

**WAC 224-12-080 General provisions.** (1) The soft fruit act provides that the assessments shall be paid by growers and are due prior to shipment. This includes out-of-state growers whose soft tree fruit is shipped into Washington and packed as Washington soft tree fruit. Packed as Washington soft tree fruit means soft tree fruits packed or processed in the state.

(2) The manner in which assessments shall be transmitted from the growers to commission, however, is established by these regulations, it being understood that when a handler or processor remits assessments to the commission he will have deducted the proper assessments back through the line of purchase and from the growers' accounts.

(3) Soft tree fruit assessments are imposed on the net pounds of commercial graded fruit shipped fresh or delivered to the processors. Cull fruit, except cherries which are brined, is exempt from assessments and also exempted are all sales of five hundred pounds, or less, of commercial graded soft fruit sold by the grower direct to consumer: Provided, however, That any shipment in excess of five hundred pounds shall be subject to said assessments irrespective of the ultimate disposition.

(4) On December 31 of each year, every Washington state soft tree fruit dealer, handler or processor shall file with the commission a written statement that he has—to the best of his knowledge—paid in full to the commission all soft tree fruit assessments properly due from him for the past season on both fresh market fruit and processing fruit. Or in the event that any assessments remain unpaid, such written statement shall describe the unpaid assessments, the reason for nonpayment, and make a definite commitment as to the date or dates when the assessment will be paid.

(5) These revised regulations, as provided in said act, have the force and effect of law, and any person who violates or aids in the violation of any of these regulations is in violation of Washington state law and is guilty of a misdemeanor.

(6) Ten percent per annum interest as a delinquent penalty is payable on assessments which are more than thirty days past due (to help cover extra costs of accounting and correspondence).

(7) The seal of the commission shall be circular in form and contain the following inscription: "WASHINGTON STATE FRUIT COMMISSION" around the outside of the seal and the word "SEAL" in the center thereof.

[Statutory Authority: Chapter 15.28 RCW. WSR 00-19-007, § 224-12-080, filed 9/6/00, effective 10/7/00; Regulations 11-15, filed 5/23/63; Regulations 11-14, filed 6/1/61; Regulations (part), filed 2/23/60.]