

CHAPTER 150.

[H. B. 269.]

AIRCRAFT DEALERS—REGULATION.

AN ACT relating to the licensing of aircraft dealers; providing for an aircraft dealer's license and for an aircraft dealer's certificate in lieu of a registration fee and an excise tax on certain aircraft, and amending section 12, chapter 49, Laws of 1949 and RCW 14.04.250, and section 10, chapter 49, Laws of 1949 and RCW 82.48.100.

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

Definitions: SECTION 1. When used in this act:

"Person." (1) "Person" includes a firm, partnership, or corporation;

"Dealer." (2) "Dealer" means a person engaged in the business of selling, exchanging, or acting as a broker of aircraft;

"Aircraft." (3) "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." (4) "Director" means the director of aeronautics.

Application for license; director to furnish. SEC. 2. Any person desiring to apply for an aircraft dealer's license shall do so at the office of the director on a form provided for that purpose by him.

Contents. SEC. 3. Applications for an aircraft dealer's license shall contain:

(1) The name under which the dealer's business is conducted and the address of the dealer's established place of business;

(2) The residence address of each owner, director, or principal officer of the aircraft dealer, and, if a foreign corporation, the state of incorporation and names of its resident officers or managers;

(3) The make or makes of aircraft for which franchised, if any;

(4) Whether or not used aircraft are dealt in;

(5) A certificate that the applicant is a dealer having an established place of business at the address shown on the application, which place of business is open during regular business hours to inspection by the director or his representatives; and

(6) Whether or not the applicant has ever been denied an aircraft dealer's license or has had one which has been denied, suspended, or revoked.

SEC. 4. During such time as aircraft are held by a dealer for sale, exchange, delivery, test or demonstration purposes solely as stock in trade of the dealer's business, an aircraft dealer's certificate may be used on said aircraft in lieu of any registration certificate or fee and in lieu of payment of any excise tax. The director shall issue one aircraft dealer's certificate with each aircraft dealer's license. Additional aircraft dealer's certificates shall be issued to an aircraft dealer upon request and the payment of the fee hereinafter provided for. Nothing herein contained, however, shall be construed to prevent transferability among dealer aircraft of any aircraft dealer's certificate, and such certificate need be displayed on dealer aircraft only while in actual use or flight. Every aircraft dealer's certificate issued shall expire on December 31st, and may be renewed upon renewal of an aircraft dealer's license. Certificates.

SEC. 5. The fee for original aircraft dealer's license for each calendar year or fraction thereof shall be twenty-five dollars which shall include one aircraft dealer's certificate and which may be renewed annually for a fee of ten dollars. Additional aircraft dealer certificates may be obtained for two dollars each per year. If any dealer shall fail or neglect to apply for renewal of his license prior to February 1st in each year, his license shall be declared canceled by the director, in which case any such dealer desiring a license shall apply for an License fees.

Certificate fee.

Failure to renew license.

original license and pay the fee required for such original license.

Collection
of fees.

SEC. 6. The fees set forth in section 5 of this act shall be payable to and collected by the director. The fee for any calendar year may be paid on and after the first day of December of the preceding year. The director shall give appropriate receipts therefor. The fees collected under this act shall be credited to the general fund. The director may prescribe requirements for the possession and exhibition of aircraft dealer's licenses and aircraft dealer's certificates.

Possession and
exhibition of
licenses and
certificates.

Bond.

SEC. 7. Before issuing an aircraft dealer license, the director shall require the applicant to file with said director a surety bond in the amount of four thousand dollars running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this act. Any person who shall have suffered any loss or damage by reason of any act by a dealer which constitutes ground for refusal, suspension, or revocation of license under section 9 of this act shall have an action against such aircraft dealer and the surety upon such bond. Successive recoveries against said bond shall be permitted but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond.

Branches and
subagencies.

SEC. 8. Every dealer maintaining a branch or subagency in another city or town in this state shall be required to have a separate aircraft dealer's license for such branch or subagency, in the same manner as though each constituted a separate and distinct dealer.

SEC. 9. The director shall refuse to issue an aircraft dealer's license or shall suspend or revoke an

aircraft dealer's license whenever he has reasonable grounds to believe that such dealer has:

Grounds for not issuing, suspension, or revocation of license.

(1) Forged or altered any federal certificate, permit, rating or license, relating to ownership and airworthiness of an aircraft;

(2) Sold or disposed of an aircraft which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(3) Wilfully misrepresented any material fact in the application for an aircraft dealer's license, aircraft dealer's certificate, or registration certificate.

(4) Wilfully withheld or caused to be withheld from a purchaser of aircraft any document referred to in subsection (1) hereof if applicable, or an affidavit to the effect that there are no liens, mortgages or encumbrances of any type on the aircraft other than noted thereon, if such document or affidavit has been requested by the purchaser.

(5) Suffered or permitted the cancellation of his bond or the exhaustion of the penalty thereof;

(6) Used an aircraft dealer's certificate for any purpose other than those permitted by this act.

SEC. 10. Should the director make an order that any person is not entitled to an aircraft dealer's license or that an existing license should be suspended or revoked, he shall forthwith notify the applicant or dealer in writing. The applicant shall have thirty days from the date of the director's order to appeal therefrom to the superior court of Thurston county which he may do by filing a notice of such appeal with the clerk of said superior court and at the same time filing a copy of such notice with the director. Appeals.

SEC. 11. Section 12, chapter 49, Laws of 1949 and RCW 14.04.250 are each amended to read as follows: Amendment.

Every aircraft shall be registered with the state aeronautics commission for each calendar year in which the aircraft is operated within this state. A Registration of aircraft; required.

Fee.
Certificate.

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 percent of the annual fee.

Requisites.

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 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.

Collection
of fee.

The registration fee imposed by this section 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 said excise tax. The county auditor shall give to each person paying the registration fee imposed by this section 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 and aircraft excise taxes, pay to the state treasurer the registra-

Receipt.

Issuance of
certificate.Remitting
of fees.

tion fees collected under this section, which registration fees shall be credited to the general fund.

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.

Evidence that
requisites met.

Director's
powers and
duties.

The provisions of this section shall not apply to:

Aircraft not
subject to
section.

(1) 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;

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

(3) An aircraft which is owned by a nonresident 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;

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

(5) 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;

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

The director shall be notified within one week of any change in ownership of a registered aircraft.

Change of
ownership or
registration.

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 canceled by the director, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

Amendment.

SEC. 12. Section 10, chapter 49, Laws of 1949 and RCW 82.48.100 are each amended to read as follows:

Aircraft not subject to chapter.

This chapter shall not apply to:

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;

Aircraft registered under the laws of a foreign country;

Aircraft which are owned by a nonresident 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;

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.

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

Passed the House February 19, 1955.

Passed the Senate March 6, 1955.

Approved by the Governor March 15, 1955.