 1984 c 7 s 361; 1961 c 263 s 2. Formerly RCW 14.04.340.]

RCW 47.68.350 Hazardous structures and obstacles—Reporting location—Subpoenas. The secretary may require owners, operators, lessees, or others having the control or management of structures or obstacles over one hundred fifty feet above ground or water level and that are or may become a hazard to air flight to report the location of the existing or proposed structures or obstacles to the department. For that purpose the secretary may issue subpoenas and subpoenas duces tecum returnable within twenty days to the department. If a person refuses to obey the secretary's subpoena, the department may certify to the superior court all facts of the refusal. The court shall summarily hear evidence on the refusal, and, if the evidence warrants, punish the person refusing in the same manner and to the same extent as a contempt committed before the court. [1984 c 7 s 362; 1961 c 263 s 3. Formerly RCW 14.04.350.]

RCW 47.68.360 Hazardous structures and obstacles—Exemption of structures required by federal law to be marked. RCW 47.68.340 and 47.68.350 shall not apply to structures required to be marked by

federal regulations. [1983 c 3 s 147; 1961 c 263 s 4. Formerly RCW 14.04.360.]

RCW 47.68.380 Aerial search and rescue—Liability—Definition. (1) The aviation division of the department is responsible for the conduct and management of all aerial search and rescue within the state. This includes search and rescue efforts involving aircraft and airships. The division is also responsible for search and rescue activities involving electronic emergency signaling devices such as emergency locater transmitters (ELT's) and emergency position indicating radio beacons (EPIRB's).

(2) An act or omission by any person registered with the aviation division of the department for the purpose of engaging in aerial search and rescue activities, while engaged in such activities, shall not impose any liability on the department or the person for civil damages resulting from the act or omission. However, the immunity provided under this subsection shall not apply to an act or omission that constitutes gross negligence or willful or wanton misconduct. For the purpose of this subsection, "aerial search and rescue activities" includes, but is not limited to, training and training-related activities, but does not include appropriate search and rescue activities conducted under the authority of RCW 38.52.400. [2008 c 34 s 1; 1995 c 153 s 1.]

RCW 47.68.390 Airport capacity and facilities assessment. (1) The aviation division of the department of transportation shall conduct a statewide airport capacity and facilities assessment. The assessment must include a statewide analysis of existing airport facilities, and passenger and air cargo transportation capacity, regarding both commercial aviation and general aviation; however, the primary focus of the assessment must be on commercial aviation. The assessment must at a minimum address the following issues:

(a) Existing airport facilities, both commercial and general aviation, including air side, land side, and airport service facilities;

(b) Existing air and airport capacity, including the number of annual passengers and air cargo operations;

(c) Existing airport services, including fixed based operator services, fuel services, and ground services; and

(d) Existing airspace capacity.

(2) The department shall consider existing information, technical analyses, and other research the department deems appropriate. The department may contract and consult with private independent professional and technical experts regarding the assessment.

(3) The department shall submit the assessment to the appropriate standing committees of the legislature, the governor, the transportation commission, and regional transportation planning organizations by July 1, 2006. [2005 c 316 s 1.]

RCW 47.68.400 Airport capacity and facilities market analysis. (1) After submitting the assessment under RCW 47.68.390, the aviation division of the department of transportation shall conduct a statewide airport capacity and facilities market analysis. The analysis must

include a statewide needs analysis of airport facilities, passenger and air cargo transportation capacity, and demand and forecast market needs over the next twenty-five years with a more detailed analysis of the Puget Sound, southwest Washington, Spokane, and Tri-Cities regions. The analysis must address the forecasted needs of both commercial aviation and general aviation; however, the primary focus of the analysis must be on commercial aviation. The analysis must at a minimum address the following issues:

(a) A forecast of future airport facility needs based on passenger and air cargo operations and demand, airline planning, and a determination of aviation trends, demographic, geographic, and market factors that may affect future air travel demand;

(b) A determination of when the state's existing commercial service airports will reach their capacity;

(c) The factors that may affect future air travel and when capacity may be reached and in which location;

(d) The role of the state, metropolitan planning organizations, regional transportation planning organizations, the federal aviation administration, and airport sponsors in addressing statewide airport facilities and capacity needs; and

(e) Whether the state, metropolitan planning organizations, regional transportation planning organizations, the federal aviation administration, or airport sponsors have identified options for addressing long-range capacity needs at airports, or in regions, that will reach capacity before the year 2030.

(2) The department shall consider existing information, technical analyses, and other research the department deems appropriate. The department may contract and consult with private independent professional and technical experts regarding the analysis.

(3) The department shall submit the analysis to the appropriate standing committees of the legislature, the governor, the transportation commission, and regional transportation planning organizations by July 1, 2007. [2005 c 316 s 2.]

RCW 47.68.420 Unpiloted aircraft system coordinator—Duties—Department may adopt rules—Report. (1) Within amounts collected from commercial unpiloted aircraft registration fees pursuant to RCW 47.68.250(1), the aviation division director (also known as the senior state aviation official) or the aviation division director's designee shall act as the unpiloted aircraft system coordinator. The unpiloted aircraft system coordinator serves primarily in an advisory role and is not authorized to direct unpiloted aircraft system operations, training, or policy outside the department. The duties of the unpiloted aircraft system coordinator include:

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

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

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

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

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

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

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

(h) Acting as the principal advisor to the secretary on unpiloted aircraft system matters;

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

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

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

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

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

(c) Recommendations on any changes to the scope of the work and duties of the unpiloted aircraft system coordinator. This shall include recommendations on the reassignment of duties of the unpiloted aircraft system coordinator to the department's aviation division and recommendations on the termination of the unpiloted aircraft system coordinator position. [2021 c 131 s 1.]

Effective date—2021 c 131: "Except for section 3 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2021." [2021 c 131 s 7.]

RCW 47.68.430 Community aviation revitalization board. (1) The department of transportation must convene a community aviation revitalization board to exercise the powers granted under this chapter.

(2) The board must consist of a representative from the department of transportation's aviation division, the public works board, and a nonlegislative member of the community economic revitalization board. The board must also consist of the following members appointed by the secretary of transportation: One port district official, one county official, one city official, one representative of airport managers, and one representative of a general aviation pilots organization within Washington that has an active membership and established location, chapter, or appointed

representative within Washington. The appointive members must initially be appointed to terms as follows: Two members for two-year terms, and three members for three-year terms which must include the chair. Thereafter, each succeeding term must be for three years. The chair of the board must be selected by the secretary of transportation. The members of the board must elect one of their members to serve as vice chair.

(3) Management services, including fiscal and contract services, must be provided by the department of transportation to assist the board in implementing this chapter.

(4) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the secretary of transportation must fill the vacancy for the unexpired term. Members of the board may be removed for malfeasance or misfeasance in office, upon specific written charges by the secretary of transportation, under chapter 34.05 RCW.

(5) A member appointed by the secretary of transportation may not be absent from more than fifty percent of the regularly scheduled meetings in any one calendar year. Any member who exceeds this absence limitation is deemed to have withdrawn from the office and may be replaced by the secretary of transportation.

(6) A majority of members currently appointed constitutes a quorum.

(7) The board must meet three times a year or as deemed necessary by the department of transportation.

(8) Staff support to the board must be provided by the department of transportation as needed. [2021 c 175 s 2.]

Findings—2021 c 175: "The legislature finds that providing additional funding mechanisms for public use airports that primarily support general aviation activities is in the best interest of the state. The legislature further finds it is in the best interest of the state to have a healthy and strong public use airport system for emergency response and enhanced economic opportunities. The legislature further finds that a revolving loan program would benefit smaller airport development while providing a self-sustaining resource." [2021 c 175 s 1.]

Effective date—2021 c 175: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2021." [2021 c 175 s 13.]

RCW 47.68.440 Community aviation revitalization board—Members, participation in decisions—Code of ethics. In addition to other applicable provisions of law pertaining to conflicts of interest of public officials, any community aviation revitalization board member, appointive or otherwise, may not participate in any decision on any board contract in which the board member has any interests, direct or indirect, with any firm, partnership, corporation, or association that would be the recipient of any aid under this chapter. If such participation occurs, the board must void the transaction and the involved member is subject to further sanctions as provided by law. The board must adopt a code of ethics for its members, which must be

designed to protect the state and its citizens from any unethical conduct by the board. [2021 c 175 s 3.]

Findings—Effective date—2021 c 175: See notes following RCW 47.68.430.

RCW 47.68.450 Community aviation revitalization board—Duties. The community aviation revitalization board may:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business;

(2) Adopt an official seal and alter the seal at its pleasure;

(3) Utilize the services of other governmental agencies;

(4) Accept from any federal agency loans or grants for the planning or financing of any project and enter into an agreement with the agency respecting the loans or grants;

(5) Conduct examinations and investigations and take testimony at public hearings of any matter material for its information that will assist in determinations related to the exercise of the board's lawful powers;

(6) Accept any gifts, grants, loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions that are not in conflict with this chapter;

(7) Enter into agreements or other transactions with and accept grants and the cooperation of any governmental agency in furtherance of this chapter;

(8) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter; and

(9) Perform all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter. [2021 c 175 s 4.]

Findings—Effective date—2021 c 175: See notes following RCW 47.68.430.

RCW 47.68.460 Community aviation revitalization board—Loans—Applications—Guidelines. (1) The community aviation revitalization board may make direct loans to airport sponsors of public use airports in the state for the purpose of airport improvements that primarily support general aviation activities. The board may provide loans for the purpose of airport improvements only if the state is receiving commensurate public benefit, which must include, as a condition of the loan, a commitment to provide public access to the airport for a period of time equivalent to one and one-half times the term of the loan. For purposes of this subsection, "public use airports" means all public use airports not listed as having more than seventy-five thousand annual commercial air service passenger enplanements as published by the federal aviation administration.

(2) An application for loan funds under this section must be made in the form and manner as the board may prescribe. When evaluating loan applications, the board must prioritize applications that provide conclusive justification that completion of the loan application project will create revenue generating opportunities. The board is not limited to, but must also use, the following expected outcome conditions when evaluating loan applications:

(a) A specific private development or expansion is ready to occur and will occur only if the aviation facility improvement is made;

(b) The loan application project results in the creation of jobs or private sector capital investment as determined by the board;

(c) The loan application project improves opportunities for the successful maintenance, operation, or expansion of an airport or adjacent airport business park;

(d) The loan application project results in the creation or retention of long-term economic opportunities; and

(e) The loan application project results in leveraging additional federal funding for an airport.

(3)(a) If the board chooses to require a local match, the board must develop guidelines for local participation and allowable match and activities.

(b) An application must:

(i) Be supported by the port district, city, or county in which the project is located; or

(ii) Clearly identify the source of funds intended to repay the loan. [2021 c 175 s 5.]

Findings—Effective date—2021 c 175: See notes following RCW 47.68.430.

RCW 47.68.470 Community aviation revitalization board—Public use general aviation airport loan program. The public use general aviation airport loan program, when authorized by the community aviation revitalization board, is subject to the following conditions:

(1) The moneys in the public use general aviation airport loan revolving account created in RCW 47.68.490 must be used only to fulfill commitments arising from loans authorized in this chapter. The total outstanding amount that the board must dispense at any time pursuant to this section must not exceed the moneys available from the account.

(2) On contracts made for public use general aviation airport loans, the board must determine the interest rate that loans must bear. The interest rate must not exceed the amount needed to cover the administrative expenses of the board and the loan program. The board may provide reasonable terms and conditions for the repayment of loans, with the repayment of a loan to begin no later than three years after the award date of the loan. The loans must not exceed twenty years in duration.

(3) The repayment of any loan made from the public use general aviation airport loan revolving account under the contracts for aviation loans must be paid into the public use general aviation airport loan revolving account.

(4) Loans issued to airport sponsors of nongovernmental airports must only be made from repaid loan funds deposited into the public use general aviation airport loan revolving account. [2021 c 175 s 6.]

Findings—Effective date—2021 c 175: See notes following RCW 47.68.430.

RCW 47.68.480 Community aviation revitalization board—Enhancing competition for loans, quality of projects. To enhance competition

for loans and the quality of projects for which loans are sought, the community aviation revitalization board must take such reasonable measures as are necessary to familiarize government officials and members of the public with this chapter, particularly the board's authority to make loans. [2021 c 175 s 7.]

Findings—Effective date—2021 c 175: See notes following RCW 47.68.430.

RCW 47.68.490 Public use general aviation airport loan revolving account. The public use general aviation airport loan revolving account is created in the custody of the state treasurer. All receipts from moneys collected under sections 6023 and 4005, chapter 413, Laws of 2019 and section 1, chapter 175, Laws of 2021 and RCW 47.68.430 through 47.68.480 must be deposited into the account. Expenditures from the account may be used only for the purposes described in sections 6023 and 4005, chapter 413, Laws of 2019 and RCW 47.68.460 and 47.68.470. Only the community aviation revitalization board or the board's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2021 c 175 s 8. Prior: 2019 c 413 s 7037; 2018 c 298 s 7010; 2018 c 2 s 7028.]

Findings—Effective date—2021 c 175: See notes following RCW 47.68.430.

RCW 47.68.500 Community aviation revitalization board and department of transportation to keep proper records of accounts. The community aviation revitalization board and the department of transportation must keep proper records of accounts, which are subject to audit by the state auditor. [2021 c 175 s 9.]

Findings—Effective date—2021 c 175: See notes following RCW 47.68.430.