
SUBSTITUTE HOUSE BILL 1568

State of Washington 63rd Legislature 2013 Regular Session

By House Finance (originally sponsored by Representatives Carlyle, Nealey, and Ryu; by request of Department of Revenue)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to the business licensing service program
2 administered by the department of revenue; amending RCW 15.13.250,
3 15.13.250, 15.13.280, 15.13.290, 15.49.011, 15.49.380, 15.49.390,
4 15.54.275, 15.58.180, 15.58.235, 18.44.031, 18.64.044, 19.02.010,
5 19.02.030, 19.02.035, 19.02.070, 19.02.075, 19.02.080, 19.02.085,
6 19.02.090, 19.02.100, 19.02.110, 19.02.115, 19.02.210, 19.02.310,
7 19.02.800, 19.02.890, 19.80.010, 19.80.075, 19.94.2582, 35.21.392,
8 35A.21.340, 36.110.130, 43.22.035, 46.72A.020, 50.12.290, 59.30.050,
9 59.30.090, 69.25.050, 69.25.060, 70.290.030, 76.48.121, 82.24.510,
10 82.24.520, 82.26.150, 90.76.010, and 90.76.020; reenacting and amending
11 RCW 15.58.030, 18.64.011, 19.02.020, 19.94.015, and 69.25.020; adding
12 a new section to chapter 19.80 RCW; adding a new section to chapter
13 70.290 RCW; creating a new section; repealing RCW 19.02.220, 19.02.810,
14 19.80.065, and 43.24.160; prescribing penalties; providing an effective
15 date; and providing an expiration date.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

17 **Sec. 1.** RCW 15.13.250 and 2007 c 335 s 1 are each amended to read
18 as follows:

19 For the purpose of this chapter:

1 (1) "Department" means the department of agriculture of the state
2 of Washington.

3 (2) "Director" means the director of the department or the
4 director's duly authorized representative.

5 (3) "Person" means any individual, firm, partnership, corporation,
6 company, society and association, and every officer, agent or employee
7 thereof.

8 (4) "Horticultural plant" includes, but is not limited to, any
9 horticultural, floricultural, or viticultural plant, or turf, for
10 planting, propagation or ornamentation growing or otherwise. The term
11 does not apply to potato, garlic, or onion planting stock or to cut
12 plant material, except plant parts used for propagative purposes.

13 (5) "Horticultural facilities" means, but is not limited to, the
14 premises where horticultural plants or Christmas trees are grown,
15 stored, handled or delivered for sale or transportation, or where
16 records required under this chapter are stored or kept, and all
17 vehicles and equipment used to transport horticultural plants or
18 Christmas trees.

19 (6) "Plant pests" means, but is not limited to, a living stage of
20 insect, mite, or other arthropod; nematode; slug, snail, or other
21 mollusk; protozoa or other invertebrate animals; bacteria; fungus;
22 virus; viroid; phytoplasma; weed or parasitic plant; or any organisms
23 similar to or allied with any of the plant pests listed in this
24 section; or any infectious substance; which can directly or indirectly
25 injure or cause disease or damage to any plant or plant product or that
26 threatens the diversity or abundance of native species.

27 (7) "Inspection and/or certification" means, but is not limited to,
28 the inspection by the director of horticultural plants or Christmas
29 trees at any time prior to, during, or subsequent to harvest or sale
30 and the issuance by the director of a written certificate stating if
31 the horticultural plants or Christmas trees are in compliance with the
32 provisions of this chapter and rules adopted under this chapter.
33 Inspection may include, but is not limited to, examination of
34 horticultural plants or Christmas trees, taking samples, destructive
35 testing, conducting interviews, taking photographs, and examining
36 records.

37 (8) "Nursery dealer" means any person who sells horticultural

1 plants or plants, grows, receives, or handles horticultural plants for
2 the purpose of selling or planting for another person.

3 (9) "Sell" means to sell, hold for sale, offer for sale, handle, or
4 to use as an inducement for the sale of another article or product.

5 (10) "~~((Master license))~~ Business licensing system" means the
6 mechanism established by chapter 19.02 RCW by which (~~((master))~~) business
7 licenses, endorsed for individual state-issued licenses, are issued and
8 renewed utilizing a (~~((master))~~) business license application and a
9 (~~((master))~~) business license expiration date common to each renewable
10 license endorsement.

11 (11) "Certificate" or "certificate of inspection" means an official
12 document certifying compliance with the requirements of this chapter.
13 The term "certificate" includes labels, rubber stamp imprints, tags,
14 permits, written statements, or any other form of certification
15 document that accompanies the movement of inspected and certified plant
16 material, including Christmas trees.

17 (12) "Turf" means field-cultivated turf grass sod consisting of
18 grass varieties, or blends of grass varieties, and dichondra for use in
19 residential and commercial landscapes.

20 (13) "This chapter" means this chapter and the rules adopted under
21 this chapter.

22 (14) "Compliance agreement" means a written agreement between the
23 department and a person engaged in growing, handling, or moving
24 articles, plants, or plant products regulated under this chapter or
25 title, in which the person agrees to comply with stipulated
26 requirements.

27 (15) "Consignor" means the person named in the invoice, bill, or
28 other shipping document accompanying a horticultural plant as the
29 person from whom the horticultural plant has been received for
30 shipment.

31 (16) "Christmas tree" means a cut evergreen tree:

32 (a) Of a marketable species;

33 (b) Managed to produce trees meeting United States number 2 or
34 better standards for Christmas trees as specified by the United States
35 department of agriculture; and

36 (c) Evidencing periodic maintenance practices of shearing or
37 culturing, or both; weed and brush control; and one or more of the

1 following practices: Basal pruning, fertilization, insect and disease
2 control, stump culture, soil cultivation, and irrigation.

3 (17) "Christmas tree grower" means any person who grows Christmas
4 trees for sale.

5 **Sec. 2.** RCW 15.13.250 and 2000 c 144 s 1 are each amended to read
6 as follows:

7 For the purpose of this chapter:

8 (1) "Department" means the department of agriculture of the state
9 of Washington.

10 (2) "Director" means the director of the department or the
11 director's duly authorized representative.

12 (3) "Person" means any individual, firm, partnership, corporation,
13 company, society and association, and every officer, agent or employee
14 thereof.

15 (4) "Horticultural plant" includes, but is not limited to, any
16 horticultural, floricultural, or viticultural plant, or turf, for
17 planting, propagation or ornamentation growing or otherwise. The term
18 does not apply to potato, garlic, or onion planting stock or to cut
19 plant material, except plant parts used for propagative purposes.

20 (5) "Horticultural facilities" means, but is not limited to, the
21 premises where horticultural plants are grown, stored, handled or
22 delivered for sale or transportation, or where records required under
23 this chapter are stored or kept, and all vehicles and equipment used to
24 transport horticultural plants.

25 (6) "Plant pests" means, but is not limited to, a living stage of
26 insect, mite, or other arthropod; nematode; slug, snail, or other
27 mollusk; protozoa or other invertebrate animals; bacteria; fungus;
28 virus; viroid; phytoplasma; weed or parasitic plant; or any organisms
29 similar to or allied with any of the plant pests listed in this
30 section; or any infectious substance; which can directly or indirectly
31 injure or cause disease or damage to any plant or plant product or that
32 threatens the diversity or abundance of native species.

33 (7) "Inspection and/or certification" means, but is not limited to,
34 the inspection by the director of horticultural plants at any time
35 prior to, during, or subsequent to harvest or sale and the issuance by
36 the director of a written certificate stating if the horticultural
37 plants are in compliance with the provisions of this chapter and rules

1 adopted under this chapter. Inspection may include, but is not limited
2 to, examination of horticultural plants, taking samples, destructive
3 testing, conducting interviews, taking photographs, and examining
4 records.

5 (8) "Nursery dealer" means any person who sells horticultural
6 plants or plants, grows, receives, or handles horticultural plants for
7 the purpose of selling or planting for another person.

8 (9) "Sell" means to sell, hold for sale, offer for sale, handle, or
9 to use as an inducement for the sale of another article or product.

10 (10) "~~((Master license))~~ Business licensing system" means the
11 mechanism established by chapter 19.02 RCW by which ~~((master))~~ business
12 licenses, endorsed for individual state-issued licenses, are issued and
13 renewed utilizing a ~~((master))~~ business license application and a
14 ~~((master))~~ business license expiration date common to each renewable
15 license endorsement.

16 (11) "Certificate" or "certificate of inspection" means an official
17 document certifying compliance with the requirements of this chapter.
18 The term "certificate" includes labels, rubber stamp imprints, tags,
19 permits, written statements, or any other form of certification
20 document that accompanies the movement of inspected and certified plant
21 material.

22 (12) "Turf" means field-cultivated turf grass sod consisting of
23 grass varieties, or blends of grass varieties, and dichondra for use in
24 residential and commercial landscapes.

25 (13) "This chapter" means this chapter and the rules adopted under
26 this chapter.

27 (14) "Compliance agreement" means a written agreement between the
28 department and a person engaged in growing, handling, or moving
29 articles, plants, or plant products regulated under this chapter or
30 title, in which the person agrees to comply with stipulated
31 requirements.

32 (15) "Consignor" means the person named in the invoice, bill, or
33 other shipping document accompanying a horticultural plant as the
34 person from whom the horticultural plant has been received for
35 shipment.

36 **Sec. 3.** RCW 15.13.280 and 2000 c 144 s 6 are each amended to read
37 as follows:

1 (1) No person (~~shall~~) may act as a nursery dealer without a
2 license for each place of business where horticultural plants are sold
3 except as provided in RCW 15.13.270. Any person applying for such a
4 license (~~shall~~) must apply through the (~~master license~~) business
5 licensing system. The application (~~shall~~) must be accompanied by the
6 appropriate fee. The director (~~shall~~) must establish a schedule of
7 fees for retail and wholesale nursery dealer licenses based upon the
8 person's gross annual sales of horticultural plants at each place of
9 business. The schedule for retail licenses (~~shall~~) must include
10 separate fees for at least the following two categories:

11 (a) A person whose gross annual sales of horticultural plants do
12 not exceed two thousand five hundred dollars; and

13 (b) A person whose gross annual sales of horticultural plants
14 exceed two thousand five hundred dollars.

15 (2) A person conducting both retail and wholesale sales of
16 horticultural plants at the same place of business (~~shall~~) must
17 secure one of the following:

18 (a) A retail nursery dealer license if retail sales of the
19 horticultural plants exceed such wholesale sales; or

20 (b) A wholesale nursery dealer license if wholesale sales of the
21 horticultural plants exceed such retail sales.

22 (3) The director may issue a wholesale nursery dealer license to a
23 person operating as a farmers market at which individual producers are
24 selling directly to consumers. The license (~~shall~~) must be at the
25 appropriate level to cover all persons selling horticultural plants at
26 each site at which the person operates a market.

27 (4) The licensing fee that must accompany an application for a new
28 license (~~shall~~) must be based upon the applicant's estimated gross
29 sales of horticultural plants for the ensuing licensing year. The fee
30 for renewing a license (~~shall~~) must be based upon the licensee's
31 gross sales of these products during the preceding licensing year.

32 (5) The license expires on the (~~master~~) business license
33 expiration date unless it has been revoked or suspended prior to the
34 expiration date by the director for cause. Each license (~~shall~~) must
35 be posted in a conspicuous place open to the public in the location for
36 which it was issued.

37 (6) The department may audit licensees during normal business hours
38 to determine that appropriate fees have been paid.

1 **Sec. 4.** RCW 15.13.290 and 2000 c 144 s 8 are each amended to read
2 as follows:

3 If any application for renewal of a nursery dealer license is not
4 filed prior to the (~~master~~) business license expiration date, the
5 (~~master~~) business license delinquency fee (~~shall~~) must be assessed
6 under chapter 19.02 RCW and (~~shall~~) must be paid by the applicant
7 before the renewal license is issued.

8 **Sec. 5.** RCW 15.49.011 and 1989 c 354 s 73 are each amended to read
9 as follows:

10 Unless the context clearly requires otherwise, the definitions in
11 this section apply throughout this chapter.

12 (1) "Advertisement" means all representations, other than those on
13 the label, disseminated in any manner or by any means, relating to seed
14 within the scope of this chapter.

15 (2) "Agricultural seed" includes grass, forage, cereal, oil, fiber,
16 and other kinds of crop seeds commonly recognized within this state as
17 agricultural seeds, lawn seeds, and combinations of such seeds, and may
18 include common and restricted noxious weed seeds but not prohibited
19 noxious weed seeds.

20 (3) "Blend" means seed consisting of more than one variety of a
21 kind, each in excess of five percent by weight of the whole.

22 (4) "Bulk seed" means seed distributed in a nonpackage form.

23 (5) "Certifying agency" means (a) an agency authorized under the
24 laws of any state, territory, or possession to certify seed officially
25 and which has standards and procedures approved by the United States
26 secretary of agriculture to assure the genetic purity and identity of
27 the seed certified; or (b) an agency of a foreign country determined by
28 the United States secretary of agriculture to adhere to procedures and
29 standards for seed certification comparable to those adhered to
30 generally by seed-certifying agencies under (a) of this subsection.

31 (6) "Conditioning" means drying, cleaning, scarifying, and other
32 operations that could change the purity or germination of the seed and
33 require the seed lot to be retested to determine the label information.

34 (7) "Dealer" means any person who distributes.

35 (8) "Department" means the department of agriculture of the state
36 of Washington or its duly authorized representative.

37 (9) "Director" means the director of the department of agriculture.

1 (10) "Distribute" means to import, consign, offer for sale, hold
2 for sale, sell, barter, or otherwise supply seed in this state.

3 (11) "Flower seeds" includes seeds of herbaceous plants grown from
4 their blooms, ornamental foliage, or other ornamental parts, and
5 commonly known and sold under the name of flower seeds in this state.

6 (12) The terms "foundation seed," "registered seed," and "certified
7 seed" mean seed that has been produced and labeled in compliance with
8 the regulations of the department.

9 (13) "Germination" means the emergence and development from the
10 seed embryo of those essential structures which, for the kind of seed
11 in question, are indicative of the ability to produce a normal plant
12 under favorable conditions.

13 (14) "Hard seeds" means seeds that remain hard at the end of the
14 prescribed test period because they have not absorbed water due to an
15 impermeable seed coat.

16 (15) "Hybrid" means the first generation seed of a cross produced
17 by controlling the pollination and by combining (a) two or more inbred
18 lines; (b) one inbred or a single cross with an open pollinated
19 variety; or (c) two varieties or species, except open-pollinated
20 varieties of corn (*Zea mays*). The second generation or subsequent
21 generations from such crosses (~~shall~~) are not (~~be~~) regarded as
22 hybrids. Hybrid designations (~~shall~~) must be treated as variety
23 names.

24 (16) "Inert matter" means all matter not seed, that includes broken
25 seeds, sterile florets, chaff, fungus bodies, and stones as determined
26 by methods defined by rule.

27 (17) "Kind" means one or more related species or subspecies that
28 singly or collectively is known by one common name, for example, corn,
29 oats, alfalfa, and timothy.

30 (18) "Label" includes a tag or other device attached to or written,
31 stamped, or printed on any container or accompanying any lot of bulk
32 seeds purporting to set forth the information required on the seed
33 label by this chapter, and it may include any other information
34 relating to the labeled seed.

35 (19) "Lot" means a definite quantity of seed identified by a lot
36 number or other mark, every portion or bag of which is uniform within
37 recognized tolerances for the factors that appear in the labeling.

1 (20) "Lot number" (~~shall~~) must identify the producer or dealer
2 and year of production or the year distributed for each lot of seed.
3 This requirement may be satisfied by use of a conditioner's or dealer's
4 code.

5 (21) "~~(Master license)~~ Business licensing system" means the
6 mechanism established by chapter 19.02 RCW by which (~~master~~) business
7 licenses, endorsed for individual state-issued licenses, are issued and
8 renewed using a (~~master~~) business license application and a
9 (~~master~~) business license expiration date common to each renewable
10 license endorsement.

11 (22) "Mixture," "mix," or "mixed" means seed consisting of more
12 than one kind, each in excess of five percent by weight of the whole.

13 (23) "Official sample" means any sample of seed taken and
14 designated as official by the department.

15 (24) "Other crop seed" means seed of plants grown as crops, other
16 than the kind or variety included in the pure seed, as determined by
17 methods defined by rule.

18 (25) "Prohibited (primary) noxious weed seeds" are the seeds of
19 weeds which when established are highly destructive, competitive,
20 and/or difficult to control by cultural or chemical practices.

21 (26) "Person" means an individual, partnership, corporation,
22 company, association, receiver, trustee, or agent.

23 (27) "Pure live seed" means the product of the percent of
24 germination plus hard or dormant seed multiplied by the percent of pure
25 seed divided by one hundred. The result is expressed as a whole
26 number.

27 (28) "Pure seed" means seed exclusive of inert matter and all other
28 seeds not of the seed being considered as determined by methods defined
29 by rule.

30 (29) "Restricted (secondary) noxious weed seeds" are the seeds of
31 weeds which are objectionable in fields, lawns, and gardens of this
32 state, but which can be controlled by cultural or chemical practices.

33 (30) "Retail" means to distribute to the ultimate consumer.

34 (31) "Screenings" mean chaff, seed, weed seed, inert matter, and
35 other materials removed from seed in cleaning or conditioning.

36 (32) "Seed labeling registrant" means a person who has obtained a
37 permit to label seed for distribution in this state.

1 (33) "Seeds" mean agricultural or vegetable seeds or other seeds as
2 determined by rules adopted by the department.

3 (34) "Stop sale, use, or removal order" means an administrative
4 order restraining the sale, use, disposition, and movement of a
5 specific amount of seed.

6 (35) "Treated" means that the seed has received an application of
7 a substance, or that it has been subjected to a process for which a
8 claim is made.

9 (36) "Type" means a group of varieties so nearly similar that the
10 individual varieties cannot be clearly differentiated except under
11 special conditions.

12 (37) "Variety" means a subdivision of a kind that is distinct,
13 uniform, and stable; "distinct" in the sense that the variety can be
14 differentiated by one or more identifiable morphological,
15 physiological, or other characteristics from all other varieties of
16 public knowledge; "uniform" in the sense that variations in essential
17 and distinctive characteristics are describable; and "stable" in the
18 sense that the variety will remain unchanged in its essential and
19 distinctive characteristics and its uniformity when reproduced or
20 reconstituted as required by the different categories of varieties.

21 (38) "Vegetable seeds" includes the seeds of those crops that are
22 grown in gardens and on truck farms and are generally known and sold
23 under the name of vegetable or herb seeds in this state.

24 (39) "Weed seeds" include the seeds of all plants generally
25 recognized as weeds within this state, and includes the seeds of
26 prohibited and restricted noxious weeds as determined by regulations
27 adopted by the department.

28 (40) "Inoculant" means a commercial preparation containing nitrogen
29 fixing bacteria applied to the seed.

30 (41) "Coated seed" means seed that has been treated and has
31 received an application of inert material during the treatment process.

32 **Sec. 6.** RCW 15.49.380 and 2012 c 61 s 1 are each amended to read
33 as follows:

34 (1) No person (~~shall~~) may distribute seeds without having
35 obtained a dealer's license for each regular place of business(~~+~~
36 ~~PROVIDED, That no~~). However, a license (~~shall be~~) is not required
37 of a person who distributes seeds only in sealed packages of eight

1 ounces or less, packed by a seed labeling registrant and bearing the
2 name and address of the registrant(~~(:—PROVIDED FURTHER, That)~~).
3 Moreover, a license (~~(shall not be)~~) is not required of any grower
4 selling seeds of his or her own production exclusively. Such seed sold
5 by such grower must be properly labeled as provided in this chapter.
6 Each dealer's license (~~(shall)~~) costs one hundred twenty-five dollars,
7 (~~(shall)~~) must be issued through the (~~(master)~~) business license
8 system, (~~(shall)~~) must bear the date of issue, (~~(shall)~~) must expire on
9 the (~~(master—license)~~) business licensing expiration date, and
10 (~~(shall)~~) must be prominently displayed in each place of business.

11 (2) Persons custom conditioning and/or custom treating seeds for
12 others for remuneration (~~(shall be)~~) are considered dealers for the
13 purpose of this chapter.

14 (3) Application for a license to distribute seed (~~(shall)~~) must be
15 through the (~~(master—license)~~) business licensing system and (~~(shall)~~)
16 must include the name and address of the person applying for the
17 license, the name of a person domiciled in this state authorized to
18 receive and accept service or legal notices of all kinds, and any other
19 reasonable and practical information prescribed by the department
20 necessary to carry out the purposes and provisions of this chapter.

21 **Sec. 7.** RCW 15.49.390 and 1982 c 182 s 25 are each amended to read
22 as follows:

23 If an application for renewal of the dealer's license provided for
24 in RCW 15.49.380, is not filed prior to the (~~(master)~~) business license
25 expiration date, the (~~(master)~~) business license delinquency fee
26 (~~(shall)~~) must be assessed under chapter 19.02 RCW and (~~(shall)~~) must
27 be paid by the applicant before the renewal license (~~(shall be)~~) is
28 issued.

29 **Sec. 8.** RCW 15.54.275 and 1998 c 36 s 3 are each amended to read
30 as follows:

31 (1) No person may distribute a bulk fertilizer in this state until
32 a license to distribute has been obtained by that person. An annual
33 license is required for each out-of-state or in-state location that
34 distributes bulk fertilizer in Washington state. An application for
35 each location (~~(shall)~~) must be filed on forms provided by the (~~(master~~
36 ~~license)~~) business licensing system established under chapter 19.02 RCW

1 and (~~shall~~) must be accompanied by an annual fee of twenty-five
2 dollars per location. The license (~~shall~~) expires on the (~~master~~)
3 business license expiration date.

4 (2) An application for license (~~shall~~) must include the
5 following:

- 6 (a) The name and address of licensee.
- 7 (b) Any other information required by the department by rule.
- 8 (3) The name and address shown on the license (~~shall~~) must be
9 shown on all labels, pertinent invoices, and storage facilities for
10 fertilizer distributed by the licensee in this state.

11 (4) If an application for license renewal provided for in this
12 section is not filed prior to the (~~master~~) business license
13 expiration date, a delinquency fee of twenty-five dollars (~~shall~~)
14 must be assessed and added to the original fee and (~~shall~~) must be
15 paid by the applicant before the renewal license (~~shall-be~~) is
16 issued. The assessment of this delinquency fee (~~shall~~) does not
17 prevent the department from taking any other action as provided for in
18 this chapter. The penalty (~~shall~~) does not apply if the applicant
19 furnishes an affidavit that he or she has not distributed this
20 commercial fertilizer subsequent to the expiration of his or her prior
21 license.

22 **Sec. 9.** RCW 15.58.030 and 2011 c 103 s 35 are each reenacted and
23 amended to read as follows:

24 (~~As used in this chapter the words and phrases defined in this~~
25 ~~section shall have the meanings indicated~~) The definitions in this
26 section apply throughout this chapter unless the context clearly
27 requires otherwise.

28 (1) "Active ingredient" means any ingredient which will prevent,
29 destroy, repel, control, or mitigate pests, or which will act as a
30 plant regulator, defoliant, desiccant, or spray adjuvant.

31 (2) "Antidote" means the most practical immediate treatment in case
32 of poisoning and includes first aid treatment.

33 (3) "Arthropod" means any invertebrate animal that belongs to the
34 phylum arthropoda, which in addition to insects, includes allied
35 classes whose members are wingless and usually have more than six legs;
36 for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

1 (4) "Complete wood destroying organism inspection" means inspection
2 for the purpose of determining evidence of infestation, damage, or
3 conducive conditions as part of the transfer, exchange, or refinancing
4 of any structure in Washington state. Complete wood destroying
5 organism inspections include any wood destroying organism inspection
6 that is conducted as the result of telephone solicitation by an
7 inspection, pest control, or other business, even if the inspection
8 would fall within the definition of a specific wood destroying organism
9 inspection.

10 (5) "Defoliant" means any substance or mixture of substances
11 intended to cause the leaves or foliage to drop from a plant with or
12 without causing abscission.

13 (6) "Department" means the Washington state department of
14 agriculture.

15 (7) "Desiccant" means any substance or mixture of substances
16 intended to artificially accelerate the drying of plant tissues.

17 (8) "Device" means any instrument or contrivance intended to trap,
18 destroy, control, repel, or mitigate pests, or to destroy, control,
19 repel or mitigate fungi, nematodes, or such other pests, as may be
20 designated by the director, but not including equipment used for the
21 application of pesticides when sold separately from the pesticides.

22 (9) "Director" means the director of the department or a duly
23 authorized representative.

24 (10) "Distribute" means to offer for sale, hold for sale, sell,
25 barter, or supply pesticides in this state.

26 (11) "EPA" means the United States environmental protection agency.

27 (12) "EPA restricted use pesticide" means any pesticide with
28 restricted uses as classified for restricted use by the administrator,
29 EPA.

30 (13) "FIFRA" means the federal insecticide, fungicide, and
31 rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

32 (14) "Fungi" means all nonchlorophyll-bearing thallophytes (all
33 nonchlorophyll-bearing plants of a lower order than mosses and
34 liverworts); for example, rusts, smuts, mildews, molds, yeasts, and
35 bacteria, except those on or in living persons or other animals.

36 (15) "Fungicide" means any substance or mixture of substances
37 intended to prevent, destroy, repel, or mitigate any fungi.

1 (16) "Herbicide" means any substance or mixture of substances
2 intended to prevent, destroy, repel, or mitigate any weed.

3 (17) "Inert ingredient" means an ingredient which is not an active
4 ingredient.

5 (18) "Ingredient statement" means a statement of the name and
6 percentage of each active ingredient together with the total percentage
7 of the inert ingredients in the pesticide, and when the pesticide
8 contains arsenic in any form, the ingredient statement (~~shall~~) must
9 also include percentages of total and water soluble arsenic, each
10 calculated as elemental arsenic. The ingredient statement for a spray
11 adjuvant must be consistent with the labeling requirements adopted by
12 rule.

13 (19) "Insect" means any of the numerous small invertebrate animals
14 whose bodies are more or less obviously segmented, and which for the
15 most part belong to the class insecta, comprising six-legged, usually
16 winged forms, for example, beetles, bugs, bees, flies, and to other
17 allied classes of arthropods whose members are wingless and usually
18 have more than six legs, for example, spiders, mites, ticks,
19 centipedes, and isopod crustaceans.

20 (20) "Insecticide" means any substance or mixture of substances
21 intended to prevent, destroy, repel, or mitigate any insects which may
22 be present in any environment whatsoever.

23 (21) "Inspection control number" means a number obtained from the
24 department that is recorded on wood destroying organism inspection
25 reports issued by a structural pest inspector in conjunction with the
26 transfer, exchange, or refinancing of any structure.

27 (22) "Label" means the written, printed, or graphic matter on, or
28 attached to, the pesticide, device, or immediate container, and the
29 outside container or wrapper of the retail package.

30 (23) "Labeling" means all labels and other written, printed, or
31 graphic matter:

32 (a) Upon the pesticide, device, or any of its containers or
33 wrappers;

34 (b) Accompanying the pesticide, or referring to it in any other
35 media used to disseminate information to the public; and

36 (c) To which reference is made on the label or in literature
37 accompanying or referring to the pesticide or device except when
38 accurate nonmisleading reference is made to current official

1 publications of the department, United States departments of
2 agriculture; interior; education; health and human services; state
3 agricultural colleges; and other similar federal or state institutions
4 or agencies authorized by law to conduct research in the field of
5 pesticides.

6 (24) "Land" means all land and water areas, including airspace and
7 all plants, animals, structures, buildings, devices and contrivances,
8 appurtenant thereto or situated thereon, fixed or mobile, including any
9 used for transportation.

10 (25) "~~((Master license))~~ Business licensing system" means the
11 mechanism established by chapter 19.02 RCW by which ~~((master))~~ business
12 licenses, endorsed for individual state-issued licenses, are issued and
13 renewed using a ~~((master))~~ business license application and a
14 ~~((master))~~ business license expiration date common to each renewable
15 license endorsement.

16 (26) "Nematocide" means any substance or mixture of substances
17 intended to prevent, destroy, repel, or mitigate nematodes.

18 (27) "Nematode" means any invertebrate animal of the phylum
19 nemathelminthes and class nematoda, that is, unsegmented round worms
20 with elongated, fusiform, or saclike bodies covered with cuticle, and
21 inhabiting soil, water, plants or plant parts, may also be called nemas
22 or eelworms.

23 (28) "Person" means any individual, partnership, association,
24 corporation, or organized group of persons whether or not incorporated.

25 (29) "Pest" means, but is not limited to, any insect, rodent,
26 nematode, snail, slug, weed and any form of plant or animal life or
27 virus, except virus on or in a living person or other animal, which is
28 normally considered to be a pest or which the director may declare to
29 be a pest.

30 (30) "Pest control consultant" means any individual who sells or
31 offers for sale at other than a licensed pesticide dealer outlet or
32 location where they are employed, or who offers or supplies technical
33 advice or makes recommendations to the user of:

34 (a) Highly toxic pesticides, as determined under RCW 15.58.040;

35 (b) EPA restricted use pesticides or restricted use pesticides
36 which are restricted by rule to distribution by licensed pesticide
37 dealers only; or

1 (c) Any other pesticide except those pesticides which are labeled
2 and intended for home and garden use only.

3 (31) "Pesticide" means, but is not limited to:

4 (a) Any substance or mixture of substances intended to prevent,
5 destroy, control, repel, or mitigate any insect, rodent, snail, slug,
6 fungus, weed, and any other form of plant or animal life or virus,
7 except virus on or in a living person or other animal which is normally
8 considered to be a pest or which the director may declare to be a pest;

9 (b) Any substance or mixture of substances intended to be used as
10 a plant regulator, defoliant or desiccant; and

11 (c) Any spray adjuvant.

12 (32) "Pesticide dealer" means any person who distributes any of the
13 following pesticides:

14 (a) Highly toxic pesticides, as determined under RCW 15.58.040;

15 (b) EPA restricted use pesticides or restricted use pesticides
16 which are restricted by rule to distribution by licensed pesticide
17 dealers only; or

18 (c) Any other pesticide except those pesticides which are labeled
19 and intended for home and garden use only.

20 (33) "Pesticide dealer manager" means the owner or other individual
21 supervising pesticide distribution at one outlet holding a pesticide
22 dealer license.

23 (34) "Plant regulator" means any substance or mixture of substances
24 intended through physiological action, to accelerate or retard the rate
25 of growth or maturation, or to otherwise alter the behavior of
26 ornamental or crop plants or their produce, but (~~shall~~) does not
27 include substances insofar as they are intended to be used as plant
28 nutrients, trace elements, nutritional chemicals, plant inoculants, or
29 soil amendments.

30 (35) "Registrant" means the person registering any pesticide under
31 the provisions of this chapter.

32 (36) "Restricted use pesticide" means any pesticide or device
33 which, when used as directed or in accordance with a widespread and
34 commonly recognized practice, the director determines, subsequent to a
35 hearing, requires additional restrictions for that use to prevent
36 unreasonable adverse effects on the environment including people,
37 lands, beneficial insects, animals, crops, and wildlife, other than
38 pests.

1 (37) "Rodenticide" means any substance or mixture of substances
2 intended to prevent, destroy, repel, or mitigate rodents, or any other
3 vertebrate animal which the director may declare by rule to be a pest.

4 (38) "Special local needs registration" means a registration issued
5 by the director pursuant to provisions of section 24(c) of FIFRA.

6 (39) "Specific wood destroying organism inspection" means an
7 inspection of a structure for purposes of identifying or verifying
8 evidence of an infestation of wood destroying organisms prior to pest
9 management activities.

10 (40) "Spray adjuvant" means any product intended to be used with a
11 pesticide as an aid to the application or to the effect of the
12 pesticide, and which is in a package or container separate from the
13 pesticide. Spray adjuvant includes, but is not limited to, acidifiers,
14 compatibility agents, crop oil concentrates, defoaming agents, drift
15 control agents, modified vegetable oil concentrates, nonionic
16 surfactants, organosilicone surfactants, stickers, and water
17 conditioning agents. Spray adjuvant does not include products that are
18 only intended to mark the location where a pesticide is applied.

19 (41) "Structural pest inspector" means any individual who performs
20 the service of conducting a complete wood destroying organism
21 inspection or a specific wood destroying organism inspection.

22 (42) "Unreasonable adverse effects on the environment" means any
23 unreasonable risk to people or the environment taking into account the
24 economic, social, and environmental costs and benefits of the use of
25 any pesticide, or as otherwise determined by the director.

26 (43) "Weed" means any plant which grows where not wanted.

27 (44) "Wood destroying organism" means insects or fungi that
28 consume, excavate, develop in, or otherwise modify the integrity of
29 wood or wood products. Wood destroying organism includes, but is not
30 limited to, carpenter ants, moisture ants, subterranean termites,
31 dampwood termites, beetles in the family Anobiidae, and wood decay
32 fungi (wood rot).

33 (45) "Wood destroying organism inspection report" means any written
34 document that reports or comments on the presence or absence of wood
35 destroying organisms, their damage, and/or conducive conditions leading
36 to the establishment of such organisms.

1 **Sec. 10.** RCW 15.58.180 and 2008 c 285 s 16 are each amended to
2 read as follows:

3 (1) Except as provided in subsections (4) and (5) of this section,
4 it is unlawful for any person to act in the capacity of a pesticide
5 dealer or advertise as or assume to act as a pesticide dealer without
6 first having obtained an annual license from the director. The license
7 expires on the (~~master~~) business license expiration date. A license
8 is required for each location or outlet located within this state from
9 which pesticides are distributed. A manufacturer, registrant, or
10 distributor who has no pesticide dealer outlet licensed within this
11 state and who distributes pesticides directly into this state must
12 obtain a pesticide dealer license for his or her principal out-of-state
13 location or outlet, but such a licensed out-of-state pesticide dealer
14 is exempt from the pesticide dealer manager requirements.

15 (2) Application for a license must be accompanied by a fee of
16 sixty-seven dollars and must be made through the (~~master-license~~)
17 business licensing system and must include the full name of the person
18 applying for the license and the name of the individual within the
19 state designated as the pesticide dealer manager. If the applicant is
20 a partnership, association, corporation, or organized group of persons,
21 the full name of each member of the firm or partnership or the names of
22 the officers of the association or corporation must be given on the
23 application. The application must state the principal business address
24 of the applicant in the state and elsewhere, the name of a person
25 domiciled in this state authorized to receive and accept service of
26 summons of legal notices of all kinds for the applicant, and any other
27 necessary information prescribed by the director.

28 (3) It is unlawful for any licensed dealer outlet to operate
29 without a pesticide dealer manager who has a license of qualification.

30 (4) This section does not apply to (a) a licensed pesticide
31 applicator who sells pesticides only as an integral part of the
32 applicator's pesticide application service when pesticides are
33 dispensed only through apparatuses used for pesticide application, or
34 (b) any federal, state, county, or municipal agency that provides
35 pesticides only for its own programs.

36 (5) A user of a pesticide may distribute a properly labeled
37 pesticide to another user who is legally entitled to use that pesticide

1 without obtaining a pesticide dealer's license if the exclusive purpose
2 of distributing the pesticide is keeping it from becoming a hazardous
3 waste as defined in chapter 70.105 RCW.

4 **Sec. 11.** RCW 15.58.235 and 1989 c 380 s 19 are each amended to
5 read as follows:

6 (1) If an application for renewal of a pesticide dealer license is
7 not filed on or before the (~~master~~) business license expiration date,
8 the (~~master~~) business license delinquency fee (~~shall~~) must be
9 assessed under chapter 19.02 RCW and (~~shall~~) must be paid by the
10 applicant before the renewal license is issued.

11 (2) If application for renewal of any license provided for in this
12 chapter other than the pesticide dealer license is not filed on or
13 before the expiration date of the license, a penalty equivalent to the
14 license fee (~~shall~~) must be assessed and added to the original fee,
15 and (~~shall~~) must be paid by the applicant before the renewal license
16 is issued(~~:-PROVIDED, That~~). However, such penalty (~~shall~~) does
17 not apply if the applicant furnishes an affidavit certifying that he or
18 she has not acted as a licensee subsequent to the expiration of the
19 license.

20 (3) Any license for which a renewal application has been made, all
21 other requirements have been met, and the proper fee paid, continues in
22 full force and effect until the director notifies the applicant that
23 the license has been renewed or the application has been denied.

24 **Sec. 12.** RCW 18.44.031 and 2010 c 34 s 3 are each amended to read
25 as follows:

26 An application for an escrow agent license (~~shall~~) must be in
27 writing in such form as is prescribed by the director, and (~~shall~~)
28 must be verified on oath by the applicant. An application for an
29 escrow agent license (~~shall~~) must include the following:

30 (1) The applicant's form of business organization and place of
31 organization;

32 (2) Information concerning the identity of the applicant, and its
33 officers, directors, owners, partners, controlling persons, and
34 employees, including fingerprints for submission to the Washington
35 state patrol, the federal bureau of investigation, and any government
36 agency or subdivision authorized to receive information for state and

1 national criminal history background checks; personal history;
2 experience; business record; purposes; and other pertinent facts, as
3 the director may reasonably require. The director may also request
4 criminal history record information, including nonconviction data, as
5 defined by RCW 10.97.030. The department may disseminate nonconviction
6 data obtained under this section only to criminal justice agencies.
7 The applicant must pay the cost of fingerprinting and processing the
8 fingerprints by the department;

9 (3) If the applicant is a corporation or limited liability company,
10 the address of its physical location, a list of officers, controlling
11 persons, and directors of such corporation or company and their
12 residential addresses, telephone numbers, and other identifying
13 information as the director may determine by rule. If the applicant is
14 a sole proprietorship or partnership, the address of its business
15 location, a list of owners, partners, or controlling persons and their
16 residential addresses, telephone numbers, and other identifying
17 information as the director may determine by rule. Any information in
18 the application regarding the personal residential address or telephone
19 number of any officer, director, partner, owner, controlling person, or
20 employee is exempt from the public records disclosure requirements of
21 chapter 42.56 RCW;

22 (4) In the event the applicant is doing business under an assumed
23 name, a copy of the ((master)) business license issued through the
24 business licensing system established under chapter 19.02 RCW, with the
25 registered trade name shown;

26 (5) The qualifications and business history of the applicant and
27 all of its officers, directors, owners, partners, and controlling
28 persons;

29 (6) A personal credit report from a recognized credit reporting
30 bureau satisfactory to the director on all officers, directors, owners,
31 partners, and controlling persons of the applicant;

32 (7) Whether any of the officers, directors, owners, partners, or
33 controlling persons have been convicted of any crime within the
34 preceding ten years which relates directly to the business or duties of
35 escrow agents, or have suffered a judgment within the preceding five
36 years in any civil action involving fraud, misrepresentation, any
37 unfair or deceptive act or practice, or conversion;

1 (8) The identity of the licensed escrow officer designated by the
2 escrow agent as the designated escrow officer responsible for
3 supervising the agent's escrow activity;

4 (9) Evidence of compliance with the bonding and insurance
5 requirements of RCW 18.44.201; and

6 (10) Any other information the director may require by rule. The
7 director may share any information contained within a license
8 application, including fingerprints, with the federal bureau of
9 investigation and other regulatory or law enforcement agencies.

10 **Sec. 13.** RCW 18.64.011 and 2009 c 549 s 1008 are each reenacted
11 and amended to read as follows:

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise(~~(, definitions of terms~~
14 ~~shall be as indicated when used in this chapter)~~)).

15 (1) "Administer" means the direct application of a drug or device,
16 whether by injection, inhalation, ingestion, or any other means, to the
17 body of a patient or research subject.

18 (2) "Board" means the Washington state board of pharmacy.

19 (3) "Compounding" (~~(shall be)~~) means the act of combining two or
20 more ingredients in the preparation of a prescription.

21 (4) "Controlled substance" means a drug or substance, or an
22 immediate precursor of such drug or substance, so designated under or
23 pursuant to the provisions of chapter 69.50 RCW.

24 (5) "Deliver" or "delivery" means the actual, constructive, or
25 attempted transfer from one person to another of a drug or device,
26 whether or not there is an agency relationship.

27 (6) "Department" means the department of health.

28 (7) "Device" means instruments, apparatus, and contrivances,
29 including their components, parts, and accessories, intended (a) for
30 use in the diagnosis, cure, mitigation, treatment, or prevention of
31 disease in human beings or other animals, or (b) to affect the
32 structure or any function of the body of human beings or other animals.

33 (8) "Dispense" means the interpretation of a prescription or order
34 for a drug, biological, or device and, pursuant to that prescription or
35 order, the proper selection, measuring, compounding, labeling, or
36 packaging necessary to prepare that prescription or order for delivery.

1 (9) "Distribute" means the delivery of a drug or device other than
2 by administering or dispensing.

3 (10) (~~The words~~) "Drug" and "devices" (~~shall~~) do not include
4 surgical or dental instruments or laboratory materials, gas and oxygen,
5 therapy equipment, X-ray apparatus or therapeutic equipment, their
6 component parts or accessories, or equipment, instruments, apparatus,
7 or contrivances used to render such articles effective in medical,
8 surgical, or dental treatment, or for use or consumption in or for
9 mechanical, industrial, manufacturing, or scientific applications or
10 purposes(~~, nor shall the word~~). "Drug" also does not include any
11 article or mixture covered by the Washington pesticide control act
12 (chapter 15.58 RCW), as enacted or hereafter amended, nor medicated
13 feed intended for and used exclusively as a feed for animals other than
14 human beings.

15 (11) "Drugs" means:

16 (a) Articles recognized in the official United States pharmacopoeia
17 or the official homeopathic pharmacopoeia of the United States;

18 (b) Substances intended for use in the diagnosis, cure, mitigation,
19 treatment, or prevention of disease in human beings or other animals;

20 (c) Substances (other than food) intended to affect the structure
21 or any function of the body of human beings or other animals; or

22 (d) Substances intended for use as a component of any substances
23 specified in (a), (b), or (c) of this subsection, but not including
24 devices or their component parts or accessories.

25 (12) "Health care entity" means an organization that provides
26 health care services in a setting that is not otherwise licensed by the
27 state. Health care entity includes a freestanding outpatient surgery
28 center or a freestanding cardiac care center. It does not include an
29 individual practitioner's office or a multipractitioner clinic.

30 (13) "Labeling" (~~shall~~) means the process of preparing and
31 affixing a label to any drug or device container. The label must
32 include all information required by current federal and state law and
33 pharmacy rules.

34 (14) "Legend drugs" means any drugs which are required by any
35 applicable federal or state law or regulation to be dispensed on
36 prescription only or are restricted to use by practitioners only.

37 (15) "Manufacture" means the production, preparation, propagation,
38 compounding, or processing of a drug or other substance or device or

1 the packaging or repackaging of such substance or device, or the
2 labeling or relabeling of the commercial container of such substance or
3 device, but does not include the activities of a practitioner who, as
4 an incident to his or her administration or dispensing such substance
5 or device in the course of his or her professional practice, prepares,
6 compounds, packages, or labels such substance or device.

7 (16) "Manufacturer" (~~shall~~) means a person, corporation, or other
8 entity engaged in the manufacture of drugs or devices.

9 (17) "~~(Master license)~~ Business licensing system" means the
10 mechanism established by chapter 19.02 RCW by which (~~master~~) business
11 licenses, endorsed for individual state-issued licenses, are issued and
12 renewed utilizing a (~~master~~) business license application and a
13 (~~master~~) business license expiration date common to each renewable
14 license endorsement.

15 (18) "Nonlegend" or "nonprescription" drugs means any drugs which
16 may be lawfully sold without a prescription.

17 (19) "Person" means an individual, corporation, government,
18 governmental subdivision or agency, business trust, estate, trust,
19 partnership or association, or any other legal entity.

20 (20) "Pharmacist" means a person duly licensed by the Washington
21 state board of pharmacy to engage in the practice of pharmacy.

22 (21) "Pharmacy" means every place properly licensed by the board of
23 pharmacy where the practice of pharmacy is conducted.

24 (22) (~~The word~~) "Poison" (~~shall~~) does not include any article
25 or mixture covered by the Washington pesticide control act (chapter
26 15.58 RCW), as enacted or hereafter amended.

27 (23) "Practice of pharmacy" includes the practice of and
28 responsibility for: Interpreting prescription orders; the compounding,
29 dispensing, labeling, administering, and distributing of drugs and
30 devices; the monitoring of drug therapy and use; the initiating or
31 modifying of drug therapy in accordance with written guidelines or
32 protocols previously established and approved for his or her practice
33 by a practitioner authorized to prescribe drugs; the participating in
34 drug utilization reviews and drug product selection; the proper and
35 safe storing and distributing of drugs and devices and maintenance of
36 proper records thereof; the providing of information on legend drugs
37 which may include, but is not limited to, the advising of therapeutic
38 values, hazards, and the uses of drugs and devices.

1 (24) "Practitioner" means a physician, dentist, veterinarian,
2 nurse, or other person duly authorized by law or rule in the state of
3 Washington to prescribe drugs.

4 (25) "Prescription" means an order for drugs or devices issued by
5 a practitioner duly authorized by law or rule in the state of
6 Washington to prescribe drugs or devices in the course of his or her
7 professional practice for a legitimate medical purpose.

8 (26) "Secretary" means the secretary of health or the secretary's
9 designee.

10 (27) "Wholesaler" (~~shall~~) means a corporation, individual, or
11 other entity which buys drugs or devices for resale and distribution to
12 corporations, individuals, or entities other than consumers.

13 **Sec. 14.** RCW 18.64.044 and 2005 c 388 s 5 are each amended to read
14 as follows:

15 (1) A shopkeeper registered as provided in this section may sell
16 nonprescription drugs, if such drugs are sold in the original package
17 of the manufacturer.

18 (2) Every shopkeeper not a licensed pharmacist, desiring to secure
19 the benefits and privileges of this section, is (~~hereby~~) required to
20 register as a shopkeeper through the (~~master license system~~) business
21 licensing system established under chapter 19.02 RCW, and he or she
22 (~~shall~~) must pay the fee determined by the secretary for
23 registration, and on a date to be determined by the secretary
24 thereafter the fee determined by the secretary for renewal of the
25 registration; and (~~shall~~) must at all times keep said registration or
26 the current renewal thereof conspicuously exposed in the location to
27 which it applies. In event such shopkeeper's registration is not
28 renewed by the (~~master~~) business license expiration date, no renewal
29 or new registration (~~shall~~) may be issued except upon payment of the
30 registration renewal fee and the (~~master~~) business license
31 delinquency fee under chapter 19.02 RCW. This registration fee
32 (~~shall~~) does not authorize the sale of legend drugs or controlled
33 substances.

34 (3) The registration fees determined by the secretary under
35 subsection (2) of this section (~~shall~~) may not exceed the cost of
36 registering the shopkeeper.

1 (4) Any shopkeeper who (~~shall~~) vends or sells, or offers to sell
2 to the public any such nonprescription drug or preparation without
3 having registered to do so as provided in this section, (~~shall be~~) is
4 guilty of a misdemeanor and each sale or offer to sell (~~shall~~)
5 constitutes a separate offense.

6 (5) A shopkeeper who is not a licensed pharmacy may purchase
7 products containing any detectable quantity of ephedrine,
8 pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or
9 salts of isomers, only from a wholesaler licensed by the department
10 under RCW 18.64.046 or from a manufacturer licensed by the department
11 under RCW 18.64.045. The board (~~shall~~) must issue a warning to a
12 shopkeeper who violates this subsection, and may suspend or revoke the
13 registration of the shopkeeper for a subsequent violation.

14 (6) A shopkeeper who has purchased products containing any
15 detectable quantity of ephedrine, pseudoephedrine, or
16 phenylpropanolamine, or their salts, isomers, or salts of isomers, in
17 a suspicious transaction as defined in RCW 69.43.035, is subject to the
18 following requirements:

19 (a) The shopkeeper may not sell any quantity of ephedrine,
20 pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or
21 salts of isomers, if the total monthly sales of these products exceed
22 ten percent of the shopkeeper's total prior monthly sales of
23 nonprescription drugs in March through October. In November through
24 February, the shopkeeper may not sell any quantity of ephedrine,
25 pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or
26 salts of isomers, if the total monthly sales of these products exceed
27 twenty percent of the shopkeeper's total prior monthly sales of
28 nonprescription drugs. For purposes of this section, "monthly sales"
29 means total dollars paid by buyers. The board may suspend or revoke
30 the registration of a shopkeeper who violates this subsection.

31 (b) The shopkeeper (~~shall~~) must maintain inventory records of the
32 receipt and disposition of nonprescription drugs, utilizing existing
33 inventory controls if an auditor or investigator can determine
34 compliance with (a) of this subsection, and otherwise in the form and
35 manner required by the board. The records must be available for
36 inspection by the board or any law enforcement agency and must be
37 maintained for two years. The board may suspend or revoke the

1 registration of a shopkeeper who violates this subsection. For
2 purposes of this subsection, "disposition" means the return of product
3 to the wholesaler or distributor.

4 **Sec. 15.** RCW 19.02.010 and 1982 c 182 s 1 are each amended to read
5 as follows:

6 (1) Experience under the pilot program of the business coordination
7 act suggests that the number of state licenses required for new
8 businesses and the renewal of existing licenses places an undue burden
9 on business. Studies under this act also show that the state can
10 reduce its costs by coordinating and consolidating application forms,
11 information, and licenses. Therefore, the legislature extends the
12 business coordination act by establishing a business license program
13 and license center to develop and implement the following goals and
14 objectives:

15 ~~((+1))~~ (a) The first goal of this system is to provide a
16 convenient, accessible, and timely one-stop system for the business
17 community to acquire and maintain the necessary state licenses to
18 conduct business. This system ~~((shall))~~ must be developed and operated
19 in the most cost-efficient manner for the business community and state.
20 The objectives of this goal are:

21 ~~((+a))~~ (i) To provide a service whereby information is available
22 to the business community concerning all state licensing and regulatory
23 requirements, and to the extent feasible, include local and federal
24 information concerning the same regulated activities;

25 ~~((+b))~~ (ii) To provide a system which ~~((will))~~ enables state
26 agencies to efficiently store, retrieve, and exchange license
27 information with due regard to privacy statutes; to issue and renew
28 ~~((master))~~ business licenses where such licenses are appropriate; and
29 to provide appropriate support services for this objective;

30 ~~((+c))~~ (iii) To provide at designated locations one consolidated
31 application form to be completed by any given applicant; and

32 ~~((+d))~~ (iv) To provide a statewide system of common business
33 identification.

34 ~~((+2))~~ (b) The second goal of this system is to aid business and
35 the growth of business in Washington state by instituting a ~~((master))~~
36 business license system that ~~((will))~~ reduces the paperwork burden on

1 business, and promote the elimination of obsolete and duplicative
2 licensing requirements by consolidating existing licenses and
3 applications.

4 (2) It is the intent of the legislature that the authority for
5 determining if a requested license (~~(shall be)~~) is issued (~~(shall)~~)
6 remains with the agency legally authorized to issue the license.

7 (3) It is the further intent of the legislature that those licenses
8 which no longer serve a useful purpose in regulating certain business
9 activities should be eliminated.

10 **Sec. 16.** RCW 19.02.020 and 2011 c 298 s 4 are each reenacted and
11 amended to read as follows:

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

14 (1) "Business license" means the single document designed for
15 public display issued by the business licensing service, which
16 certifies state agency or local government license approval and which
17 incorporates the endorsements for individual licenses included in the
18 business licensing system, which the state or local government requires
19 for any person subject to this chapter.

20 (2) "Business license application" means a document incorporating
21 pertinent data from existing applications for licenses covered under
22 this chapter.

23 (3) "Business (~~(license center)~~) licensing service" means the
24 business registration and licensing (~~(center)~~) service established by
25 this chapter and located in and under the administrative control of the
26 department of revenue.

27 ~~((+2))~~ (4) "Department" means the department of revenue.

28 ~~((+3))~~ (5) "Director" means the director of (~~(revenue)~~) the
29 department.

30 ~~((+4))~~ (6) "License" means the whole or part of any agency or
31 local government permit, license, certificate, approval, registration,
32 charter, or any form or permission required by law, including agency
33 rule, to engage in any activity.

34 ~~((+5))~~ (7) "License information packet" means a collection of
35 information about licensing requirements and application procedures
36 custom-assembled for each request.

1 ~~((6) "Master application" means a document incorporating pertinent~~
2 ~~data from existing applications for licenses covered under this~~
3 ~~chapter.~~

4 ~~(7) "Master license" means the single document designed for public~~
5 ~~display issued by the business license center which certifies state~~
6 ~~agency or local government license approval and which incorporates the~~
7 ~~endorsements for individual licenses included in the master license~~
8 ~~system, which the state or local government requires for any person~~
9 ~~subject to this chapter.)~~

10 (8) "Participating local government" means a municipal corporation
11 or political subdivision that participates in the ~~((master license))~~
12 business licensing system established by this chapter.

13 (9) "Person" means any individual, sole proprietorship,
14 partnership, association, cooperative, corporation, nonprofit
15 organization, state or local government agency, and any other
16 organization required to register with the state or a participating
17 local government to do business in the state or the participating local
18 government and to obtain one or more licenses from the state or any of
19 its agencies or the participating local government.

20 (10) "Regulatory" means all licensing and other governmental or
21 statutory requirements pertaining to business or professional
22 activities.

23 (11) "Regulatory agency" means any state agency, board, commission,
24 division, or local government that regulates one or more professions,
25 occupations, industries, businesses, or activities.

26 (12) "Renewal application" means a document used to collect
27 pertinent data for renewal of licenses covered under this chapter.

28 (13) "System" or "~~((master license))~~ business licensing system"
29 means the procedure by which ~~((master))~~ business licenses are issued
30 and renewed, license and regulatory information is collected and
31 disseminated with due regard to privacy statutes, and account data is
32 exchanged by the agencies and participating local governments.

33 **Sec. 17.** RCW 19.02.030 and 2011 c 298 s 5 are each amended to read
34 as follows:

35 (1) There is located within the department a business ~~((license~~
36 ~~center))~~ licensing service.

1 (2) The duties of the (~~center~~) business licensing service
2 include:

3 (a) Developing and administering a computerized one-stop (~~master~~
4 ~~license~~) business licensing system capable of storing, retrieving, and
5 exchanging license information with due regard to privacy statutes, as
6 well as issuing and renewing (~~master~~) business licenses in an
7 efficient manner;

8 (b) Providing a license information service detailing requirements
9 to establish or engage in business in this state;

10 (c) Providing for staggered (~~master~~) business license renewal
11 dates;

12 (d) Identifying types of licenses appropriate for inclusion in the
13 (~~master license~~) business licensing system;

14 (e) Recommending in reports to the governor and the legislature the
15 elimination, consolidation, or other modification of duplicative,
16 ineffective, or inefficient licensing or inspection requirements; and

17 (f) Incorporating licenses into the (~~master license~~) business
18 licensing system.

19 (3) The department may adopt under chapter 34.05 RCW such rules as
20 may be necessary to effectuate the purposes of this chapter.

21 **Sec. 18.** RCW 19.02.035 and 1982 c 182 s 4 are each amended to read
22 as follows:

23 (1) The business (~~license center shall~~) licensing service must
24 compile information regarding the regulatory programs associated with
25 each of the licenses obtainable under the (~~master license~~) business
26 licensing system. This information (~~shall~~) must include, at a
27 minimum, a listing of the statutes and administrative rules requiring
28 the licenses and pertaining to the regulatory programs that are
29 directly related to the licensure. For example, for pesticide dealers'
30 licenses, the information (~~shall~~) must include the statutes and rules
31 requiring licensing as well as those pertaining to the subject of
32 registering or distributing pesticides.

33 (2) The business (~~license center shall~~) licensing service must
34 provide information governed by this section to any person requesting
35 it. Materials used by the (~~center to describe the services provided~~
36 ~~by the center shall~~) business licensing service to describe its
37 services must indicate that this information is available upon request.

1 **Sec. 19.** RCW 19.02.070 and 2011 c 298 s 7 are each amended to read
2 as follows:

3 (1) Any person requiring licenses (~~(which))~~ that have been
4 incorporated into the system must submit a (~~(master))~~ business license
5 application to the department requesting the issuance of the licenses.
6 The (~~(master))~~ business license application form must contain in
7 consolidated form information necessary for the issuance of the
8 licenses.

9 (2) The applicant must include with the application the sum of all
10 fees and deposits required for the requested individual license
11 endorsements as well as the handling fee established by the department
12 under the authority of RCW 19.02.075.

13 (3) Irrespective of any authority delegated to the department to
14 implement the provisions of this chapter, the authority for approving
15 issuance and renewal of any requested license that requires a
16 prelicensing or renewal investigation, inspection, testing, or other
17 judgmental review by the regulatory agency otherwise legally authorized
18 to issue the license must remain with that agency. The business
19 (~~(license center))~~ licensing service has the authority to issue those
20 licenses for which proper fee payment and a completed application form
21 have been received and for which no prelicensing or renewal approval
22 action is required by the regulatory agency.

23 (4) Upon receipt of the application and proper fee payment for any
24 license for which issuance is subject to regulatory agency action under
25 subsection (3) of this section, the department must immediately notify
26 the regulatory agency with authority to approve issuance or renewal of
27 the license requested by the applicant. Each regulatory agency must
28 advise the department within a reasonable time after receiving the
29 notice: (a) That the agency approves the issuance of the requested
30 license and will advise the applicant of any specific conditions
31 required for issuing the license; (b) that the agency denies the
32 issuance of the license and gives the applicant reasons for the denial;
33 or (c) that the application is pending.

34 (5) The department must issue a (~~(master))~~ business license
35 endorsed for all the approved licenses to the applicant and advise the
36 applicant of the status of other requested licenses. It is the
37 responsibility of the applicant to contest the decision regarding

1 conditions imposed or licenses denied through the normal process
2 established by statute or by the regulatory agency with the authority
3 for approving issuance of the license.

4 (6) Regulatory agencies must be provided information from the
5 ((~~master~~)) business license application for their licensing and
6 regulatory functions.

7 **Sec. 20.** RCW 19.02.075 and 2011 c 298 s 8 are each amended to read
8 as follows:

9 The department must collect a handling fee on each ((~~master~~))
10 business license application and each renewal application filing. The
11 department must set the amount of the handling fees by rule, as
12 authorized by RCW 19.02.030. The handling fees may not exceed nineteen
13 dollars for each ((~~master~~)) business license application, and eleven
14 dollars for each business license renewal application filing, and must
15 be deposited in the ((~~master license fund~~)) business license account.
16 The department may increase handling and renewal fees for the purposes
17 of making improvements in the ((~~master license~~)) business licensing
18 service program, including improvements in technology and customer
19 services, expanded access, and infrastructure.

20 **Sec. 21.** RCW 19.02.080 and 1992 c 107 s 3 are each amended to read
21 as follows:

22 All fees collected under the system ((~~shall~~)) must be deposited
23 with the state treasurer. Upon issuance or renewal of the ((~~master~~))
24 business license or supplemental licenses, the department ((~~shall~~))
25 must distribute the fees, except for fees covered under RCW 19.02.210
26 and for fees covered under RCW 19.80.075, to the appropriate accounts
27 under the applicable statutes for those agencies' licenses.

28 **Sec. 22.** RCW 19.02.085 and 1992 c 107 s 5 are each amended to read
29 as follows:

30 To encourage timely renewal by applicants, a ((~~master~~)) business
31 license delinquency fee ((~~shall be~~)) is imposed on licensees who fail
32 to renew by the ((~~master~~)) business license expiration date. The
33 ((~~master~~)) business license delinquency fee ((~~shall~~)) must be the
34 lesser of one hundred fifty dollars or fifty percent of a base
35 comprised of the licensee's renewal fee minus corporate licensing

1 taxes, corporation annual report fee, and any interest fees or
2 penalties charged for late taxes or corporate renewals. The ((~~master~~))
3 business license delinquency fee ((~~shall~~)) must be added to the renewal
4 fee and paid by the licensee before a ((~~master~~)) business license
5 ((~~shall be~~)) is renewed. The delinquency fee ((~~shall~~)) must be
6 deposited in the ((~~master license fund~~)) business license account.

7 **Sec. 23.** RCW 19.02.090 and 1982 c 182 s 8 are each amended to read
8 as follows:

9 (1) The department ((~~shall~~)) must assign an expiration date for
10 each ((~~master~~)) business license. All renewable licenses endorsed on
11 that ((~~master~~)) business license ((~~shall~~)) must expire on that date.
12 License fees ((~~shall~~)) must be prorated to accommodate the staggering
13 of expiration dates.

14 (2) All renewable licenses endorsed on a ((~~master~~)) business
15 license ((~~shall~~)) must be renewed by the department under conditions
16 originally imposed unless a regulatory agency advises the department of
17 conditions or denials to be imposed before the endorsement is renewed.

18 **Sec. 24.** RCW 19.02.100 and 2011 c 298 s 9 are each amended to read
19 as follows:

20 (1) The department may ((~~not~~)) refuse to issue or renew a
21 ((~~master~~)) business license to any person if:

22 (a) The person does not have a valid tax registration, if required
23 by a regulatory agency;

24 (b) The person is a corporation delinquent in fees or penalties
25 owing to the secretary of state or is not validly registered under
26 Title 23B RCW, chapter 18.100 RCW, Title 24 RCW, or any other statute
27 now or hereafter adopted which gives corporate or business licensing
28 responsibilities to the secretary of state if the person is required to
29 be so registered and the regulatory agency having the authority to
30 approve the issuance or renewal of the license requires, as a condition
31 of such approval, that the person be so registered or not delinquent in
32 fees or penalties owing to the secretary of state; or

33 (c) The person has not submitted the sum of all fees and deposits
34 required for the requested individual license endorsements, any
35 outstanding ((~~master~~)) business license delinquency fee, or other fees
36 and penalties to be collected through the system.

1 (2) Nothing in this section prevents registration by the state of
2 a business for taxation purposes, or an employer for the purpose of
3 paying an employee of that employer industrial insurance or
4 unemployment insurance benefits.

5 ~~((3) The department must immediately suspend the license or
6 certificate of a person who has been certified pursuant to RCW
7 74.20A.320 by the department of social and health services as a person
8 who is not in compliance with a support order. If the person has
9 continued to meet all other requirements for reinstatement during the
10 suspension, reissuance of the license or certificate is automatic upon
11 the department's receipt of a release issued by the department of
12 social and health services stating that the licensee is in compliance
13 with the order.))~~

14 **Sec. 25.** RCW 19.02.110 and 2007 c 52 s 1 are each amended to read
15 as follows:

16 (1) In addition to the licenses processed under the ~~((master
17 license))~~ business licensing system prior to April 1, 1982, on July 1,
18 1982, use of the ~~((master license system shall be))~~ business licensing
19 system is expanded as provided by this section.

20 (2) Applications for the following ~~((shall))~~ must be filed with the
21 business ~~((license center and shall))~~ licensing service and must be
22 processed, and renewals ~~((shall))~~ must be issued, under the ~~((master
23 license))~~ business licensing system:

24 ~~((1))~~ (a) Nursery dealer's licenses required by chapter 15.13
25 RCW;

26 ~~((2))~~ (b) Seed dealer's licenses required by chapter 15.49 RCW;

27 ~~((3))~~ (c) Pesticide dealer's licenses required by chapter 15.58
28 RCW;

29 ~~((4))~~ (d) Shopkeeper's licenses required by chapter 18.64 RCW;

30 ~~((5))~~ (e) Egg dealer's licenses required by chapter 69.25 RCW.

31 **Sec. 26.** RCW 19.02.115 and 2011 c 298 s 12 are each amended to
32 read as follows:

33 (1) For purposes of this section:

34 (a) "Disclose" means to make known to any person in any manner
35 licensing information;

1 (b) "Licensing information" means any information created or
2 obtained by the department in the administration of this chapter and
3 chapters 19.80 and 59.30 RCW, which information relates to any person
4 who: (i) Has applied for or has been issued a license or trade name;
5 or (ii) has been issued an assessment or delinquency fee. Licensing
6 information includes (~~master applications, renewal applications, and~~
7 ~~master~~) initial and renewal business license applications, and
8 business licenses; ((and))

9 (c) "Person" has the same meaning as in RCW 82.04.030 and also
10 includes the state and the state's departments and institutions; and

11 (d) "State agency" means every Washington state office, department,
12 division, bureau, board, commission, or other state agency.

13 (2) Licensing information is confidential and privileged, and
14 except as authorized by this section, neither the department nor any
15 other person may disclose any licensing information. Nothing in this
16 chapter requires any person possessing licensing information made
17 confidential and privileged by this section to delete information from
18 such information so as to permit its disclosure.

19 (3) This section does not prohibit the department of revenue, or
20 any other person receiving licensing information from the department
21 under this subsection, from:

22 (a) Disclosing licensing information in a civil or criminal
23 judicial proceeding or an administrative proceeding:

24 (i) In which the person about whom such licensing information is
25 sought and the department, another state agency, or a local government
26 are adverse parties in the proceeding; or

27 (ii) Involving a dispute arising out of the department's
28 administration of chapter (~~19.027~~) 19.80(~~7~~) or 59.30 RCW, or this
29 chapter if the licensing information relates to a party in the
30 proceeding;

31 (b) Disclosing, subject to such requirements and conditions as the
32 director prescribes by rules adopted pursuant to chapter 34.05 RCW,
33 such licensing information regarding a license applicant or license
34 holder to such license applicant or license holder or to such person or
35 persons as that license applicant or license holder may designate in a
36 request for, or consent to, such disclosure, or to any other person, at
37 the license applicant's or license holder's request, to the extent
38 necessary to comply with a request for information or assistance made

1 by the license applicant or license holder to such other person.
2 However, licensing information not received from the license applicant
3 or holder must not be so disclosed if the director determines that such
4 disclosure would compromise any investigation or litigation by any
5 federal, state, or local government agency in connection with the civil
6 or criminal liability of the license applicant, license holder, or
7 another person, or that such disclosure would identify a confidential
8 informant, or that such disclosure is contrary to any agreement entered
9 into by the department that provides for the reciprocal exchange of
10 information with other government agencies, which agreement requires
11 confidentiality with respect to such information unless such
12 information is required to be disclosed to the license applicant or
13 license holder by the order of any court;

14 (c) Publishing statistics so classified as to prevent the
15 identification of particular licensing information;

16 (d) Disclosing licensing information for official purposes only, to
17 the governor or attorney general, or to any state agency, or to any
18 committee or subcommittee of the legislature dealing with matters of
19 taxation, revenue, trade, commerce, the control of industry or the
20 professions, or licensing;

21 (e) Permitting the department's records to be audited and examined
22 by the proper state officer, his or her agents and employees;

23 (f) Disclosing any licensing information to a peace officer as
24 defined in RCW 9A.04.110 or county prosecuting attorney, for official
25 purposes. The disclosure may be made only in response to a search
26 warrant, subpoena, or other court order, unless the disclosure is for
27 the purpose of criminal tax or license enforcement. A peace officer or
28 county prosecuting attorney who receives the licensing information may
29 disclose that licensing information only for use in the investigation
30 and a related court proceeding, or in the court proceeding for which
31 the licensing information originally was sought;

32 (g) Disclosing, in a manner that is not associated with other
33 licensing information, the name of a license applicant or license
34 holder, entity type, registered trade name, business address, mailing
35 address, unified business identifier number, list of licenses issued to
36 a person through the (~~master license~~) business licensing system
37 established in this chapter (~~19.02-RCW~~) and their issuance and
38 expiration dates, and the dates of opening of a business(~~.—The~~

1 ~~department is authorized to give, sell, or provide access to lists of~~
2 ~~licensing information under this subsection (3)(g) that will be used~~
3 ~~for commercial purposes));~~

4 (h) Disclosing licensing information that is also maintained by
5 another Washington state or local governmental agency as a public
6 record available for inspection and copying under the provisions of
7 chapter 42.56 RCW or is a document maintained by a court of record and
8 is not otherwise prohibited from disclosure;

9 (i) Disclosing any licensing information when the disclosure is
10 specifically authorized under any other section of the Revised Code of
11 Washington;

12 (j) Disclosing licensing information to the proper officer of the
13 licensing or tax department of any city, town, or county of this state,
14 for official purposes. If the licensing information does not relate to
15 a license issued by the city, town, or county requesting the licensing
16 information, disclosure may be made only if the laws of the requesting
17 city, town, or county grants substantially similar privileges to the
18 proper officers of this state; or

19 (k) Disclosing licensing information to the federal government for
20 official purposes.

21 (4) ~~((The department))~~ Notwithstanding anything to the contrary in
22 this section, a state agency or local government agency may disclose
23 licensing information relating to a license issued on its behalf by the
24 department pursuant to this chapter if the disclosure is authorized by
25 another statute, local law, or administrative rule.

26 (5) The department, any other state agency, or local government may
27 refuse to disclose licensing information that is otherwise disclosable
28 under subsection (3) of this section if such disclosure would violate
29 federal law or any information sharing agreement between the state or
30 local government and federal government.

31 ~~((+5))~~ (6) Any person acquiring knowledge of any licensing
32 information in the course of his or her employment with the department
33 and any person acquiring knowledge of any licensing information as
34 provided under subsection (3)(d), (e), (f), (j), or (k) of this
35 section, who discloses any such licensing information to another person
36 not entitled to knowledge of such licensing information under the
37 provisions of this section, is guilty of a misdemeanor. If the person
38 guilty of such violation is an officer or employee of the state, such

1 person must forfeit such office or employment and is incapable of
2 holding any public office or employment in this state for a period of
3 two years thereafter.

4 **Sec. 27.** RCW 19.02.210 and 1992 c 107 s 4 are each amended to read
5 as follows:

6 The ((~~master license fund~~)) business license account is created in
7 the state treasury. Unless otherwise indicated in RCW 19.02.075, all
8 receipts from handling and ((~~master~~)) business license delinquency fees
9 ((~~shall~~)) must be deposited into the ((~~fund~~)) account. Moneys in the
10 ((~~fund~~)) account may be spent only after appropriation beginning in
11 fiscal year 1993. Expenditures from the ((~~fund~~)) account may be used
12 only to administer the ((~~master license services~~)) business licensing
13 service program.

14 **Sec. 28.** RCW 19.02.310 and 2005 c 201 s 1 are each amended to read
15 as follows:

16 (1) Subject to the availability of amounts appropriated for this
17 specific purpose, the department ((~~shall~~)) may administer a
18 performance-based grant program that provides funding assistance to
19 public agencies that issue business licenses and that wish to join with
20 the department's ((~~master~~)) business licensing service.

21 (2) The department may determine among interested grant applicants
22 the order and the amount of the grant. In making grant determinations,
23 consideration must be given, but not limited to, the following
24 criteria: Readiness of the public agency to participate; the number of
25 renewable licenses; and the reduced regulatory impact to businesses
26 subject to licensure relative to the overall investment required by the
27 department.

28 (3) The department ((~~shall~~)) must invite and encourage
29 participation by all Washington city and county governments having
30 interests or responsibilities relating to business licensing.

31 (4) The total amount of grants provided under this section may not
32 exceed seven hundred fifty thousand dollars in any one fiscal year.

33 (5) The source of funds for this grant program is the ((~~master~~))
34 business license account.

1 **Sec. 29.** RCW 19.02.800 and 2011 c 298 s 10 are each amended to
2 read as follows:

3 Except as provided in RCW 43.07.200, the provisions of this chapter
4 regarding the processing of license applications and renewals under ((a
5 ~~master license~~)) the business licensing system do not apply to those
6 business or professional activities that are licensed or regulated
7 under chapter 31.04, 31.12, or 31.13 RCW or under Title 30, 32, 33, or
8 48 RCW.

9 **Sec. 30.** RCW 19.02.890 and 1982 c 182 s 18 are each amended to
10 read as follows:

11 This chapter may be known and cited as the business ((~~license~~
12 ~~center~~)) licensing service act.

13 NEW SECTION. **Sec. 31.** A new section is added to chapter 19.80 RCW
14 to read as follows:

15 (1) The department may require the renewal of trade names and
16 establish a process for renewing trade names. Any such renewal process
17 may not require renewals of trade names more often than annually and
18 must allow persons to renew their trade name at the same time they are
19 required to renew their business license.

20 (2) The department may cancel a person's trade name upon request of
21 the person the trade name is registered to or when the person's
22 business license account with the department's business licensing
23 service is inactive. The department may also provide for the
24 cancellation of trade names under circumstances as defined by the
25 department by rule, which may include failure to renew a trade name
26 under a renewal process as may be established by the department under
27 the authority of subsection (1) of this section.

28 (3)(a) The department must make a reasonable effort to notify a
29 person that the department intends to cancel the person's trade name.
30 This notice is not required when a request for cancelation of a trade
31 name is received by the department from the person the trade name was
32 registered to or the person's authorized representative. The
33 department may comply with this subsection either by mailing the notice
34 to the person's last known address on record with the department or by
35 providing the notice electronically instead of by mail. Such
36 electronic notice is not subject to the confidentiality provisions of

1 RCW 19.02.115 and may be sent by e-mail to the person's last known
2 e-mail address on record with the department. However, if the
3 department sends a notice by e-mail and is notified that the e-mail is
4 undeliverable, the department must resend the notice by mail to the
5 person's last known address on record with the department.

6 (b) The department may cancel a trade name unless, within twenty
7 days of sending the notice required under this subsection, the person
8 notifies the department in writing not to cancel the person's trade
9 name and pays any applicable renewal fee.

10 (4) The department may remove any canceled trade names from its
11 database of trade names.

12 (5) "Business license" and "business licensing service" have the
13 same meaning as in RCW 19.02.020.

14 **Sec. 32.** RCW 19.80.010 and 2011 c 298 s 14 are each amended to
15 read as follows:

16 Each person or persons who carries on, conducts, or transacts
17 business in this state under any trade name must register that trade
18 name with the department as provided in this section.

19 (1) Sole proprietorship or general partnership: The registration
20 must set forth the true and real name or names of each person
21 conducting the same, together with the post office address or addresses
22 of each such person and the name of the general partnership, if
23 applicable.

24 (2) Foreign or domestic limited partnership: The registration must
25 set forth the limited partnership name as filed with the office of the
26 secretary of state.

27 (3) Foreign or domestic limited liability company: The
28 registration must set forth the limited liability company name as filed
29 with the office of the secretary of state.

30 (4) Foreign or domestic corporation: The registration must set
31 forth the corporate name as filed with the office of the secretary of
32 state.

33 (5) Other business entities: The registration must set forth the
34 entity's name as required by the department.

35 **Sec. 33.** RCW 19.80.075 and 2011 c 298 s 17 are each amended to
36 read as follows:

1 All fees collected by the department under this chapter must be
2 deposited with the state treasurer and credited to the ((~~master license~~
3 ~~fund~~)) business license account.

4 **Sec. 34.** RCW 19.94.015 and 2011 c 298 s 19 and 2011 c 103 s 38 are
5 each reenacted and amended to read as follows:

6 (1) Except as provided in subsection (4) of this section for the
7 initial registration of an instrument or device, no weighing or
8 measuring instrument or device may be used for commercial purposes in
9 the state unless its commercial use is registered annually. If its
10 commercial use is within a city that has a city sealer and a weights
11 and measures program as provided by RCW 19.94.280, the commercial use
12 of the instrument or device must be registered with the city if the
13 city has adopted fees pursuant to subsection (2) of this section. If
14 its commercial use is outside of such a city, the commercial use of the
15 instrument or device must be registered with the department.

16 (2) A city with such a sealer and program may establish an annual
17 fee for registering the commercial use of such a weighing or measuring
18 instrument or device with the city. The annual fee may not exceed the
19 fee established in RCW 19.94.175 for registering the use of a similar
20 instrument or device with the department. Fees upon weighing or
21 measuring instruments or devices within the jurisdiction of the city
22 that are collected under this subsection by city sealers must be
23 deposited into the general fund, or other account, of the city as
24 directed by the governing body of the city.

25 (3) Registrations with the department are accomplished as part of
26 the ((~~master license~~)) business licensing system under chapter 19.02
27 RCW. Payment of the registration fee for a weighing or measuring
28 instrument or device under the ((~~master license~~)) business licensing
29 system constitutes the registration required by this section.

30 (4) The fees established by or under RCW 19.94.175 for registering
31 a weighing or measuring instrument or device must be paid to the
32 department of revenue concurrently with an application for a ((~~master~~))
33 business license under chapter 19.02 RCW or with the annual renewal of
34 a ((~~master~~)) business license under chapter 19.02 RCW. A weighing or
35 measuring instrument or device must be initially registered with the
36 state at the time the owner applies for a ((~~master~~)) business license
37 for a new business or at the first renewal of the license that occurs

1 after the instrument or device is first placed into commercial use.
2 The department of revenue must remit to the department of agriculture
3 all fees collected under this provision less reasonable collection
4 expenses.

5 (5) Each city charging registration fees under this section must
6 notify the department of agriculture at the time such fees are adopted
7 and whenever changes in the fees are adopted.

8 **Sec. 35.** RCW 19.94.2582 and 2006 c 358 s 5 are each amended to
9 read as follows:

10 (1) Each request for an official registration certificate (~~shall~~)
11 must be in writing, under oath, and on a form prescribed by the
12 department and (~~shall~~) must contain any relevant information as the
13 director may require, including but not limited to the following:

14 (a) The name and address of the person, corporation, partnership,
15 or sole proprietorship requesting registration;

16 (b) The names and addresses of all individuals requesting an
17 official registration certificate from the department; and

18 (c) The tax registration number as required under RCW 82.32.030 or
19 (~~uniform~~) unified business identifier provided on a (~~master~~)
20 business license issued under RCW 19.02.070.

21 (2) Each individual when submitting a request for an official
22 registration certificate or a renewal of such a certificate (~~shall~~)
23 must pay a fee to the department in the amount of one hundred sixty
24 dollars per individual.

25 (3) The department (~~shall~~) must issue a decision on a request for
26 an official registration certificate within twenty days of receipt of
27 the request. If an individual is denied their request for an official
28 registration certificate, the department must notify that individual in
29 writing stating the reasons for the denial and (~~shall~~) must refund
30 any payments made by that individual in connection with the request.

31 **Sec. 36.** RCW 35.21.392 and 2011 c 298 s 22 are each amended to
32 read as follows:

33 A city that issues a business license to a person required to be
34 registered under chapter 18.27 RCW may verify that the person is
35 registered under chapter 18.27 RCW and report violations to the

1 department of labor and industries. The department of revenue must
2 conduct the verification for cities that participate in the (~~master~~
3 ~~license~~) business licensing system.

4 **Sec. 37.** RCW 35A.21.340 and 2011 c 298 s 23 are each amended to
5 read as follows:

6 A city that issues a business license to a person required to be
7 registered under chapter 18.27 RCW may verify that the person is
8 registered under chapter 18.27 RCW and report violations to the
9 department of labor and industries. The department of revenue must
10 conduct the verification for cities that participate in the (~~master~~
11 ~~license~~) business licensing system.

12 **Sec. 38.** RCW 36.110.130 and 1995 c 154 s 3 are each amended to
13 read as follows:

14 In the event of a failure such as a bankruptcy or dissolution, of
15 a private sector business, industry, or nonprofit organization engaged
16 in a free venture industry agreement, responsibility for obligations
17 under Title 51 RCW (~~shall~~) must be borne by the city or county
18 responsible for establishment of the free venture industry agreement,
19 as if the city or county had been the employing agency. To ensure that
20 this obligation can be clearly identified and accomplished, and to
21 provide accountability for purposes of the department of labor and
22 industries, a free venture industry agreement entered into by a
23 city or county and private sector business, industry, or nonprofit
24 organization should be filed under a separate (~~master-business~~
25 ~~application~~) business license application in accordance with chapter
26 19.02 RCW, establishing a new and separate account with the department
27 of labor and industries, and not be reported under an existing account
28 for parties to the free venture industry agreement.

29 **Sec. 39.** RCW 43.22.035 and 2007 c 287 s 2 are each amended to read
30 as follows:

31 When an employer initially files a (~~master~~) business license
32 application under chapter 19.02 RCW for the purpose, in whole or in
33 part, of registering to pay industrial insurance taxes, the department
34 (~~shall~~) must send to the employer any printed material the department

1 recommends or requires the employer to post. Any time the printed
2 material has substantive changes in the information, the department
3 (~~shall~~) must send a copy to each employer.

4 **Sec. 40.** RCW 46.72A.020 and 2011 c 374 s 2 are each amended to
5 read as follows:

6 (1) Contact by a customer or customer's agent to engage the
7 services of a carrier's limousine must be initiated by a customer or
8 customer's agent at a time and place different from the customer's time
9 and place of departure. The fare for service must be agreed upon prior
10 to departure. Under no circumstances may customers or customers'
11 agents make arrangements to immediately engage the services of a
12 carrier's limousine with the chauffeur, even if the chauffeur is an
13 owner or officer of the company, with the single exception of stand-
14 hail limousines only at a facility owned and operated by a port
15 district in a county with a population of one million or more that are
16 licensed and restricted by the rules and policies set forth by the port
17 district.

18 (2) At the time of the conduct of the commercial limousine
19 business, the chauffeur of a limousine and the limousine carrier
20 business must possess written or electronic records substantiating the
21 prearrangement of the carrier's services for any customer carried for
22 compensation, except for vehicles meeting the requirements of the
23 exception for stand-hail limousines described in subsection (1) of this
24 section. Limousine carriers and limousine chauffeurs operating as an
25 independent business must list a physical address on their (~~master~~)
26 business license issued under chapter 19.02 RCW where records
27 substantiating the prearrangement of the carrier's services may be
28 reviewed by an enforcement officer. A limousine carrier must retain
29 these records for a minimum of one calendar year, and failure to do so
30 is a class 3 civil infraction against the carrier for each record that
31 is missing or fails to include all of the information described in
32 rules adopted under subsection (4) of this section.

33 (3) Limousine carriers and limousine chauffeurs operating as an
34 independent business must list a telephone or pager number that is used
35 to prearrange the carrier's services for any customer carried for
36 compensation.

1 (4) The department (~~shall~~) must adopt rules specifying the
2 content and retention schedule of the records required for compliance
3 with subsection (2) of this section.

4 (5) The failure of a chauffeur who is operating a limousine to
5 immediately provide, on demand by an enforcement officer, written or
6 electronic records required by the department substantiating the
7 prearrangement of the carrier's services for any customer carried for
8 compensation, except for limousines meeting the requirements of the
9 exception for stand-hail limousines described in subsection (1) of this
10 section, is a class 2 civil infraction and is subject to monetary
11 penalties under RCW 7.80.120. It is a class 1 civil infraction for a
12 repeat offense under this subsection during the same calendar year.

13 (6) The department (~~shall~~) must define by rule conditions under
14 which a chauffeur is considered to be operating a limousine, including
15 when the limousine is parked in a designated passenger load zone.

16 **Sec. 41.** RCW 50.12.290 and 2007 c 287 s 1 are each amended to read
17 as follows:

18 When an employer initially files a (~~master~~) business license
19 application under chapter 19.02 RCW for the purpose, in whole or in
20 part, of registering to pay unemployment insurance taxes, the
21 employment security department (~~shall~~) must send to the employer any
22 printed material the department recommends or requires the employer to
23 post. Any time the printed material has substantive changes in the
24 information, the department (~~shall~~) must send a copy to each
25 employer.

26 **Sec. 42.** RCW 59.30.050 and 2011 c 298 s 31 are each amended to
27 read as follows:

28 (1) The department must (~~annually~~) register all
29 manufactured/mobile home communities, which registration must be
30 renewed annually. Each community must be registered separately. The
31 department must (~~deliver—by—certified~~) mail registration
32 notifications to all known manufactured/mobile home community
33 landlords. Registration information packets must include:

34 (a) Registration forms; and

35 (b) Registration assessment information, including registration due

1 dates and late fees, and the collections procedures, liens, and
2 charging costs to tenants.

3 (2) To apply for registration or registration renewal, the landlord
4 of a manufactured/mobile home community must file with the department
5 an application for registration or registration renewal on a form
6 provided by the department and must pay a registration fee as described
7 in subsection (3) of this section. The department may require the
8 submission of information necessary to assist in identifying and
9 locating a manufactured/mobile home community and other information
10 that may be useful to the state, which must include, at a minimum:

11 (a) The names and addresses of the owners of the
12 manufactured/mobile home community;

13 (b) The name and address of the manufactured/mobile home community;

14 (c) The name and address of the landlord and manager of the
15 manufactured/mobile home community;

16 (d) The number of lots within the manufactured/mobile home
17 community that are subject to chapter 59.20 RCW; and

18 (e) The addresses of each manufactured/mobile home lot within the
19 manufactured/mobile home community that is subject to chapter 59.20
20 RCW.

21 (3) Each manufactured/mobile home community landlord must pay to
22 the department:

23 (a) A one-time (~~master~~) business license application fee for the
24 first year of registration and, in subsequent years, an annual
25 (~~master~~) renewal application fee, as provided in RCW 19.02.075; and

26 (b) An annual registration assessment of ten dollars for each
27 manufactured/mobile home that is subject to chapter 59.20 RCW within a
28 manufactured/mobile home community. Manufactured/mobile home community
29 landlords may charge a maximum of five dollars of this assessment to
30 tenants. Nine dollars of the registration assessment for each
31 manufactured/mobile home must be deposited into the manufactured/mobile
32 home dispute resolution program account created in RCW 59.30.070 to
33 fund the costs associated with the manufactured/mobile home dispute
34 resolution program. The remaining one dollar must be deposited into
35 the (~~master license fund~~) business license account created in RCW
36 19.02.210. The annual registration assessment must be reviewed once
37 each biennium by the department and the attorney general and may be
38 adjusted to reasonably relate to the cost of administering this

1 chapter. The registration assessment may not exceed ten dollars, but
2 if the assessment is reduced, the portion allocated to the
3 manufactured/mobile home dispute resolution program account and the
4 (~~master license fund~~) business license account must be adjusted
5 proportionately.

6 (4) Initial registrations of manufactured/mobile home communities
7 must be filed before November 1, 2007, or within three months of the
8 availability of mobile home lots for rent within the community. The
9 manufactured/mobile home community is subject to a delinquency fee of
10 two hundred fifty dollars for late initial registrations. The
11 delinquency fee must be deposited in the (~~master license fund~~)
12 business license account. Renewal registrations that are not renewed
13 by the expiration date as assigned by the department are subject to
14 delinquency fees under RCW 19.02.085.

15 (5) Thirty days after sending late fee notices to a noncomplying
16 landlord, the department may issue a warrant under RCW 59.30.090 for
17 the unpaid registration assessment and delinquency fee. If a warrant
18 is issued by the department under RCW 59.30.090, the department must
19 add a penalty of ten percent of the amount of the unpaid registration
20 assessment and delinquency fee, but not less than ten dollars. The
21 warrant penalty must be deposited into the (~~master license fund~~)
22 business license account created in RCW 19.02.210. Chapter 82.32 RCW
23 applies to the collection of warrants issued under RCW 59.30.090.

24 (6) Registration is effective on the date determined by the
25 department, and the department must issue a registration number to each
26 registered manufactured/mobile home community. The department must
27 provide an expiration date, assigned by the department, to each
28 manufactured/mobile home community who registers.

29 **Sec. 43.** RCW 59.30.090 and 2011 c 298 s 33 are each amended to
30 read as follows:

31 (1) If any registration assessment or delinquency fee is not paid
32 in full within thirty days after sending late fee notices to a
33 noncomplying landlord, the department may issue a warrant in the amount
34 of such unpaid sums, together with interest thereon from the date the
35 warrant is issued until the date of payment.

36 (2) Interest must be computed on a daily basis on the amount of
37 outstanding registration assessment and delinquency fee imposed under

1 RCW 59.30.050 at the rate as computed under RCW 82.32.050(2). The rate
2 so computed must be adjusted on the first day of January of each year
3 for use in computing interest for that calendar year. Interest must be
4 deposited in the ((~~master license fund~~)) business license account
5 created in RCW 19.02.210.

6 (3) The department may file a copy of the warrant with the clerk of
7 the superior court of any county of the state in which real or personal
8 property of the owner of the manufactured/mobile home community may be
9 found. The clerk is entitled to a filing fee under RCW 36.18.012(10).
10 Upon filing, the clerk must enter in the judgment docket the name of
11 the owner of the manufactured/mobile home community mentioned in the
12 warrant and the amount of the registration assessment and delinquency
13 fee, or portion thereof, and any increases and penalties for which the
14 warrant is issued, and the date when the copy is filed.

15 (4) The amount of the warrant so docketed becomes a lien upon the
16 title to, and interest in, all real and personal property of the owner
17 of the manufactured/mobile home community against whom the warrant is
18 issued the same as a judgment in a civil case duly docketed in the
19 office of the clerk. The warrant so docketed is sufficient to support
20 the issuance of writs of garnishment in favor of the state in the
21 manner provided by law in the case of judgments wholly or partially
22 unsatisfied.

23 (5) The lien is not superior to bona fide interests of third
24 persons that had vested prior to the filing of the warrant. The phrase
25 "bona fide interests of third persons" does not include any mortgage of
26 real or personal property or any other credit transaction that results
27 in the mortgagee or the holder of the security acting as trustee for
28 unsecured creditors of the owner of the manufactured/mobile home
29 community mentioned in the warrant who executed the chattel or real
30 property mortgage or the document evidencing the credit transaction.

31 **Sec. 44.** RCW 69.25.020 and 2011 c 306 s 1 are each reenacted and
32 amended to read as follows:

33 ((~~When used in this chapter the following terms shall have the~~
34 ~~indicated meanings,~~)) The definitions in this section apply throughout
35 this chapter unless the context clearly otherwise requires((+)).

36 (1) "Adulterated" applies to any egg or egg product under one or
37 more of the following circumstances:

1 (a) If it bears or contains any poisonous or deleterious substance
2 (~~which~~) that may render it injurious to health; but in case the
3 substance is not an added substance, such article (~~shall~~) is not
4 (~~be~~) considered adulterated under this clause if the quantity of such
5 substance in or on such article does not ordinarily render it injurious
6 to health;

7 (b) If it bears or contains any added poisonous or added
8 deleterious substance (other than one which is: (i) A pesticide
9 chemical in or on a raw agricultural commodity; (ii) a food additive;
10 or (iii) a color additive) which may, in the judgment of the director,
11 make such article unfit for human food;

12 (c) If it is, in whole or in part, a raw agricultural commodity and
13 such commodity bears or contains a pesticide chemical which is unsafe
14 within the meaning of RCW 69.04.392, as enacted or hereafter amended;

15 (d) If it bears or contains any food additive which is unsafe
16 within the meaning of RCW 69.04.394, as enacted or hereafter amended;

17 (e) If it bears or contains any color additive which is unsafe
18 within the meaning of RCW 69.04.396; however, an article which is not
19 otherwise deemed adulterated under (~~subsection (1)~~)(c), (d), or (e)
20 of this (~~section shall~~) subsection are nevertheless (~~be~~) deemed
21 adulterated if use of the pesticide chemical, food additive, or color
22 additive, in or on such article, is prohibited by regulations of the
23 director in official plants;

24 (f) If it consists in whole or in part of any filthy, putrid, or
25 decomposed substance, or if it is otherwise unfit for human food;

26 (g) If it consists in whole or in part of any damaged egg or eggs
27 to the extent that the egg meat or white is leaking, or it has been
28 contacted by egg meat or white leaking from other eggs;

29 (h) If it has been prepared, packaged, or held under insanitary
30 conditions whereby it may have become contaminated with filth, or
31 whereby it may have been rendered injurious to health;

32 (i) If it is an egg which has been subjected to incubation or the
33 product of any egg which has been subjected to incubation;

34 (j) If its container is composed, in whole or in part, of any
35 poisonous or deleterious substance which may render the contents
36 injurious to health;

37 (k) If it has been intentionally subjected to radiation, unless the

1 use of the radiation was in conformity with a regulation or exemption
2 in effect pursuant to RCW 69.04.394; or

3 (1) If any valuable constituent has been in whole or in part
4 omitted or abstracted therefrom; or if any substance has been
5 substituted, wholly or in part therefor; or if damage or inferiority
6 has been concealed in any manner; or if any substance has been added
7 thereto or mixed or packed therewith so as to increase its bulk or
8 weight, or reduce its quality or strength, or make it appear better or
9 of greater value than it is.

10 (2) "Ambient temperature" means the atmospheric temperature
11 surrounding or encircling shell eggs.

12 (3) "At retail" means any transaction in intrastate commerce
13 between a retailer and a consumer.

14 (4) "Candling" means the examination of the interior of eggs by the
15 use of transmitted light used in a partially dark room or place.

16 (5) "Capable of use as human food" (~~shall apply~~) applies to any
17 egg or egg product unless it is denatured, or otherwise identified, as
18 required by regulations prescribed by the director, to deter its use as
19 human food.

20 (6) "Check" means an egg that has a broken shell or crack in the
21 shell but has its shell membranes intact and contents not leaking.

22 (7) "Clean and sound shell egg" means any egg whose shell is free
23 of adhering dirt or foreign material and is not cracked or broken.

24 (8) "Consumer" means any person who purchases eggs for his or her
25 own family use or consumption; or any restaurant, hotel, boarding
26 house, bakery, or other institution or concern which purchases eggs for
27 serving to guests or patrons thereof, or for its own use in cooking or
28 baking.

29 (9) "Container" or "package" includes any box, can, tin, plastic,
30 or other receptacle, wrapper, or cover.

31 (10) "Department" means the department of agriculture of the state
32 of Washington.

33 (11) "Director" means the director of the department or his duly
34 authorized representative.

35 (12) "Dirty egg" means an egg that has a shell that is unbroken and
36 has adhering dirt or foreign material.

37 (13) "Egg" means the shell egg of the domesticated chicken, turkey,
38 duck, goose, or guinea, or any other specie of fowl.

1 (14) "Egg handler" or "dealer" means any person who produces,
2 contracts for or obtains possession or control of any eggs or egg
3 products for the purpose of sale to another dealer or retailer, or for
4 processing and sale to a dealer, retailer or consumer. For the purpose
5 of this chapter, "sell" or "sale" includes the following: Offer for
6 sale, expose for sale, have in possession for sale, exchange, barter,
7 trade, or as an inducement for the sale of another product.

8 (15)(a) "Egg product" means any dried, frozen, or liquid eggs, with
9 or without added ingredients, excepting products which contain eggs
10 only in a relatively small proportion, or historically have not been,
11 in the judgment of the director, considered by consumers as products of
12 the egg food industry, and which may be exempted by the director under
13 such conditions as the director may prescribe to assure that the egg
14 ingredients are not adulterated and are not represented as egg
15 products.

16 (b) The following products are not included in the definition of
17 "egg product" if they are prepared from eggs or egg products that have
18 been either inspected by the United States department of agriculture or
19 by the department under a cooperative agreement with the United States
20 department of agriculture: Freeze-dried products, imitation egg
21 products, egg substitutes, dietary foods, dried no-bake custard mixes,
22 eggnog mixes, acidic dressings, noodles, milk and egg dip, cake mixes,
23 French toast, balut and other similar ethnic delicacies, and sandwiches
24 containing eggs or egg products.

25 (16) "Immediate container" means any consumer package, or any other
26 container in which egg products, not consumer-packaged, are packed.

27 (17) "Incubator reject" means an egg that has been subjected to
28 incubation and has been removed from incubation during the hatching
29 operations as infertile or otherwise unhatchable.

30 (18) "Inedible" means eggs of the following descriptions: Black
31 rots, yellow rots, white rots, mixed rots (addled eggs), sour eggs,
32 eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs,
33 eggs showing blood rings, and eggs containing embryo chicks (at or
34 beyond the blood ring stage).

35 (19) "Inspection" means the application of such inspection methods
36 and techniques as are deemed necessary by the director to carry out the
37 provisions of this chapter.

1 (20) "Inspector" means any employee or official of the department
2 authorized to inspect eggs or egg products under the authority of this
3 chapter.

4 (21) "Intrastate commerce" means any eggs or egg products in
5 intrastate commerce, whether such eggs or egg products are intended for
6 sale, held for sale, offered for sale, sold, stored, transported, or
7 handled in this state in any manner and prepared for eventual
8 distribution in this state, whether at wholesale or retail.

9 (22) "Leaker" means an egg that has a crack or break in the shell
10 and shell membranes to the extent that the egg contents are exposed or
11 are exuding or free to exude through the shell.

12 (23) "Loss" means an egg that is unfit for human food because it is
13 smashed or broken so that its contents are leaking; or overheated,
14 frozen, or contaminated; or an incubator reject; or because it contains
15 a bloody white, large meat spots, a large quantity of blood, or other
16 foreign material.

17 (24) "~~((Master license))~~ Business licensing system" means the
18 mechanism established by chapter 19.02 RCW by which ~~((master))~~ business
19 licenses, endorsed for individual state-issued licenses, are issued and
20 renewed utilizing a ~~((master))~~ business license application and a
21 ~~((master))~~ business license expiration date common to each renewable
22 license endorsement.

23 (25) "Misbranded" ~~((shall apply))~~ applies to egg products ~~((which))~~
24 that are not labeled and packaged in accordance with the requirements
25 prescribed by regulations of the director under RCW 69.25.100.

26 (26) "Official certificate" means any certificate prescribed by
27 regulations of the director for issuance by an inspector or other
28 person performing official functions under this chapter.

29 (27) "Official device" means any device prescribed or authorized by
30 the director for use in applying any official mark.

31 (28) "Official inspection legend" means any symbol prescribed by
32 regulations of the director showing that egg products were inspected in
33 accordance with this chapter.

34 (29) "Official mark" means the official inspection legend or any
35 other symbol prescribed by regulations of the director to identify the
36 status of any article under this chapter.

37 (30) "Official plant" means any plant which is licensed under the
38 provisions of this chapter, at which inspection of the processing of

1 egg products is maintained by the United States department of
2 agriculture or by the state under cooperative agreements with the
3 United States department of agriculture or by the state.

4 (31) "Official standards" means the standards of quality, grades,
5 and weight classes for eggs, adopted under the provisions of this
6 chapter.

7 (32) "Pasteurize" means the subjecting of each particle of egg
8 products to heat or other treatments to destroy harmful, viable micro-
9 organisms by such processes as may be prescribed by regulations of the
10 director.

11 (33) "Person" means any natural person, firm, partnership,
12 exchange, association, trustee, receiver, corporation, and any member,
13 officer, or employee thereof, or assignee for the benefit of creditors.

14 (34) "Pesticide chemical," "food additive," "color additive," and
15 "raw agricultural commodity" (~~shall~~) have the same meaning for
16 purposes of this chapter as prescribed in chapter 69.04 RCW.

17 (35) "Plant" means any place of business where egg products are
18 processed.

19 (36) "Processing" means manufacturing egg products, including
20 breaking eggs or filtering, mixing, blending, pasteurizing,
21 stabilizing, cooling, freezing, drying, or packaging egg products.

22 (37) "Restricted egg" means any check, dirty egg, incubator reject,
23 inedible, leaker, or loss.

24 (38) "Retailer" means any person in intrastate commerce who sells
25 eggs to a consumer.

26 (39) "Shipping container" means any container used in packaging a
27 product packed in an immediate container.

28 **Sec. 45.** RCW 69.25.050 and 2011 c 306 s 2 are each amended to read
29 as follows:

30 (1)(a) No person (~~shall~~) may act as an egg handler or dealer
31 without first obtaining an annual license and permanent dealer's number
32 from the department.

33 (b) Application for an egg dealer license and renewal or egg dealer
34 branch license must be made through the (~~master license~~) business
35 licensing system as provided under chapter 19.02 RCW and expires on the
36 (~~master~~) business license expiration date. The annual egg dealer
37 license fee is thirty dollars and the annual egg dealer branch license

1 fee is fifteen dollars. A copy of the (~~master~~) business license
2 issued under chapter 19.02 RCW must be posted at each location where
3 the licensee operates. The application must include the full name of
4 the applicant for the license, the location of each facility the
5 applicant intends to operate, and, if applicable, documentation of
6 compliance with RCW 69.25.065 or 69.25.103.

7 (2) If an applicant is an individual, receiver, trustee, firm,
8 partnership, association or corporation, the full name of each member
9 of the firm or partnership or the names of the officers of the
10 association or corporation (~~shall~~) must be given on the application.
11 The application must further state the principal business address of
12 the applicant in the state and elsewhere and the name of a person
13 domiciled in this state authorized to receive and accept service of
14 summons of legal notices of all kinds for the applicant and any other
15 necessary information prescribed by the director.

16 (3) The applicant must be issued a license or renewal under this
17 section upon the approval of the application and compliance with the
18 provisions of this chapter, including the applicable rules adopted by
19 the department.

20 (4) The license and permanent egg handler or dealer's number is
21 nontransferable.

22 **Sec. 46.** RCW 69.25.060 and 1982 c 182 s 44 are each amended to
23 read as follows:

24 If the application for the renewal of an egg handler's or dealer's
25 license is not filed before the (~~master~~) business license expiration
26 date, the (~~master~~) business license delinquency fee (~~shall~~) must be
27 assessed under chapter 19.02 RCW and (~~shall~~) must be paid by the
28 applicant before the renewal license (~~shall be~~) is issued.

29 NEW SECTION. **Sec. 47.** A new section is added to chapter 70.290
30 RCW to read as follows:

31 (1) A third-party administrator must register with the association.
32 Registrants must report a change of legal name, business name, business
33 address, or business telephone number to the association within ten
34 days after the change.

35 (2) The association must establish data elements and procedures for

1 the registration of third-party administrators necessary to implement
2 this section in its plan of operation.

3 **Sec. 48.** RCW 70.290.030 and 2010 c 174 s 3 are each amended to
4 read as follows:

5 (1) The association is comprised of all health carriers issuing or
6 renewing health benefit plans in Washington state and all third-party
7 administrators conducting business on behalf of residents of Washington
8 state or Washington health care providers and facilities. Third-party
9 administrators are subject to registration under ((RCW—43.24.160))
10 section 47 of this act.

11 (2) The association is a nonprofit corporation under chapter 24.03
12 RCW and has the powers granted under that chapter.

13 (3) The board of directors includes the following voting members:

14 (a) Four members, selected from health carriers or third-party
15 administrators, excluding health maintenance organizations, that have
16 the most fully insured and self-funded covered lives in Washington
17 state. The count of total covered lives includes enrollment in all
18 companies included in their holding company system. Each health
19 carrier or third-party administrator is entitled to no more than a
20 single position on the board to represent all entities under common
21 ownership or control.

22 (b) One member selected from the health maintenance organization
23 having the most fully insured and self-insured covered lives in
24 Washington state. The count of total lives includes enrollment in all
25 companies included in its holding company system. Each health
26 maintenance organization is entitled to no more than a single position
27 on the board to represent all entities under common ownership or
28 control.

29 (c) One member, representing health carriers not otherwise
30 represented on the board under (a) or (b) of this subsection, who is
31 elected from among the health carrier members not designated under (a)
32 or (b) of this subsection.

33 (d) One member, representing Taft Hartley plans, appointed by the
34 secretary from a list of nominees submitted by the Northwest
35 administrators association.

36 (e) One member representing Washington state employers offering

1 self-funded health coverage, appointed by the secretary from a list of
2 nominees submitted by the Puget Sound health alliance.

3 (f) Two physician members appointed by the secretary, including at
4 least one board certified pediatrician.

5 (g) The secretary, or a designee of the secretary with expertise in
6 childhood immunization purchasing and distribution.

7 (4) The directors' terms and appointments must be specified in the
8 plan of operation adopted by the association.

9 (5) The board of directors of the association (~~shall~~) must:

10 (a) Prepare and adopt articles of association and bylaws;

11 (b) Prepare and adopt a plan of operation. The plan of operation
12 (~~shall~~) must include a dispute mechanism through which a carrier or
13 third-party administrator can challenge an assessment determination by
14 the board under RCW 70.290.040. The board (~~shall~~) must include a
15 means to bring unresolved disputes to an impartial decision maker as a
16 component of the dispute mechanism;

17 (c) Submit the plan of operation to the secretary for approval;

18 (d) Conduct all activities in accordance with the approved plan of
19 operation;

20 (e) Enter into contracts as necessary or proper to collect and
21 disburse the assessment;

22 (f) Enter into contracts as necessary or proper to administer the
23 plan of operation;

24 (g) Sue or be sued, including taking any legal action necessary or
25 proper for the recovery of any assessment for, on behalf of, or against
26 members of the association or other participating person;

27 (h) Appoint, from among its directors, committees as necessary to
28 provide technical assistance in the operation of the association,
29 including the hiring of independent consultants as necessary;

30 (i) Obtain such liability and other insurance coverage for the
31 benefit of the association, its directors, officers, employees, and
32 agents as may in the judgment of the board of directors be helpful or
33 necessary for the operation of the association;

34 (j) (~~By May 1, 2010, establish the estimated amount of the~~
35 ~~assessment needed for the period of May 1, 2010, through December 31,~~
36 ~~2010, based upon the estimate provided to the association under RCW~~
37 ~~70.290.040(1); and notify, in writing, each health carrier and~~

1 ~~third party administrator of the health carrier's or third party~~
2 ~~administrator's total assessment for this period by May 15, 2010;~~

3 ~~(k)~~) On an annual basis, beginning no later than November 1, 2010,
4 and by November 1st of each year thereafter, establish the estimated
5 amount of the assessment;

6 ~~((l))~~ (k) Notify, in writing, each health carrier and third-party
7 administrator of the health carrier's or third-party administrator's
8 estimated total assessment by November 15th of each year;

9 ~~((m))~~ (l) Submit a periodic report to the secretary listing those
10 health carriers or third-party administrators that failed to remit
11 their assessments and audit health carrier and third-party
12 administrator books and records for accuracy of assessment payment
13 submission;

14 ~~((n))~~ (m) Allow each health carrier or third-party administrator
15 no more than ninety days after the notification required by ~~((l))~~ (k)
16 of this subsection to remit any amounts in arrears or submit a payment
17 plan, subject to approval by the association and initial payment under
18 an approved payment plan;

19 ~~((o))~~ (n) Deposit annual assessments collected by the
20 association, less the association's administrative costs, with the
21 state treasurer to the credit of the universal vaccine purchase account
22 established in RCW 43.70.720;

23 ~~((p))~~ (o) Borrow and repay such working capital, reserve, or
24 other funds as, in the judgment of the board of directors, may be
25 helpful or necessary for the operation of the association; and

26 ~~((q))~~ (p) Perform any other functions as may be necessary or
27 proper to carry out the plan of operation and to affect any or all of
28 the purposes for which the association is organized.

29 (6) The secretary ~~(shall)~~ must convene the initial meeting of the
30 association board of directors.

31 **Sec. 49.** RCW 76.48.121 and 2011 c 298 s 34 are each amended to
32 read as follows:

33 Every first or secondary specialized forest products buyer
34 purchasing specialty wood and every specialty wood processor must
35 prominently display the ~~((master))~~ business license issued under RCW
36 19.02.070 and endorsed with the respective licenses or registrations or
37 a copy of the ~~((master))~~ business license at each location where the

1 buyer or processor receives specialty wood if the first or secondary
2 specialized forest products buyer or specialty wood processor is
3 required to possess a license incorporated into the (~~master license~~)
4 business licensing system created in chapter 19.02 RCW.

5 **Sec. 50.** RCW 82.24.510 and 2009 c 154 s 1 are each amended to read
6 as follows:

7 (1) The licenses issuable under this chapter are as follows:

8 (a) A wholesaler's license.

9 (b) A retailer's license.

10 (2) Application for the licenses (~~shall~~) must be made through the
11 (~~master license~~) business licensing system under chapter 19.02 RCW.
12 The board (~~shall~~) must adopt rules regarding the regulation of the
13 licenses. The board may refrain from the issuance of any license under
14 this chapter if the board has reasonable cause to believe that the
15 applicant has (~~wilfully~~) willfully withheld information requested for
16 the purpose of determining the eligibility of the applicant to receive
17 a license, or if the board has reasonable cause to believe that
18 information submitted in the application is false or misleading or is
19 not made in good faith. In addition, for the purpose of reviewing an
20 application for a wholesaler's license or retailer's license and for
21 considering the denial, suspension, or revocation of any such license,
22 the board may consider any prior criminal conduct of the applicant,
23 including an administrative violation history record with the board and
24 a criminal history record information check within the previous five
25 years, in any state, tribal, or federal jurisdiction in the United
26 States, its territories, or possessions, and the provisions of RCW
27 9.95.240 and chapter 9.96A RCW (~~shall~~) do not apply to such cases.
28 The board may, in its discretion, grant or refuse the wholesaler's
29 license or retailer's license, subject to the provisions of RCW
30 82.24.550.

31 (3) No person may qualify for a wholesaler's license or a
32 retailer's license under this section without first undergoing a
33 criminal background check. The background check (~~shall~~) must be
34 performed by the board and must disclose any criminal conduct within
35 the previous five years in any state, tribal, or federal jurisdiction
36 in the United States, its territories, or possessions. A person who
37 possesses a valid license on July 22, 2001, is subject to this

1 subsection and subsection (2) of this section beginning on the date of
2 the person's ((~~master~~)) business license expiration under chapter 19.02
3 RCW, and thereafter. If the applicant or licensee also has a license
4 issued under chapter 66.24 or 82.26 RCW, the background check done
5 under the authority of chapter 66.24 or 82.26 RCW satisfies the
6 requirements of this section.

7 (4) Each such license ((~~shall~~)) expires on the ((~~master~~)) business
8 license expiration date, and each such license ((~~shall~~)) must be
9 continued annually if the licensee has paid the required fee and
10 complied with all the provisions of this chapter and the rules of the
11 board made pursuant thereto.

12 (5) Each license and any other evidence of the license that the
13 board requires must be exhibited in each place of business for which it
14 is issued and in the manner required for the display of a ((~~master~~))
15 business license.

16 **Sec. 51.** RCW 82.24.520 and 1986 c 321 s 6 are each amended to read
17 as follows:

18 A fee of six hundred fifty dollars ((~~shall~~)) must accompany each
19 wholesaler's license application or license renewal application. If a
20 wholesaler sells or intends to sell cigarettes at two or more places of
21 business, whether established or temporary, a separate license with a
22 license fee of one hundred fifteen dollars ((~~shall be~~)) is required for
23 each additional place of business. Each license, or certificate
24 thereof, and such other evidence of license as the department of
25 revenue requires, ((~~shall~~)) must be exhibited in the place of business
26 for which it is issued and in such manner as is prescribed for the
27 display of a ((~~master license. The department of revenue shall~~))
28 business license issued under chapter 19.02 RCW. The board must
29 require each licensed wholesaler to file with the department of revenue
30 a bond in an amount not less than one thousand dollars to guarantee the
31 proper performance of the duties and the discharge of the liabilities
32 under this chapter. The bond ((~~shall~~)) must be executed by such
33 licensed wholesaler as principal, and by a corporation approved by the
34 department of revenue and authorized to engage in business as a surety
35 company in this state, as surety. The bond ((~~shall~~)) must run
36 concurrently with the wholesaler's license.

1 **Sec. 52.** RCW 82.26.150 and 2009 c 154 s 4 are each amended to read
2 as follows:

3 (1) The licenses issuable by the board under this chapter are as
4 follows:

5 (a) A distributor's license; and

6 (b) A retailer's license.

7 (2) Application for the licenses (~~shall~~) must be made through the
8 (~~master license~~) business licensing system under chapter 19.02 RCW.
9 The board may adopt rules regarding the regulation of the licenses.
10 The board may refuse to issue any license under this chapter if the
11 board has reasonable cause to believe that the applicant has willfully
12 withheld information requested for the purpose of determining the
13 eligibility of the applicant to receive a license, or if the board has
14 reasonable cause to believe that information submitted in the
15 application is false or misleading or is not made in good faith. In
16 addition, for the purpose of reviewing an application for a
17 distributor's license or retailer's license and for considering the
18 denial, suspension, or revocation of any such license, the board may
19 consider criminal conduct of the applicant, including an administrative
20 violation history record with the board and a criminal history record
21 information check within the previous five years, in any state, tribal,
22 or federal jurisdiction in the United States, its territories, or
23 possessions, and the provisions of RCW 9.95.240 and chapter 9.96A RCW
24 (~~shall~~) do not apply to such cases. The board may, in its
25 discretion, issue or refuse to issue the distributor's license or
26 retailer's license, subject to the provisions of RCW 82.26.220.

27 (3) No person may qualify for a distributor's license or a
28 retailer's license under this section without first undergoing a
29 criminal background check. The background check (~~shall~~) must be
30 performed by the board and must disclose any criminal conduct within
31 the previous five years in any state, tribal, or federal jurisdiction
32 in the United States, its territories, or possessions. If the
33 applicant or licensee also has a license issued under chapter 66.24 or
34 82.24 RCW, the background check done under the authority of chapter
35 66.24 or 82.24 RCW satisfies the requirements of this section.

36 (4) Each license issued under this chapter (~~shall~~) expires on the
37 (~~master~~) business license expiration date. The license (~~shall~~)

1 must be continued annually if the licensee has paid the required fee
2 and complied with all the provisions of this chapter and the rules of
3 the board adopted pursuant to this chapter.

4 (5) Each license and any other evidence of the license required
5 under this chapter must be exhibited in each place of business for
6 which it is issued and in the manner required for the display of a
7 (~~master~~) business license.

8 **Sec. 53.** RCW 90.76.010 and 2011 c 298 s 39 are each amended to
9 read as follows:

10 (1) The definitions in this section apply throughout this chapter
11 unless the context clearly requires otherwise.

12 (a) "Department" means the department of ecology.

13 (b) "Director" means the director of the department.

14 (c) "Facility compliance tag" means a marker, constructed of metal,
15 plastic, or other durable material, that clearly identifies all
16 qualifying underground storage tanks on the particular site for which
17 it is issued.

18 (d) "Federal act" means the federal resource conservation and
19 recovery act, as amended (42 U.S.C. Sec. 6901, et seq.).

20 (e) "Federal regulations" means the underground storage tanks
21 regulations (40 C.F.R. Secs. 280 and 281) adopted by the United States
22 environmental protection agency under the federal act.

23 (f) "License" means the (~~master~~) business license underground
24 storage tank endorsement issued by the department of revenue under
25 chapter 19.02 RCW.

26 (g) "Underground storage tank compliance act of 2005" means Title
27 XV and subtitle B of P.L. 109-58 (42 U.S.C. Sec. 15801 et seq.) which
28 have amended the federal resource conservation and recovery act's
29 subtitle I.

30 (h) "Underground storage tank system" means an underground storage
31 tank, connected underground piping, underground ancillary equipment,
32 and containment system, if any.

33 (2) Except as provided in this section and any rules adopted by the
34 department under this chapter, the definitions contained in the federal
35 regulations apply to the terms in this chapter.

1 **Sec. 54.** RCW 90.76.020 and 2011 c 298 s 40 are each amended to
2 read as follows:

3 (1) The department must adopt rules establishing requirements for
4 all underground storage tanks that are regulated under the federal act,
5 taking into account the various classes or categories of tanks to be
6 regulated. The rules must be consistent with and no less stringent
7 than the federal regulations and the underground storage tank
8 compliance act of 2005 and consist of requirements for the following:

9 (a) New underground storage tank system design, construction,
10 installation, and notification;

11 (b) Upgrading existing underground storage tank systems;

12 (c) General operating requirements;

13 (d) Release detection;

14 (e) Release reporting;

15 (f) Out-of-service underground storage tank systems and closure;

16 (g) Financial responsibility for underground storage tanks
17 containing regulated substances; and

18 (h) Groundwater protection measures, including secondary
19 containment and monitoring for installation or replacement of all
20 underground storage tank systems or components, such as tanks and
21 piping, installed after July 1, 2007, and under dispenser spill
22 containment for installation or replacement of all dispenser systems
23 installed after July 1, 2007.

24 (2) The department must adopt rules:

25 (a) Establishing physical site criteria to be used in designating
26 local environmentally sensitive areas;

27 (b) Establishing procedures for local government application for
28 this designation; and

29 (c) Establishing procedures for local government adoption and
30 department approval of rules more stringent than the statewide
31 standards in these designated areas.

32 (3) The department must establish by rule an administrative and
33 enforcement program that is consistent with and no less stringent than
34 the program required under the federal regulations in the areas of:

35 (a) Compliance monitoring, including procedures for recordkeeping
36 and a program for systematic inspections;

37 (b) Enforcement;

38 (c) Public participation;

1 (d) Information sharing;

2 (e) Owner and operator training; and

3 (f) Delivery prohibition for underground storage tank systems or
4 facilities that are determined by the department to be ineligible to
5 receive regulated substances.

6 (4) The department must establish a program that provides for the
7 annual licensing of underground storage tanks. The license must take
8 the form of a tank endorsement on the facility's annual (~~master~~)
9 business license issued by the department of revenue under chapter
10 19.02 RCW. A tank is not eligible for a license unless the owner or
11 operator can demonstrate compliance with the requirements of this
12 chapter and the annual tank fees have been remitted. The department
13 may revoke a tank license if a facility is not in compliance with this
14 chapter, or any rules adopted under this chapter. The (~~master~~)
15 business license must be displayed by the tank owner or operator in a
16 location clearly identifiable.

17 (5)(a) The department must issue a one-time "facility compliance
18 tag" to underground storage tank facilities that have installed the
19 equipment required to meet corrosion protection, spill prevention,
20 overfill prevention, leak detection standards, have demonstrated
21 financial responsibility, and have paid annual tank fees. The facility
22 must continue to maintain compliance with corrosion protection, spill
23 prevention, overfill prevention, and leak detection standards,
24 financial responsibility, and have remitted annual tank fees to display
25 a facility compliance tag. The facility compliance tag must be
26 displayed on or near the fire emergency shutoff device, or in the
27 absence of such a device in close proximity to the fill pipes and
28 clearly identifiable to persons delivering regulated substance to
29 underground storage tanks.

30 (b) The department may revoke a facility compliance tag if a
31 facility is not in compliance with the requirements of this chapter, or
32 any rules adopted under this chapter.

33 (6) The department may place a red tag on a tank at a facility if
34 the department determines that the owner or operator is not in
35 compliance with this chapter or the rules adopted under this chapter
36 regarding the compliance requirements related to that tank. Removal of
37 a red tag without authorization from the department is a violation of
38 this chapter.

1 (7) The department may establish programs to certify persons who
2 install or decommission underground storage tank systems or conduct
3 inspections, testing, closure, cathodic protection, interior tank
4 lining, corrective action, site assessments, or other activities
5 required under this chapter. Certification programs must be designed
6 to ensure that each certification will be effective in all
7 jurisdictions of the state.

8 (8) When adopting rules under this chapter, the department must
9 consult with the state building code council to ensure coordination
10 with the building and fire codes adopted under chapter 19.27 RCW.

11 NEW SECTION. **Sec. 55.** The following acts or parts of acts are
12 each repealed:

13 (1) RCW 19.02.220 (Combined licensing project--Report--Evaluation)
14 and 1995 c 403 s 1006;

15 (2) RCW 19.02.810 (Master license system--Existing licenses or
16 permits registered under, when) and 1982 c 182 s 46;

17 (3) RCW 19.80.065 (RCW 42.56.070(9) inapplicable) and 2005 c 274 s
18 236, 2000 c 171 s 59, & 1984 c 130 s 8; and

19 (4) RCW 43.24.160 (Registration of third-party administrators--
20 Fee--Penalty--Rules) and 2010 c 174 s 9.

21 NEW SECTION. **Sec. 56.** The repeals in section 55 of this act do
22 not affect any existing right acquired or liability or obligation
23 incurred under the statutes repealed or under any rule or order adopted
24 under them nor does it affect any proceedings instituted under them.

25 NEW SECTION. **Sec. 57.** Section 2 of this act takes effect July 1,
26 2014.

27 NEW SECTION. **Sec. 58.** Section 1 of this act expires July 1, 2014.

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