

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5713

Chapter 109, Laws of 1991

52nd Legislature
1991 Regular Session

AGRICULTURE DEPARTMENT--ADMINISTRATION OF LICENSES BY

EFFECTIVE DATE: 7/28/91

Passed by the Senate April 22, 1991
Yeas 46 Nays 0

JOEL PRITCHARD
President of the Senate

Passed by the House April 10, 1991
Yeas 93 Nays 0

JOE KING
**Speaker of the
House of Representatives**

Approved May 9, 1991

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5713** as passed by the Senate and the House of Representatives on the dates hereon set forth.

GORDON A. GOLOB
Secretary

FILED

May 9, 1991 - 11:48 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5713

AS AMENDED BY THE HOUSE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Barr and Hansen; by request of Department of Agriculture).

Read first time March 4, 1991.

1 AN ACT Relating to the administration of licenses by the department
2 of agriculture; amending RCW 15.32.100, 15.32.110, 15.32.584,
3 16.49.440, 16.49.442, 16.49.630, 15.80.460, 15.80.470, 15.80.500,
4 16.58.060, 16.58.095, 16.58.110, 16.58.120, 16.58.130, 16.58.160,
5 20.01.040, 20.01.050, 20.01.210, 20.01.212, 20.01.370, 20.01.380,
6 20.01.420, 20.01.440, 22.09.050, 22.09.055, 22.09.070, 22.09.075,
7 22.09.240, 17.21.070, 17.21.110, 17.21.122, 17.21.126, 17.21.129,
8 17.21.132, 17.21.140, 17.21.220, 15.58.200, 15.58.210, and 15.58.220;
9 adding a new section to chapter 20.01 RCW; and repealing RCW 16.58.090.

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

11 **Sec. 1.** RCW 15.32.100 and 1989 c 354 s 4 are each amended to read
12 as follows:

13 Every person who sells, offers or exposes for sale, barter, or
14 exchanges any milk or milk product as defined by rule under chapter
15 15.36 RCW must have a milk vendor's license to do so(~~(:—PROVIDED, That~~

1 such)). The license shall not include retail stores or restaurants
2 ~~((which))~~ that purchase milk prepackaged or bottled elsewhere for sale
3 at retail or establishments ~~((which))~~ that sell milk only for
4 consumption in such establishment. Such license, issued by the
5 director on application and payment of a fee of ten dollars, shall
6 contain the license number, and name, residence and place of business,
7 if any, of the licensee. It shall be nontransferable, shall expire
8 ~~((June 30th subsequent to issue))~~ annually on a date set by rule by the
9 director, and may be revoked by the director, upon reasonable notice to
10 the licensee, for any violation of or failure to comply with any
11 provision of this chapter or any rule or regulation, or order of the
12 department, or any officer or inspector thereof. License fees shall be
13 prorated where necessary to accommodate staggering of expiration dates
14 of a license or licenses.

15 **Sec. 2.** RCW 15.32.110 and 1961 c 11 s 15.32.110 are each amended
16 to read as follows:

17 Every creamery, milk plant, shipping station, milk-condensing
18 plant, factory of milk products, and other person who receives or
19 purchases milk or cream in bulk and by weight or measure or upon the
20 basis of milk fat contained therein shall obtain annually a license to
21 do so. The license shall be issued by the director upon payment of ten
22 dollars and his being satisfied that the building or premises where the
23 milk or cream is to be received is maintained in a sanitary condition
24 in accordance with the provisions of this chapter; except, such license
25 shall not be required of persons purchasing milk or cream for their own
26 consumption nor of hotels, restaurants, boarding houses, eating houses,
27 bakeries, or candy manufacturing plants.

28 The license shall expire ~~((on June 30th subsequent to date of~~
29 ~~issue))~~ annually on a date set by rule by the director, unless sooner

1 revoked by the director, upon reasonable notice to the licensee, for a
2 failure to comply with the provisions of this chapter, and the rules
3 and regulations issued hereunder. License fees shall be prorated where
4 necessary to accommodate staggering of expiration dates of a license or
5 licenses.

6 A licensee under this section shall not be required to obtain a
7 milk vendor's license.

8 **Sec. 3.** RCW 15.32.584 and 1989 c 175 s 46 are each amended to read
9 as follows:

10 The initial application for a dairy technician's license shall be
11 accompanied by the payment of a license fee of ten dollars. Where such
12 license is renewed and it is not necessary that an examination be given
13 the fee for renewal of the license shall be five dollars. All dairy
14 technicians' licenses shall (~~be renewed on or before January 1, 1964~~
15 ~~and every two years thereafter~~) expire biennially on a date set by
16 rule by the director. License fees shall be prorated where necessary
17 to accommodate staggering of expiration dates of a license or licenses.
18 The director is authorized to deny, suspend, or revoke any dairy
19 technician's license subject to a hearing if the licensee has failed to
20 comply with the provisions of this chapter, or has exhibited in the
21 discharge of his functions any gross carelessness or lack of
22 qualification, or has failed to comply with the rules and regulations
23 adopted under authority of this chapter. All hearings for the
24 suspension, denial, or revocation of such license shall be subject to
25 the provisions of chapter 34.05 RCW concerning adjudicative
26 proceedings.

27 **Sec. 4.** RCW 16.49.440 and 1987 c 77 s 1 are each amended to read
28 as follows:

1 It shall be unlawful for any person to act as a custom farm
2 slaughterer or to operate a custom slaughtering establishment or custom
3 meat facility without first obtaining a license from the director. The
4 license shall be an annual license and shall expire on (~~June 30th of~~
5 ~~each year~~) a date set by rule by the director. License fees shall be
6 prorated where necessary to accommodate staggering of expiration dates
7 of a license or licenses. For custom farm slaughterers, a separate
8 license shall be required for each mobile unit. Each custom
9 slaughtering establishment and custom meat facility shall also require
10 a separate license. Application for a license shall be made on a form
11 prescribed by the director of agriculture and accompanied by a twenty-
12 five dollar annual license fee. The application shall include the full
13 name and address of the applicant. If the applicant is a partnership
14 or corporation, the application shall include the full name and address
15 of each partner or officer. The application shall further state the
16 principal business address of the applicant in the state or elsewhere
17 and the name of a resident of this state authorized to receive and
18 accept service of summons of legal notices of all kinds for the
19 applicant, and any other necessary information prescribed by the
20 director of agriculture. The license shall be issued by the director
21 upon his satisfaction that the applicant's equipment is properly
22 constructed, has the proper sanitary and mechanical equipment and is
23 maintained in a sanitary manner as required under this chapter and/or
24 rules adopted hereunder. The director of agriculture shall also
25 provide for the periodic inspection of equipment used by licensees to
26 assure compliance with the provisions of this chapter and the rules
27 adopted hereunder.

28 **Sec. 5.** RCW 16.49.442 and 1985 c 415 s 11 are each amended to read
29 as follows:

1 If the application for the renewal of any license provided for
2 under this chapter is not filed prior to (~~July 1st in any year~~) the
3 expiration date, an additional fee of twenty-five dollars shall be
4 assessed and added to the original fee and shall be paid by the
5 applicant before the renewal license shall be issued: PROVIDED, That
6 the additional fee shall not be charged if the applicant furnishes an
7 affidavit certifying that the applicant has not carried on the activity
8 for which the applicant was licensed under this chapter subsequent to
9 the expiration of the applicant's license.

10 **Sec. 6.** RCW 16.49.630 and 1971 ex.s. c 98 s 5 are each amended to
11 read as follows:

12 It shall be unlawful for any person to operate a custom meat
13 facility without first obtaining an annual license from the department
14 of agriculture. Application for such license shall be on a form
15 prescribed by the department and accompanied by a twenty-five dollar
16 license fee. Such application shall include the full name of the
17 applicant, if such applicant is an individual, receiver, or trustee;
18 and the full name of each member of the firm or the names of the
19 officers of the corporation if such applicant is a firm or corporation.
20 Such application shall further state the principal business address of
21 the applicant in the state and elsewhere and the name of the person
22 domiciled in this state authorized to receive and accept service of
23 legal process of all kinds for the applicant, and the applicant shall
24 supply any other information required by the department. All custom
25 meat facility licenses shall expire (~~on June 30th of each year~~)
26 annually on a date set by rule by the director. License fees shall be
27 prorated where necessary to accommodate staggering of expiration dates
28 of a license or licenses.

1 **Sec. 7.** RCW 15.80.460 and 1971 ex.s. c 292 s 14 are each amended
2 to read as follows:

3 The director shall issue a license to an applicant upon his
4 satisfaction that the applicant has satisfied the requirements of this
5 chapter and the rules adopted hereunder and that such applicant is of
6 good moral character, not less than eighteen years of age, and has the
7 ability to weigh accurately and make correct certified weight tickets.
8 Any license issued under this chapter shall expire (~~(on June 30th~~
9 ~~following the date of issuance)~~) annually on a date set by rule by the
10 director. License fees shall be prorated where necessary to
11 accommodate staggering of expiration dates of a license or licenses.

12 **Sec. 8.** RCW 15.80.470 and 1969 ex.s. c 100 s 18 are each amended
13 to read as follows:

14 If an application for renewal of any license provided for in this
15 chapter is not filed prior to (~~July of any one year~~) the expiration
16 date, there shall be assessed and added to the renewal fee as a penalty
17 therefor fifty percent of said renewal fee which shall be paid by the
18 applicant before any renewal license shall be issued(~~(: PROVIDED, That~~
19 ~~such)~~). The penalty shall not apply if the applicant furnishes an
20 affidavit that he has not acted as a weighmaster or weigher subsequent
21 to the expiration of his or her prior license.

22 **Sec. 9.** RCW 15.80.500 and 1969 ex.s. c 100 s 21 are each amended
23 to read as follows:

24 Upon the director's satisfaction that the applicant is of good
25 moral character, has the ability to weigh accurately and make correct
26 certified weight tickets and that he is an employee or agent of the
27 weighmaster, the director shall issue a weigher's license which will
28 expire (~~(on June 30th following the date of issuance)~~) annually on a

1 date set by rule by the director. License fees shall be prorated where
2 necessary to accommodate staggering of expiration dates of a license or
3 licenses.

4 **Sec. 10.** RCW 16.58.060 and 1971 ex.s. c 181 s 6 are each amended
5 to read as follows:

6 ~~((All certified feed lot licenses shall expire on June 30th,~~
7 ~~subsequent to the date of issue. Any)) The director shall establish by
8 rule an expiration date or dates for all certified feed lot licenses.
9 License fees shall be prorated where necessary to accommodate
10 staggering of expiration dates of a license or licenses. If an
11 application for renewal of a certified feed lot license is not received
12 by the department per the date required by rule or should a person
13 ~~((who)) fail((s)), refuse((s)), or neglect((s)) to apply for renewal of~~
14 a preexisting license on or before the date of expiration, that person
15 shall be assessed an additional twenty-five dollars which shall be
16 added to the regular license fee and shall be paid before the director
17 may issue a license to the applicant((: PROVIDED, That such additional
18 fee shall not be assessed if the applicant furnishes an affidavit
19 certifying that he has not engaged in the business of operating a
20 certified feed lot subsequent to the expiration of his license)).~~

21 **Sec. 11.** RCW 16.58.095 and 1979 c 81 s 6 are each amended to read
22 as follows:

23 All cattle entering or re((-)entering a certified feed lot must be
24 inspected for brands upon entry, unless they are accompanied by a brand
25 inspection certificate issued by the director, or any other agency
26 authorized in any state or Canadian province by law to issue such a
27 certificate. Licensees shall report a discrepancy between cattle
28 entering or reentering a certified feed lot and the brand inspection

1 certificate accompanying the cattle to the nearest brand inspector
2 immediately. A discrepancy may require an inspection of all the cattle
3 entering or reentering the lot, except as may otherwise be provided by
4 rule.

5 **Sec. 12.** RCW 16.58.110 and 1971 ex.s. c 181 s 11 are each amended
6 to read as follows:

7 All certified feed lots shall furnish the director with records as
8 requested by him from time to time on all cattle entering or on feed in
9 said certified feed lots and dispersed therefrom. All such records
10 shall be subject to ~~((audit))~~ examination by the director for the
11 purpose of maintaining the integrity of the identity of all such
12 cattle. The director ~~((shall cause such audits to be made))~~ may make
13 the examinations only during regular business hours except in an
14 emergency to protect the interest of the owners of such cattle.

15 **Sec. 13.** RCW 16.58.120 and 1971 ex.s. c 181 s 12 are each amended
16 to read as follows:

17 The licensee shall maintain sufficient records as required by the
18 director ~~((so that a true audit can be properly performed))~~ at each
19 certified feed lot, if said licensee operates more than one certified
20 feed lot.

21 **Sec. 14.** RCW 16.58.130 and 1979 c 81 s 4 are each amended to read
22 as follows:

23 Each licensee shall pay to the director a fee of ten cents for each
24 head of cattle handled through ~~((his))~~ the licensee's feed lot.
25 Payment of such fee shall be made by the licensee ~~((following the~~
26 ~~completion of an official audit and within fifteen days of billing by~~
27 ~~the director))~~ on a monthly basis. Failure to pay as required shall be

1 grounds for suspension or revocation of a certified feed lot license.
2 Further, the director shall not renew a certified feed lot license if
3 ~~((an applicant is in arrears as to his audit payments))~~ a licensee has
4 failed to make prompt and timely payments.

5 **Sec. 15.** RCW 16.58.160 and 1971 ex.s. c 181 s 16 are each amended
6 to read as follows:

7 The director ~~((shall))~~ may, when a certified feed lot's conditions
8 become such that the integrity of ~~((an audit conducted))~~ reports or
9 records of the cattle therein becomes doubtful, suspend such certified
10 feed lot's license until such time as the director can conduct ~~((a~~
11 ~~valid audit as required))~~ an investigation to carry out the purpose of
12 this chapter.

13 **Sec. 16.** RCW 20.01.040 and 1989 c 354 s 39 are each amended to
14 read as follows:

15 No person may act as a commission merchant, dealer, broker, cash
16 buyer, or agent without a license. Any person applying for such a
17 license shall file an application with the director prior to conducting
18 business pursuant to this chapter. No application shall be considered
19 complete unless an effective bond or other acceptable form of security
20 is also filed with the director, as provided under RCW 20.01.210,
21 20.01.211, or 20.01.212. Each license issued under this chapter shall
22 require renewal on or before ~~((January 1st of each year))~~ the renewal
23 date prescribed by the director by rule. License fees shall be
24 prorated where necessary to accommodate staggered renewals of a license
25 or licenses. The application shall be accompanied by a license fee as
26 prescribed by the director by rule.

1 **Sec. 17.** RCW 20.01.050 and 1959 c 139 s 5 are each amended to read
2 as follows:

3 If an application for renewal of a commission merchant, dealer,
4 broker or cash buyer license is not filed prior to (~~January 1st in any~~
5 ~~year,~~) the prescribed renewal date a penalty of (~~ten dollars~~)
6 twenty-five percent shall be assessed and added to the original fee and
7 shall be paid by the applicant before the renewal license shall be
8 issued(~~(: PROVIDED, That such penalty shall not apply if the applicant~~
9 ~~furnishes an affidavit certifying that he has not acted as a commission~~
10 ~~merchant, dealer, broker or cash buyer subsequent to the expiration of~~
11 ~~his prior license)~~).

12 **Sec. 18.** RCW 20.01.210 and 1986 c 178 s 9 are each amended to read
13 as follows:

14 (1) Before the license is issued to any commission merchant or
15 dealer, or both, the applicant shall execute and deliver to the
16 director a surety bond executed by the applicant as principal and by a
17 surety company qualified and authorized to do business in this state as
18 surety. Said bond shall be to the state for the benefit of qualified
19 consignors of agricultural products in this state. All such sureties
20 on a bond, as provided herein, shall be released and discharged from
21 all liability to the state accruing on such bond by giving notice to
22 the principal and the director by certified mail. Upon receipt of such
23 notice the director shall notify the surety and the principal of the
24 effective date of termination which shall be thirty days from the
25 receipt of such notice by the director, but this shall not relieve,
26 release, or discharge the surety from any liability already accrued or
27 which shall accrue before the expiration period provided for above.

28 (2) The bond for a commission merchant or dealer in hay, straw or
29 turf, forage or vegetable seed shall be not less than fifteen thousand

1 dollars. The actual amount of such bond shall be determined by
2 dividing the annual dollar volume of the licensee's net proceeds or net
3 payments due consignors by twelve and increasing that amount to the
4 next multiple of five thousand dollars, except that the bond amount for
5 dollar volume arising from proprietary seed bailment contracts shall be
6 computed as provided in subsection (4) of this section. Such bond for
7 a new commission merchant or dealer in hay, straw or turf, forage or
8 vegetable seed shall be subject to increase at any time during the
9 licensee's first year of operation based on the average of business
10 volume for any three months. Except as provided in subsection (3) of
11 this section, the bond shall be not less than ~~((three))~~ ten thousand
12 dollars for any other dealer.

13 (3) The bond for a commission merchant or dealer in livestock shall
14 be not less than ten thousand dollars. The actual amount of such bond
15 shall be determined in accordance with the formula set forth in the
16 packers and stockyard act of 1921 (7 U.S.C. 181), except that a
17 commission merchant or dealer in livestock shall increase ~~((his))~~ the
18 commission merchant's or dealer's bond by five thousand dollars for
19 each agent ~~((he))~~ the commission merchant or dealer has endorsed under
20 RCW 20.01.090. A dealer who also acts as an order buyer for other
21 persons who are also licensed and bonded under this chapter or under
22 the packers and stockyards act (7 U.S.C. 181) may subtract that amount
23 of business from the annual gross volume of purchases reported to the
24 director in determining the amount of bond coverage that must be
25 provided and maintained for the purposes of this chapter.

26 (4) The bond for a commission merchant handling agricultural
27 products other than livestock, hay, straw or turf, forage or vegetable
28 seed shall not be less than ~~((seven))~~ ten thousand ~~((five hundred))~~
29 dollars. The bond for a dealer handling agricultural products other
30 than livestock, hay, straw or turf, forage or vegetable seed shall not

1 be less than (~~three~~) ten thousand dollars. The actual amount of such
2 bond shall be determined by dividing the annual dollar volume of the
3 licensee's net proceeds or net payments due consignors by fifty-two and
4 increasing that amount to the next multiple of two thousand dollars.
5 However, bonds above twenty-six thousand dollars shall be increased to
6 the next multiple of five thousand dollars.

7 (5) When the annual dollar volume of any commission merchant or
8 dealer reaches two million six hundred thousand dollars, the amount of
9 the bond required above this level shall be on a basis of ten percent
10 of the amount arrived at by applying the appropriate formula.

11 **Sec. 19.** RCW 20.01.212 and 1977 ex.s. c 304 s 7 are each amended
12 to read as follows:

13 If an applicant for a commission merchant's and/or dealer's license
14 is bonded as a livestock dealer or packer under the provisions of the
15 Packers and Stockyards Act of 1921 (7 U.S.C. 181), as amended, on June
16 13, 1963, and acts as a commission merchant, packer, and/or a dealer
17 only in livestock as defined in said Packers and Stockyards Act of 1921
18 (7 U.S.C. 181), the director may accept such bond in lieu of the bond
19 required in RCW 20.01.210 as good and sufficient and issue the
20 applicant a license limited solely to dealing in livestock. A dealer
21 buying and selling livestock who has furnished a bond as required by
22 the packers and stockyards administration to cover acting as order
23 buyer as well as dealer may also act as an order buyer for others under
24 the provisions of this chapter, and all persons who act as order buyers
25 of livestock shall license under this chapter as a livestock dealer:
26 PROVIDED, That the applicant shall furnish the director with a bond
27 approved by the United States secretary of agriculture. Such bond shall
28 be in a minimum amount of (~~seventy five hundred~~) ten thousand
29 dollars. It shall be a violation for the licensee to act as a

1 commission merchant and/or dealer in any other agricultural commodity
2 without first having notified the director and furnishing him with a
3 bond as required under the provisions of RCW 20.01.210, and failure to
4 furnish the director with such bond shall be cause for the immediate
5 suspension of the licensee's license, and revocation subject to a
6 hearing.

7 **Sec. 20.** RCW 20.01.370 and 1989 c 354 s 41 are each amended to
8 read as follows:

9 Every commission merchant taking control of any agricultural products
10 for sale as such commission merchant, shall promptly make and keep for
11 a period of three years, beginning on the day the sale of the product
12 is complete, a correct record showing in detail the following with
13 reference to the handling, sale, or storage of such agricultural
14 products:

15 (1) The name and address of the consignor.

16 (2) The date received.

17 (3) The quality and quantity delivered by the consignor, and where
18 applicable the dockage, tare, grade, size, net weight, or quantity.

19 (4) An accounting of all sales, including dates, terms of sales,
20 quality and quantity of agricultural products sold, and proof of
21 payments received on behalf of the consignor.

22 (5) The terms of payment to the producer.

23 2(6) An itemized statement of the charges to be paid by consignor
24 in connection with the sale.

25 3 (7) The names and addresses of all purchasers if said commission
26 merchant has any financial interest in the business of said purchasers,
27 or if said purchasers have any financial interest in the business of
28 said commission merchant, directly or indirectly, as holder of the
29 other's corporate stock, as copartner, as lender or borrower of money

1 to or from the other, or otherwise. Such interest shall be noted in
2 said records following the name of any such purchaser.

3 (8) A lot number or other identifying mark for each consignment,
4 which number or mark shall appear on all sales tags and other essential
5 records needed to show what the agricultural products actually sold
6 for.

7 (9) Any claim or claims which have been or may be filed by the
8 commission merchant against any person for overcharges or for damages
9 resulting from the injury or deterioration of such agricultural
10 products by the act, neglect or failure of such person and such records
11 shall be open to the inspection of the director and the consignor of
12 agricultural products for whom such claim or claims are made.

13 Before a commission merchant may handle an agricultural product in
14 a pooling arrangement or accounting, the consignor must have agreed in
15 writing to allow the pooling.

16 Where a pooling arrangement is agreed to in writing between the
17 consignor and commission merchant, the reporting requirements of
18 subsections (4), (5), (6), and (8) of this section shall apply to the
19 pool rather than to the individual consignor or consignment and the
20 records of the pool shall be available for inspection by any consignor
21 to that pool.

22 For individual accounting, the commission merchant shall transmit
23 a copy of the record required by this section to the consignor on the
24 same day the final remittance is made to the consignor as required by
25 RCW 20.01.430 ((as now or hereafter amended)). For a consignor who is
26 participating in a pooling arrangement, the commission merchant shall,
27 on the same day final remittance and accounting are made to the
28 consignor as required by RCW 20.01.430, transmit to the consignor a
29 summary of the records which are available for inspection by any
30 consignor to that pool.

1 **Sec. 21.** RCW 20.01.380 and 1989 c 354 s 42 are each amended to
2 read as follows:

3 Every dealer or cash buyer purchasing any agricultural products
4 from the consignor thereof shall promptly make and keep for three years
5 a correct record showing in detail the following:

6 (1) The name and address of the consignor.

7 (2) The date received.

8 (3) The terms of the sale.

9 (4) The quality and quantity delivered by the consignor, and where
10 applicable the dockage, tare, grade, size, net weight, or quantity.

11 (5) An itemized statement of any charges paid by the dealer or cash
12 buyer for the account of the consignor.

13 (6) The name and address of the purchaser: PROVIDED, That the name
14 and address of the purchaser may be deleted from the record furnished
15 to the consignor.

16 ~~((7) A copy of the itemized list of charges required under RCW
17 20.01.080 in effect on the date the terms of sale were agreed upon.))~~

18 A copy of such record containing the above matters shall be
19 forwarded to the consignor forthwith.

20 Livestock dealers must also maintain individual animal
21 identification and disposition records as may be required by law, or
22 regulation adopted by the director.

23 **Sec. 22.** RCW 20.01.420 and 1959 c 139 s 42 are each amended to
24 read as follows:

25 When requested by ~~((his))~~ a consignor, a commission merchant
26 shall~~((, before the close of the next business day following the sale
27 of any agricultural products consigned to him, transmit or deliver to
28 the owner or))~~ promptly make available to the consignor ~~((of the
29 agricultural products a true written report of such sale,))~~ or to the

1 director all records of the ongoing sales of the consignor's
2 agricultural products showing the amount sold, ((and)) the selling
3 price, and any other information required under RCW 20.01.370.

4 **Sec. 23.** RCW 20.01.440 and 1959 c 139 s 44 are each amended to
5 read as follows:

6 Every commission merchant shall retain a copy of all records
7 covering each transaction for a period of ((one year)) three years from
8 the date thereof, which copy shall at all times be available for, and
9 open to, the confidential inspection of the director and the consignor,
10 or authorized representative of either. In the event of any dispute or
11 disagreement between a consignor and a commission merchant arising at
12 the time of delivery as to condition, quality, grade, pack, quantity,
13 or weight of any lot, shipment or consignment of agricultural products,
14 the department shall furnish, upon the payment of a reasonable fee
15 therefor by the requesting party, a certificate establishing the
16 condition, quality, grade, pack, quantity, or weight of such lot,
17 shipment or consignment. Such certificate shall be prima facie
18 evidence in all courts of this state as to the recitals thereof. The
19 burden of proof shall be upon the commission merchant to prove the
20 correctness of his accounting as to any transaction which may be
21 questioned.

22 NEW SECTION. **Sec. 24.** A new section is added to chapter 20.01 RCW
23 to read as follows:

24 In the preparation and use of written contracts, it is unlawful for
25 a commission merchant to include in such contracts a requirement that
26 a consignor give up all involvement in determining the time the
27 consignor's agricultural products will be sold. This provision does

1 not apply to agricultural products consigned to a commission merchant
2 under a written pooling agreement.

3 **Sec. 25.** RCW 22.09.050 and 1986 c 203 s 13 are each amended to
4 read as follows:

5 Any application for a license to operate a warehouse shall be
6 accompanied by a license fee of four hundred dollars for a terminal
7 warehouse, three hundred dollars for a subterminal warehouse, and one
8 hundred dollars for a country warehouse. If a licensee operates more
9 than one warehouse under one state license as provided for in RCW
10 22.09.030, the license fee shall be computed by multiplying the number
11 of physically separated warehouses within the station by the applicable
12 terminal, subterminal, or country warehouse license fee. If an
13 application for renewal of a warehouse license or licenses is not
14 received by the department prior to ~~((June 30th of any year,))~~ the
15 renewal date or dates established by the director by rule, a penalty of
16 fifty dollars for the first week and one hundred dollars for each week
17 thereafter shall be assessed and added to the original fee and shall be
18 paid by the applicant before the renewal license may be issued. This
19 penalty does not apply if the applicant furnishes an affidavit
20 certifying that he has not acted as a warehouseman subsequent to the
21 expiration of his prior license.

22 **Sec. 26.** RCW 22.09.055 and 1988 c 95 s 1 are each amended to read
23 as follows:

24 An application for a license to operate as a grain dealer shall be
25 accompanied by a license fee of three hundred dollars unless the
26 applicant is also a licensed warehouseman, in which case the fee for a
27 grain dealer license shall be one hundred fifty dollars. The license

1 fee for grain dealers exempted from bonding under RCW 22.09.060 shall
2 be seventy-five dollars.

3 If an application for renewal of a grain dealer license is not
4 received by the department before (~~June 30th of any year,~~) the
5 renewal date or dates established by the director by rule, a penalty of
6 fifty dollars for the first week and one hundred dollars for each week
7 thereafter shall be assessed and added to the original fee and shall be
8 paid by the applicant before the renewal license may be issued. This
9 penalty does not apply if the applicant furnishes an affidavit
10 certifying that he has not acted as a grain dealer after the expiration
11 of his prior license.

12 **Sec. 27.** RCW 22.09.070 and 1983 c 305 s 25 are each amended to
13 read as follows:

14 The department shall issue a warehouse license to an applicant upon
15 its determination that the applicant has facilities adequate for
16 handling and storage of commodities and, if applicable, conditioning,
17 and that the application is in the proper form and upon approval of the
18 matters contained on the application and upon a showing that the
19 applicant has complied with the provisions of this chapter and rules
20 adopted hereunder. The licensee shall immediately upon receipt of the
21 license post it in a conspicuous place in the office of the licensed
22 warehouse or if a station license, in the main office at the station.
23 The license automatically expires on (~~June 30th after the date of~~
24 ~~issuance~~) the date set by rule by the director unless it has been
25 revoked, canceled, or suspended by the department before that date.
26 Fees shall be prorated where necessary to accommodate the staggering of
27 renewal dates of a license or licenses.

1 **Sec. 28.** RCW 22.09.075 and 1983 c 305 s 26 are each amended to
2 read as follows:

3 The department shall issue a grain dealer license to an applicant
4 upon its determination that the application is in its proper form and
5 upon approval of the matters contained on the application and upon a
6 showing that the applicant has complied with the provisions of this
7 chapter and rules adopted hereunder. The licensee shall immediately
8 upon receipt of the license post it in a conspicuous place in its
9 principal place of business. The license expires automatically on
10 ~~((June 30th after the date of issuance))~~ a date set by rule by the
11 director unless it has been revoked, canceled, or suspended by the
12 department before that date. Fees shall be prorated where necessary in
13 order to accommodate staggered renewal of a license or licenses.

14 **Sec. 29.** RCW 22.09.240 and 1983 c 305 s 40 are each amended to
15 read as follows:

16 Every warehouseman shall annually, during the first week in July,
17 publish by posting in a conspicuous place in each of his warehouses the
18 schedule of handling, conditioning, and storage rates filed with the
19 department for the ensuing license year. The schedule shall be kept
20 posted, and the rates shall not be changed during such year except
21 ~~((upon approval of the department))~~ after thirty days' written notice
22 to the director and proper posting of the changes on the licensee's
23 premises.

24 **Sec. 30.** RCW 17.21.070 and 1989 c 380 s 37 are each amended to
25 read as follows:

26 It shall be unlawful for any person to engage in the business of
27 applying pesticides to the land of another without a commercial
28 pesticide applicator license. Application for the license shall be

1 accompanied by a fee of one hundred twenty-five dollars and in addition
2 a fee of ten dollars for each apparatus, exclusive of one, used by the
3 applicant in the application of pesticides: PROVIDED, That the
4 provisions of this section shall not apply to any person employed only
5 to operate any apparatus used for the application of any pesticide, and
6 in which such person has no financial interest or other control over
7 such apparatus other than its day to day mechanical operation for the
8 purpose of applying any pesticide. Commercial pesticide applicator
9 licenses shall expire (~~on December 31st following their issuance~~)
10 annually on a date set by rule by the director. License fees shall be
11 prorated where necessary to accommodate staggering of expiration dates
12 of a license or licenses.

13 **Sec. 31.** RCW 17.21.110 and 1989 c 380 s 40 are each amended to
14 read as follows:

15 It shall be unlawful for any person to act as an employee of a
16 commercial pesticide applicator and apply pesticides manually or as the
17 operator directly in charge of any apparatus which is licensed or
18 should be licensed under the provisions of this chapter for the
19 application of any pesticide, without having obtained a commercial
20 pesticide operator license from the director. The commercial pesticide
21 operator license shall be in addition to any other license or permit
22 required by law for the operation or use of any such apparatus.
23 Application for a license to apply pesticides manually and/or to
24 operate ground apparatuses shall be accompanied by a license fee of
25 thirty dollars. Application for a license to operate an aerial
26 apparatus shall be accompanied by a license fee of thirty dollars. The
27 provisions of this section shall not apply to any individual who is a
28 licensed commercial pesticide applicator. Commercial pesticide
29 operator licenses shall expire (~~on December 31st following their~~

1 issuance)) annually on a date set by rule by the director. License
2 fees shall be prorated where necessary to accommodate staggering of
3 expiration dates of a license or licenses.

4 **Sec. 32.** RCW 17.21.122 and 1989 c 380 s 41 are each amended to
5 read as follows:

6 It shall be unlawful for any person to act as a private-commercial
7 applicator without having obtained a private-commercial applicator
8 license from the director. Application for a private-commercial
9 applicator license shall be accompanied by a license fee of fifty
10 dollars before a license may be issued. Private-commercial applicator
11 licenses issued by the director shall (~~expire on the fifth December~~
12 ~~31st after the date of issuance~~) be five year licenses expiring on a
13 date set by rule by the director. License fees shall be prorated where
14 necessary to accommodate staggering of expiration dates of a license or
15 licenses.

16 **Sec. 33.** RCW 17.21.126 and 1989 c 380 s 42 are each amended to
17 read as follows:

18 It shall be unlawful for any person to act as a private applicator
19 without first complying with the certification requirements determined
20 by the director as necessary to prevent unreasonable adverse effects on
21 the environment, including injury to the applicator or other persons,
22 for that specific pesticide use. Certification standards to determine
23 the individual's competency with respect to the use and handling of the
24 pesticide or class of pesticides the private applicator is to be
25 certified to use shall be relative to hazards according to RCW
26 17.21.030 as now or hereafter amended. In determining these standards
27 the director shall take into consideration standards of the EPA and is
28 authorized to adopt by rule these standards. Application for private

1 applicator certification shall be accompanied by a license fee of
2 fifteen dollars before a certification may be issued. Private
3 applicator certification issued by the director shall expire (~~on~~
4 ~~December 31st following issuance: PROVIDED, That private applicator~~
5 ~~certifications valid on July 1, 1989, shall expire on December 31,~~
6 ~~1989. If the director does not qualify a private applicator under this~~
7 ~~section, the director shall inform the applicant in writing)) annually
8 on a date set by rule by the director. License fees shall be prorated
9 where necessary to accommodate staggering of expiration dates of a
10 license or licenses.~~

11 **Sec. 34.** RCW 17.21.129 and 1989 c 380 s 43 are each amended to
12 read as follows:

13 Except as provided in RCW 17.21.203(1), it is unlawful for a person
14 to use or supervise the use of any pesticide which is restricted to use
15 by certified applicators, on small experimental plots for research
16 purposes when no charge is made for the pesticide and its application,
17 without a demonstration and research applicator's license.

18 A license fee of fifty dollars shall be paid before a demonstration
19 and research license may be issued. The demonstration and research
20 applicator license shall (~~expire on the fifth December 31st after the~~
21 ~~date of issuance)) be a five year license expiring on a date set by
22 rule by the director. License fees shall be prorated where necessary
23 to accommodate staggering of expiration dates of a license or licenses.~~

24 **Sec. 35.** RCW 17.21.132 and 1989 c 380 s 44 are each amended to
25 read as follows:

26 Any person applying for a license or certification authorized under
27 the provisions of this chapter shall file an application on a form
28 prescribed by the director. The application shall state the license or

1 certification and the classification(s) the applicant is applying for
2 and the method in which the pesticides are to be applied. Application
3 for a license to apply pesticides shall be accompanied by the required
4 fee. Renewal applications shall be filed on or before (~~January 1st of~~
5 ~~the appropriate year~~) the applicable expiration date set by rule by
6 the director. License fees shall be prorated where necessary to
7 accommodate staggering of expiration dates of a license or licenses.

8 **Sec. 36.** RCW 17.21.140 and 1989 c 380 s 47 are each amended to
9 read as follows:

10 (1) If the application for renewal of any license provided for in
11 this chapter is not filed on or prior to (~~January 1st following~~) the
12 expiration date of the license as set by rule by the director, a
13 penalty of twenty-five dollars for the commercial pesticide
14 applicator's license, and a penalty equivalent to the license fee for
15 any other license, shall be assessed and added to the original fee and
16 shall be paid by the applicant before the renewal license shall be
17 issued: PROVIDED, That such penalty shall not apply if the applicant
18 furnishes an affidavit certifying that he or she has not acted as a
19 licensee subsequent to the expiration of the license.

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

25 **Sec. 37.** RCW 17.21.220 and 1989 c 380 s 53 are each amended to
26 read as follows:

27 (1) All state agencies, municipal corporations, and public
28 utilities or any other governmental agency shall be subject to the

1 provisions of this chapter and rules adopted thereunder concerning the
2 application of pesticides.

3 (2) It shall be unlawful for any employee of a state agency,
4 municipal corporation, public utility, or any other government agency
5 to use or to supervise the use of any pesticide restricted to use by
6 certified applicators, or any pesticide by means of an apparatus,
7 without having obtained a public operator license from the director.
8 A license fee of fifteen dollars shall be paid before a public operator
9 license may be issued. The license fee shall not apply to public
10 operators licensed and working in the health vector field. Public
11 operator licenses shall expire (~~on December 31st following the date of~~
12 ~~issuance~~) annually on a date set by rule by the director. License
13 fees shall be prorated where necessary to accommodate staggering of
14 expiration dates of a license or licenses. The public operator license
15 shall be valid only when the operator is acting as an employee of a
16 government agency.

17 (3) The jurisdictional health officer or his or her duly authorized
18 representative is exempt from this licensing provision when applying
19 pesticides not restricted to use by certified applicators to control
20 pests other than weeds.

21 (4) Such agencies, municipal corporations and public utilities
22 shall be subject to legal recourse by any person damaged by such
23 application of any pesticide, and such action may be brought in the
24 county where the damage or some part thereof occurred.

25 **Sec. 38.** RCW 15.58.200 and 1989 c 380 s 15 are each amended to
26 read as follows:

27 The director shall require each pesticide dealer manager to
28 demonstrate to the director knowledge of pesticide laws and rules;
29 pesticide hazards; and the safe distribution, use and application, and

1 disposal of pesticides by satisfactorily passing a written examination
2 after which the director shall issue a license of qualification.
3 Application for a license shall be accompanied by a license fee of
4 fifty dollars. The pesticide dealer manager license shall (~~expire on~~
5 ~~the fifth December 31st after the date of issuance~~) be a five-year
6 license expiring on a date set by rule by the director. License fees
7 shall be prorated where necessary to accommodate staggering of
8 expiration dates of a license or licenses.

9 **Sec. 39.** RCW 15.58.210 and 1989 c 380 s 16 are each amended to
10 read as follows:

11 No individual may perform services as a pest control consultant
12 without obtaining from the director an annual license, which license
13 shall expire (~~on the final day of February of each year~~) annually on
14 a date set by rule by the director. License fees shall be prorated
15 where necessary to accommodate staggering of expiration dates or a
16 license or licenses. Application for a license shall be on a form
17 prescribed by the director and shall be accompanied by a fee of thirty
18 dollars. Licensed commercial pesticide applicators and operators;
19 licensed private-commercial applicators; licensed demonstration and
20 research applicators; employees of federal, state, county, or municipal
21 agencies when acting in their official capacities; and pesticide dealer
22 managers and employees working under the direct supervision of the
23 pesticide dealer manager and only at a licensed pesticide dealer's
24 outlet, are exempt from this licensing provision.

25 **Sec. 40.** RCW 15.58.220 and 1989 c 380 s 17 are each amended to
26 read as follows:

27 For the purpose of this section public pest control consultant
28 means any individual who is employed by a governmental agency or unit

1 to act as a pest control consultant as defined in RCW 15.58.030(28).
2 No person shall act as a public pest control consultant on or after
3 February 28, 1973 without first obtaining an annual license from the
4 director. The license shall expire annually on a date set by rule by
5 the director. License fees shall be prorated where necessary to
6 accommodate staggering of expiration dates of a license or licenses.
7 Application for a license shall be on a form prescribed by the director
8 and shall be accompanied by an annual license fee of fifteen dollars.
9 Federal and state employees whose principal responsibilities are in
10 pesticide research, the jurisdictional health officer or a duly
11 authorized representative, public pest control consultants licensed and
12 working in the health vector field, and public operators licensed under
13 RCW 17.21.220 shall be exempt from this licensing provision.

14 NEW SECTION. Sec. 41. RCW 16.58.090 and 1971 ex.s. c 181 s 9
15 are each repealed.

Passed the Senate April 22, 1991.

Passed the House April 10, 1991.

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