

and its existing public institutions and shall take effect immediately.

Passed the Senate February 26, 1949.

Passed the House February 26, 1949.

Approved by the Governor March 5, 1949.

CHAPTER 49.

[ S. B. 278. ]

EXCISE TAX—AIRCRAFT.

AN ACT relating to the taxation and registration of aircraft; providing for an excise tax upon certain aircraft in lieu of property taxes thereon, and for the allocation of revenues derived therefrom; prescribing certain duties of certain state and county officers; and amending sections 23 and 25, chapter 185, Laws of 1947.

*Be it enacted by the Legislature of the State of Washington:*

Definitions. SECTION 1. For the purposes of this act, unless otherwise required by the context:

"aircraft." The word "aircraft" means any weight-carrying device or structure for navigation of the air, designed to be supported by the air, but which is heavier than air and is mechanically driven;

"Director." The word "Director" means the Director of Aeronautics; and

"person." The word "person" shall include a firm, partnership, or corporation.

Excise tax on use of aircraft. SEC. 2. An annual excise tax is hereby imposed for the privilege of using any aircraft in the state. Said tax shall be collected for each calendar year by the auditor of the county in which the aircraft is based, and paid on and after the first day of December of the preceding year. No additional tax shall be imposed under this act upon any aircraft upon the transfer of ownership thereof, if the tax imposed by this act with respect to such aircraft has

Payment of tax.

No tax on transfer of ownership.

already been paid for the year in which transfer of ownership occurs.

SEC. 3. The amount of the tax imposed by this act for each year shall be one per cent of the fair market value of the aircraft, as determined in the manner provided in the succeeding sections of this act: *Provided*, That upon aircraft registered for the first time under this act after March 31st and before July 1st of any year the excise tax for such year shall be reduced by one-fourth thereof; that upon aircraft so registered for the first time after June 30th and before October 1st of any year the excise tax shall be reduced by one-half thereof; and that upon aircraft so registered for the first time after September 30th of any year the excise tax shall be reduced by three-fourths thereof: *Provided further*, That the minimum amount payable shall be three dollars.

Amount  
of tax.

SEC. 4. The Tax Commission and the Association of County Assessors and the Director shall jointly prepare and shall, on or before November 1st of each year, furnish to each County Auditor a schedule for use on and after the following December 1st in the collection of such excise tax, and all payments and collections of the tax shall be in accordance with said schedule. Such schedule shall be based upon such information as may be available to them pertaining to the fair market value of aircraft. Such aircraft shall be classified therein into a convenient number of classes on the basis of make, type, year of manufacture, or any other reasonable basis, and to the value of the aircraft within the classes as thus determined shall be applied the rate of such tax. In determining such fair market value, the Tax Commission and Association of County Assessors and the Director may use any guidebook, report or compendium of recognized standing in the aircraft industry. Such schedule shall show, so far as possible, the

Schedule  
for use in  
collection of  
tax.

Contents of  
schedule.

amount of excise tax for aircraft within each class and shall sufficiently describe the various aircraft included within each classification to enable the County Auditor to ascertain readily the amount of tax applicable to any particular aircraft.

Aircraft not appearing on schedule.

SEC. 5. Whenever a person shall apply to the County Auditor for payment of the excise tax upon an aircraft which does not appear upon the schedule provided for in the preceding section, such applicant shall be required to apply to the County Assessor of his or its county for computation of the amount of excise tax due. Upon any such application the Assessor shall appraise the aircraft at its fair market value from such aircraft guidebooks or listings or other information as he may have available and ascertain the amount of excise tax by applying to such appraisal the rate of one per cent, and thereupon the applicant shall be given a statement showing the excise tax payable under this act.

Tax is in addition to other taxes.

SEC. 6. Except as provided in section 13, the tax imposed by this act is in addition to all other licenses and taxes otherwise imposed.

Receipt given on payment.

SEC. 7. The County Auditor shall give to each person paying the excise tax a copy of a receipt therefor on a form approved by the Director which shall designate and identify the aircraft taxed and contain such information as the Director may require. A copy of such receipt shall be transmitted by the Auditor to the Director.

Contents of receipt.

Tax collected credited to Motor Vehicle Excise Fund.

SEC. 8. The County Auditor shall regularly, when remitting motor vehicle license fee and excise tax receipts, pay to the State Treasurer the excise taxes collected under this act, which shall be credited by the State Treasurer to the Motor Vehicle Excise Fund.

Refund for erroneous overpayment.

SEC. 9. In case a claim is made by any person that he has paid an erroneously excessive amount

of excise tax under this act, he may apply to the Tax Commission for a refund of the claimed excessive amount. The Commission shall review such application, and if it shall determine that an excess amount of tax has actually been paid by the taxpayer, such excess amount shall be refunded to the taxpayer by means of a voucher approved by the Tax Commission and by the issuance of a state warrant drawn upon and payable from such funds as the Legislature may provide for that purpose. No refund shall be allowed, however, unless application for the refund is filed with the Tax Commission within ninety days after such claimed excessive excise tax was paid.

Application must be filed within 90 days.

SEC. 10. This act shall not apply to:

Exceptions.

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 are not engaged in carrying persons or property for commercial purposes;

Publicly owned.

Aircraft registered under the laws of a foreign country;

Foreign.

Aircraft which are owned by a non-resident and registered in another state: *Provided*, That if any such aircraft shall remain in and/or be based in this state for a period of ninety consecutive days or longer it shall not be exempt under this section;

Non-resident.

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

Interstate commerce.

SEC. 11. Section 23, chapter 165, Laws of 1947 (sec. 10964-103, Rem. Supp. 1947), is amended to read as follows:

Amendment.

Certificate for, permit or license of aircraft and airman.

Section 23. 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 Director, if registration of the aircraft with said commission is required by this act. It shall be unlawful for any person to engage in aeronautics as an airman in the state unless he has an appropriate effective airman certificate, permit, rating or license issued by the United States authorizing him to engage in the particular class of aeronautics in which he is engaged, if such certificate, permit, rating or license is required by the United States.

To be kept on person or in view in plane.

Where a certificate, permit, rating or license is required for an airman by the United States, it shall be kept in his personal possession when he is operating within the state. Where a certificate, permit or license is required by the United States or by this act 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 Aeronautics authorized pursuant to this act to enforce the aeronautics laws, or any official, manager or person in charge of any airport, or upon the reasonable request of any person.

Inspection of certificates.

Amendment.

SEC. 12. Section 25, chapter 165, Laws of 1947 (sec. 10964-105, Rem. Supp. 1947), is amended to read as follows:

Registration of aircraft.

Section 25. Every aircraft shall be registered with the State Aeronautics Commission for each

calendar year in which the aircraft is operated within this state. A fee of two dollars shall be charged for each such registration and each annual renewal thereof. Registration certificates issued after June 30th of any year, shall be issued at the rate of fifty per cent of the annual fee.

Fee.

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 this state for the privilege of using the aircraft within this state during the year for which registration is sought, and payment of the registration fee required by this section shall be the only requisites for registration of an aircraft under this section.

Requisites  
for  
registration.

The registration fee imposed by this act shall be payable to and collected by the Auditor of the county in which the aircraft is based. The fee for any calendar year may be paid on and after the first day of December of the preceding year, and shall be collected by the Auditor at the time of the collection by him of the aforementioned excise tax. The County Auditor shall give to each person paying the registration fee imposed by this act and said excise tax a copy of a receipt therefor, on a form which shall be furnished by the Director, which receipt shall designate and identify the aircraft with respect to which the registration fee was paid, and shall contain such additional information as the Director may require. A duplicate copy of said receipt shall be transmitted by the Auditor to the Director. If the Director is satisfied from the information set forth in such receipt and from any other information which he may obtain that the requirements for registration of the aircraft have been met, he shall thereupon issue and mail to the owner of the aircraft a certificate of registration therefor. The County Auditor shall, when remitting motor vehicle

Payment of  
fee.Receipt of  
payment.Contents  
of receipt.Duplicate  
copy.Certificate of  
registration.

Fees  
remitted to  
State  
Treasurer.

and aircraft excise taxes, pay to the State Treasurer the registration fees collected under this act, which registration fees shall be credited to the General Fund.

Evidence of  
registration.

It shall not be necessary for the registrant to provide the Director with originals or copies of Federal certificates, permits, ratings or licenses. The Director shall issue certificates of registration, or such other evidences of registration or payment of fees as he may deem proper; and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences: *Provided*, That the provisions of this section shall not apply to:

Exceptions.

Publicly  
owned.

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;

Foreign.

An aircraft registered under the laws of a foreign country;

Non-  
resident.

An aircraft which is owned by a non-resident and registered in another state: *Provided*, That if said aircraft shall remain in and/or be based in this state for a period of ninety days or longer it shall not be exempt under this section;

Interstate  
commerce.

An aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;

Test and ex-  
perimental.

An aircraft owned by the manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft.

Notification  
of change of  
ownership.

The Director shall be notified within one week of any change in ownership of a registered aircraft. The notification shall 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 Director, the registration of that aircraft may be cancelled by the Director, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

SEC. 13. The first tax to be collected under this act shall be for the calendar year 1950. No aircraft with respect to which the excise tax imposed by this act is payable shall be listed and assessed for ad valorem taxation in the year 1949 or any succeeding year, for taxes of the year 1950 or any succeeding year, so long as this act remains in effect, and any such assessment heretofore made in 1949 is hereby directed to be cancelled: *Provided*, That any aircraft, whether or not subject to the provisions of this act, with respect to which the excise tax imposed by this act will not be paid or has not been paid for any year shall be listed and assessed for ad valorem taxation in that year, and the ad valorem tax liability resulting from such listing and assessment shall be collected in the same manner as though this act had not been assessed: *Provided, further*, That this act shall not be construed to affect any ad valorem tax based upon assessed valuations made in 1948 and/or any preceding year for taxes payable in 1949 or any preceding year, which ad valorem tax liability tax for any such years shall remain payable and collectible in the same manner as though this act had not been passed.

Effective date of tax.

Ad valorem taxation cancelled.

Exceptions.

Passed the Senate February 24, 1949.

Passed the House March 5, 1949.

Approved by the Governor March 9, 1949.