

(2) The director of the department shall adopt, in accordance with chapters 34.04 and 49.17 RCW, rules necessary to carry out RCW 49.26.110 through 49.26.140.

(3) The department may prescribe fees for the issuance and renewal of certificates.

Sec. 2. Section 5, chapter 387, Laws of 1985 and RCW 49.26.140 are each amended to read as follows:

(1) ~~((The department may assess a civil penalty, not to exceed five thousand dollars for each violation, against any person or individual who knowingly violates a provision of RCW 49.26.110 through 49.26.130.))~~ Unless specifically provided otherwise by statute, this chapter shall be implemented and enforced, including penalties, violations, citations, and other administrative procedures, pursuant to the Washington industrial safety and health act, chapter 49.17 RCW.

(2) A person or individual who previously has been assessed a civil penalty under this section, and who knowingly violates a provision of RCW 49.26.110 through 49.26.130 or a rule adopted pursuant to RCW 49.26.110 through 49.26.130 is guilty of a misdemeanor.

Passed the Senate March 18, 1987.

Passed the House April 16, 1987.

Approved by the Governor April 29, 1987.

Filed in Office of Secretary of State April 29, 1987.

## CHAPTER 220

[Engrossed House Bill No. 403]

### AIRCRAFT REGISTRATION AND EXCISE TAX COLLECTION RESPONSIBILITY TRANSFERRED FROM THE LICENSING DEPARTMENT TO THE TRANSPORTATION DEPARTMENT—ADMINISTRATIVE REVISIONS

AN ACT Relating to aeronautics; amending RCW 47.68.230, 47.68.233, 47.68.250, 82.48.010, 82.48.020, 82.48.070, 82.48.080, and 82.48.090; adding a new section to chapter 82.36 RCW; creating a new section; and making an appropriation.

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

Sec. 1. Section 23, chapter 165, Laws of 1947 as last amended by section 205, chapter 158, Laws of 1979 and RCW 47.68.230 are each amended to read as follows:

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 of licensing))~~ secretary of transportation, if registration of the aircraft with the department of ~~((licensing))~~ transportation is required by this chapter. 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 and a current airman's registration certificate issued by the department of transportation as required by RCW 47.68.233.

Where a certificate, permit, rating or license is required for an airman by the United States or by RCW 47.68.233, 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 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.

Sec. 2. Section 2, chapter 207, Laws of 1967 as last amended by section 355, chapter 7, Laws of 1984 and RCW 47.68.233 are each amended to read as follows:

The department shall require that every pilot who is a resident of this state and every nonresident pilot who regularly operates any aircraft in this state be registered with the department (~~(for each calendar year by January 31st thereof)~~). The department shall charge an annual fee not to exceed ~~((five))~~ ten dollars for each registration. (~~(Registration under this section is required thirty days after June 8, 1967.)~~) All registration certificates issued under this section (~~(expire on December 31st of each year)~~) shall be renewed annually during the month of the registrant's birthdate.

The registration fee imposed by this section shall be used by the department for the purpose of (a) search and rescue of lost and downed aircraft and airmen under the direction and supervision of the secretary and (b) safety and education.

Registration shall be effected by filing with the department a certified written statement that contains the information reasonably required by the department. The department shall issue certificates of registration and in connection therewith shall prescribe requirements for the possession and exhibition of the certificates.

The provisions of this section do not apply to:

(1) A pilot who operates an aircraft 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;

(2) A pilot registered under the laws of a foreign country;

(3) A pilot engaged exclusively in commercial flying constituting an act of interstate or foreign commerce;

(4) A person piloting an aircraft equipped with fully functioning dual controls when a licensed instructor is in full charge of one set of the controls and the flight is solely for instruction or for the demonstration of the aircraft to a bona fide prospective purchaser.

Failure to register as provided in this section is a violation of RCW 47.68.230 and subjects the offender to the penalties incident thereto.

Sec. 3. Section 25, chapter 165, Laws of 1947 as last amended by section 206, chapter 158, Laws of 1979 and RCW 47.68.250 are each amended to read as follows:

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

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 shall be the only requisites for registration of an aircraft under this section.

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

It shall not be necessary for the registrant to provide the (~~(director of licensing)~~) secretary with originals or copies of federal certificates, permits, ratings, or licenses. The (~~(director of licensing)~~) secretary shall 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.

The provisions of this section shall not apply to:

(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 Title 14 RCW.

The (~~director of licensing~~) secretary 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 of licensing~~) secretary, the registration of that aircraft may be canceled by the (~~director of licensing~~) secretary, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

**NEW SECTION.** Sec. 4. A new section is added to chapter 82.36 RCW to read as follows:

At least once each fiscal year, the director shall request the state treasurer to refund from the motor vehicle fund, to the aeronautics account created under RCW 82.42.090, an amount equal to 0.028 percent of the gross motor vehicle fuel tax less an amount equal to aircraft fuel taxes transferred to that account as a result of nonhighway refunds claimed by motor fuel purchasers. The refund shall be considered compensation for unclaimed motor vehicle fuel that is used in aircraft for purposes taxable under RCW 82.42.020. The director shall also remit from the motor vehicle fund the taxes required by RCW 82.12.0256(3)(c) for the unclaimed refunds, provided that the sum of the amount refunded and the amount remitted in accordance with RCW 82.12.0256(3)(c) shall not exceed the unclaimed refunds.

Sec. 5. Section 82.48.010, chapter 15, Laws of 1961 as last amended by section 21, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.48.010 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) "Aircraft" means any weight-carrying device or structure for navigation of the air which is designed to be supported by the air;

(2) (~~"Director" means the director of licensing~~) "Secretary" means the secretary of transportation;

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

(4) "Small multi-engine fixed wing" means any piston-driven multi-engine fixed wing aircraft with a maximum gross weight as listed by the manufacturer of less than seventy-five hundred pounds; and

(5) "Large multi-engine fixed wing" means any piston-driven multi-engine fixed wing aircraft with a maximum gross weight as listed by the manufacturer of seventy-five hundred pounds or more.

Sec. 6. Section 82.48.020, chapter 15, Laws of 1961 as last amended by section 27, chapter 7, Laws of 1983 and RCW 82.48.020 are each amended to read as follows:

An annual excise tax is hereby imposed for the privilege of using any aircraft in the state. A current certificate of air worthiness with a current inspection date from the appropriate federal agency and/or the purchase of aviation fuel shall constitute the necessary evidence of aircraft use or intended use. The tax shall be collected (~~((for each calendar year by the director of licensing, and must be paid during the month of January, except that the tax for 1983 is due on June 30, 1983))~~) annually or under a staggered collection schedule as required by the secretary by rule. No additional tax shall be imposed under this chapter upon any aircraft upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such aircraft has already been paid for the year in which transfer of ownership occurs. A violation of this chapter is a misdemeanor punishable as provided in chapter 9A.20 RCW.

Sec. 7. Section 82.48.070, chapter 15, Laws of 1961 as amended by section 4, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.070 are each amended to read as follows:

The (~~(director)~~) secretary shall give a receipt to each person paying the excise tax.

Sec. 8. Section 82.48.080, chapter 15, Laws of 1961 as last amended by section 8, chapter 54, Laws of 1974 ex. sess. and RCW 82.48.080 are each amended to read as follows:

The (~~(director)~~) secretary shall regularly pay to the state treasurer the excise taxes collected under this chapter, which shall be credited by the state treasurer as follows: Ninety percent to the general fund and ten percent to the aeronautics account in the general fund for administrative expenses.

Sec. 9. Section 82.48.090, chapter 15, Laws of 1961 as last amended by section 5, chapter 414, Laws of 1985 and RCW 82.48.090 are each amended to read as follows:

In case a claim is made by any person that he has paid an erroneously excessive amount of excise tax under this chapter, he may apply to the department of ((licensing)) transportation for a refund of the claimed excessive amount. The department shall review such application, and if it determines 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 department of ((licensing)) transportation 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 department of ((licensing)) transportation within ninety days after the claimed excessive excise tax was paid and the amount of the overpayment exceeds five dollars.

**NEW SECTION.** Sec. 10. All powers, duties, and functions as well as all reports, documents, surveys, books, records, files, papers, or written material of the department of licensing pertaining to aircraft registration are transferred to the department of transportation. All existing contracts and obligations shall remain in full force and shall be performed by the department of transportation.

**NEW SECTION.** Sec. 11. There is hereby appropriated for the biennium ending June 30, 1989, from the aeronautics account of the general fund \$223,787 or so much thereof as may be necessary to the department of transportation to accomplish the purpose of this act and for the management and support of the aeronautics division of the department of transportation.

**NEW SECTION.** Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House March 6, 1987.

Passed the Senate April 14, 1987.

Approved by the Governor April 29, 1987.

Filed in Office of Secretary of State April 29, 1987.

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## CHAPTER 221

[Substitute Senate Bill No. 5584]

### LABOR AND INDUSTRIES REPORTS—FRAUDULENT FILING BY EMPLOYERS OR EMPLOYEES—CRIMINAL PENALTIES

AN ACT Relating to penalties for inaccurate reports and claims made to the department of labor and industries; amending RCW 51.48.020; and prescribing penalties.

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