

Title 130 WAC

COMMERCE AND ECONOMIC DEVELOPMENT

Chapters

130-12 Business Coordination Act.

Chapter 130-12 WAC BUSINESS COORDINATION ACT

WAC

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WAC 130-12-010 Declaration of purpose. To implement the Business Coordination Act, chapter 68, Laws of 1975-76, 2nd ex. sess., the Department of Commerce and Economic Development has been directed to establish a consolidated licensing service for businesses, initially for grocery stores, and to establish a program for coordinating and consolidating inspections of grocery operations by state agencies. The passage of the Business Coordination Act by the legislature has in certain instances expressly and impliedly amended or otherwise modified existing statutes in those areas addressed by such Act.

The following rules are promulgated and published pursuant to the authority granted by RCW 43.17.060 and RCW 42.17.250 to interpret for affected businesses and state agencies those duties and responsibilities imposed by the Business Coordination Act and to define how the Department intends to administer the program. [Order 76-1, § 130-12-010, filed 5/24/76.]

WAC 130-12-020 Definitions. The following definitions apply to use of these terms in relation to the Business Coordination Act.

(1) "Act" means the Business Coordination Act, SSB 3271, as passed by the 1976 Special Session of the Legislature.

(2) "Administering Agency" means the individual agency having jurisdiction over the particular activity being referred to.

(3) "Agencies" means all state agencies having jurisdiction over businesses covered under this Act.

(4) "Business" means any business covered under the terms of this Act (see WAC 130-12-040).

(5) "Department" means the Department of Commerce and Economic Development.

(6) "Firm" means any business other than one conducted as a single individual or marital community or a corporation.

(7) "Individual License" means any of the licenses, registrations, permits, or certifications covered under this Act (see WAC 130-12-030).

(8) "Inspection" means any inspection, audit, or investigation involving a visit by a state agency representative to the premises of a business covered under this Act.

(9) "Master Application" means a document incorporating pertinent data from existing applications for licenses covered under the Act.

(10) "Master License" means the single document to be issued by the Department of Commerce and Economic Development incorporating all individual licenses approved for a business covered under this Act.

(11) "New organizational structure" means a change by a business in its legal structure, including but not limited to a change from a sole proprietorship to a partnership or corporation or vice versa, a dissolution of a partnership or corporation, a transfer to a receiver or trustee in bankruptcy or a merger in which no previously existing entity survives.

(12) "Regional Office" means any of the regional offices of the Department of Commerce and Economic Development.

(13) "SIC" (Standard Industrial Classification) is a system for classifying establishments by activity, prepared by the United States Office of Statistical Standards. [Order 76-1, § 130-12-020, filed 5/24/76.]

WAC 130-12-030 Licenses which may be included on the master license. The following registrations, licenses and permits shall be included initially under this Act:

Registration	Dept. of Revenue
Corporate License (renewal only)	Secretary of State
Corporate Annual Report	Secretary of State
*Registration for Industrial Insurance	Dept. of Labor & Industries
Registration for Unemployment Insurance	Dept. of Employment Security
Permit to Employ Minors	Dept. of Labor & Industries
Road Approach Permit	Dept. of Highways
Cigarette Dealer License	Dept. of Revenue
Cigarette Dealer Vending Machine License	Dept. of Revenue
Nursery License	Dept. of Agriculture
Egg Dealer License	Dept. of Agriculture
Seed Dealer License	Dept. of Agriculture
Bakery & Bakery Distributor's License	Dept. of Agriculture
Pesticide Dealer License	Dept. of Agriculture
Refrigerated Locker License	Dept. of Agriculture
**Class E Beer License	Liquor Control Board
**Class F Wine License	Liquor Control Board
Retail Fish Dealer License	Dept. of Fisheries
Game Fish Buyers Permit	Dept. of Game
Furniture & Bedding Certificate	Dept. of Social & Health Services
Shopkeepers License	Board of Pharmacy

*If risk classification of industrial insurance other than 39-1, 43-1, 64-2, 64-3 are involved, the applicant must apply directly to the Department of Labor & Industries.

**If A, B, C, or D classes of liquor licenses are required in combination with Class E and/or F licenses, the E & F license shall not be available under this program and the applicant must apply direct to the Liquor Control Board.

The Department shall add any other licenses to this list which may be required of businesses covered under WAC 130-12-040. [Order 76-1, § 130-12-030, filed 5/24/76.]

WAC 130-12-040 Businesses covered. The following businesses shall initially be covered under this Act:

(1) Any retail business engaged in the sale of food products (except fully prepared meals), beverages, and common household goods. Specifically, this will include those businesses classified under SIC group 54 which includes:

Supermarkets, food stores, grocery stores
delicatessens
retail coffee, tea, or spice stores
meat and/or fish markets
fruit and/or vegetable stores or stands
candy, confectionery and/or nut stores
retail dairy product stores
retail bakeries
dietetic food stores
health food stores
vitamin food stores
retail egg and poultry dealers

(2) Businesses owning and servicing vending machines dispensing food products, beverages, or common household goods.

(3) Other retail businesses engaged in the sale of food products (except fully prepared meals) beverages, and common household goods along with other products and/or services. These businesses are covered to the extent of their grocery-related activities (i.e., those licenses referenced in WAC 130-12-030). [Order 76-1, § 130-12-040, filed 5/24/76.]

WAC 130-12-045 Qualified applicants. Any individual or firm may apply for a master license. However, a firm wishing to do business as a corporation must be one of the following:

(1) A Washington State corporation duly registered with the Secretary of State;

(2) An out-of-state corporation with authorization to transact business in Washington State from the Secretary of State.

(NOTE: Before processing applications from corporations, the Department may verify corporate status.)

[Order 76-1, § 130-12-045, filed 5/24/76.]

WAC 130-12-050 Participation. It shall be the responsibility of each administering agency to inform any new applicant eligible for this program of the special one-stop procedures which must be followed. Exception: road approach permits may be obtained direct from the Department of Highways prior to initiating the one-stop process, and in fact, a potential applicant should be encouraged to do so. [Order 76-1, § 130-12-050, filed 5/24/76.]

WAC 130-12-060 Authority to prepare forms. The Department shall prepare a master application, master license and other forms as required to implement this Act. Revisions will be made as appropriate. [Order 76-1, § 130-12-060, filed 5/24/76.]

WAC 130-12-110 New application procedures. (1) Master application forms, along with appropriate instructions, will be available at Department headquarters in Olympia, at each of its regional offices, and at other one-stop service offices designated by the Director. Applicants covered under this Act may pick up and return forms at any of those offices, along with appropriate

fees. (For convenience, application forms may be available in Department of Revenue, Department of Labor & Industries, Liquor Control Board field offices, and Department of Employment Security tax offices, but shall not be filed or processed by those offices.)

(2) All completed application forms received at regional or other one-stop service offices, together with fees, shall be forwarded via first-class mail to the Olympia Office of the Department within one working day of receipt. One copy of the original application will be retained by the applicant.

(3) Within one working day of receipt in the Olympia Office, a number will be assigned to the application, copies of appropriate portions will be made and sent to each administering agency, and the fees will be distributed as outlined in WAC 130-12-310. [Order 76-1, § 130-12-110, filed 5/24/76.]

WAC 130-12-120 Number assignments and changes in business. (1) The Department will assign a unique number to each business location. This number will consist of a base number identifying the company and a subscript for each branch location.

Following initial assignment, new subscript numbers will be assigned each time the business is moved (with the old subscript being retained for the old location), each time a new branch is opened, and on any other occasion where it may be desirable to establish a separate account for that company. Notwithstanding the assignment of separate account numbers to each separate retail location, the applicant may elect to combine subsequent reports and payments to individual agencies as they may allow.

(2) A new application form shall be completed and new registered numbers assigned, with notification by the Department to appropriate administering agencies, for the following changes in the business:

(a) new ownership, provided that the addition or withdrawal of a partner from any partnership or a change in stock ownership shall not necessitate the submission of a new application, except where existing law otherwise requires the submission of a new license application to any administering agency

(b) new organizational structure

(c) partnership split, in which event a new application shall be submitted by any withdrawing partner intending to commence a new business

(d) reopening of a business after five (5) years from the date of its prior closure of cessation

(3) Where a license is issued jointly to a business and to a specific responsible individual, any change of employment by that individual requires that the business apply for a transferral of that license to another responsible individual. These transactions shall be handled directly by the licensee with the administering agency. [Order 76-1, § 130-12-120, filed 5/24/76.]

WAC 130-12-125 Notification of changes. Licensees shall be required to notify the Department immediately upon the occurrence of any of the following, giving

sufficient information to enable the Department to determine whether a new application for master license and new registration number must be submitted:

(1) A change in business name or address (mailing or place of business);

(2) new ownership;

(3) new organizational structure;

(4) partnership split. [Order 76-1, § 130-12-125, filed 5/24/76.]

WAC 130-12-130 Issuance of temporary license. Upon receipt in the Olympia Office of the master application, a 45-day temporary license will be issued to the applicant allowing operation in areas requested in the master application, except for the following:

(1) all liquor licenses;

(2) pesticide dealer license;

(3) refrigerated locker license;

(4) game fish buyers license;

(5) bakery and bakery distributors license. [Order 76-1, § 130-12-130, filed 5/24/76.]

WAC 130-12-140 Notification to administering agencies. Administering agencies will be advised of the expiration date being assigned to the applicant under the renewal schedule established by the Department.

Administering agencies shall consider receipt of their portion of the application as sufficient evidence that an appropriate fee as indicated by the Department has been received and shall begin normal processing procedures. [Order 76-1, § 130-12-140, filed 5/24/76.]

WAC 130-12-150 Automatic license approvals. In those instances where a license is automatically granted upon application and fee collection, the Department shall consider all such requests as approved. Copies of the application will be sent to the administering agency; however, no response will be required from the administering agency. [Order 76-1, § 130-12-150, filed 5/24/76.]

WAC 130-12-160 Agency approval of application. Where required, the administering agency shall notify the Department within 21 days of notification approving or denying individual licenses on the response form provided. If no response is received within the allotted time, the Department shall consider the license approved. [Order 76-1, § 130-12-160, filed 5/24/76.]

WAC 130-12-170 Exceptions to agency approval provisions. Due to special investigative procedures, initial issuance of the following licenses may require longer time periods than allowed under WAC 130-12-160:

License	Issuing Agency
Class E Beer License	Liquor Control Board
Class F Wine License	Liquor Control Board
Road Approach Permit	Dept. of Highways

(1) In the case of Liquor Control Board licenses, the master license will be issued within the normal time frame referenced in WAC 130-12-410, without the liquor licenses, which, upon approval, will be handled as a

supplemental license (see WAC 130-12-510). The Department shall be notified of reasons for delay if approval or denial has not been given within 60 days. This section shall not apply to the reissuance of a license to the original licensee.

(2) The application for the road approach permit will be forwarded to the Division Office; it will then be handled solely by the Department of Highways with no further involvement by the Department. [Order 76-1, § 130-12-170, filed 5/24/76.]

WAC 130-12-180 Agency denial of application. If an application is denied by an agency, the Department shall be notified on the response form provided. The agency is further to include with the response form appropriate appeal procedures, if available, for the Department to provide to the applicant under conditions defined by WAC 130-12-410. [Order 76-1, § 130-12-180, filed 5/24/76.]

WAC 130-12-210 Assignment of renewal schedules. (1) In accordance with the Act, the Department shall assign to each existing business a common renewal date for all licenses covered by the Act, with subsequent renewals at yearly intervals thereafter. This section supersedes all existing renewal schedules currently operative for all licenses required by businesses covered under the Act.

(2) Expiration dates on current licenses shall automatically be adjusted as required to the common date set by the Department. At the time of renewal, fees will be prorated to cover the adjustment period (see WAC 130-12-350).

(3) Each business shall be assigned a master license renewal date on the following schedule:

- | | |
|---------------------|---|
| new applicants | - first day of the month in which the master license is issued. |
| existing businesses | - distributed evenly on a monthly basis throughout the year using alphabetic order. |

(4) The Department will consider requests from applicants for exceptions to assigned renewal dates. Approval will be at the discretion of the Department. [Order 76-1, § 130-12-210, filed 5/24/76.]

WAC 130-12-220 Verification of license status. Each administering agency shall be notified of the new master registration number being assigned to each existing account and advised of the new expiration date being assigned to the licensee. Thereafter, each agency shall notify the Department of any changes in status of the license or fee on forms provided by the Department. [Order 76-1, § 130-12-220, filed 5/24/76.]

WAC 130-12-230 Automatic renewal of licenses. (1) Following issuance of the first master license, renewals of each individual license will be issued automatically by the Department under conditions originally

imposed by the administering agency unless specific instructions have been received from that agency to deny or otherwise restrict the license.

(2) It will be the responsibility of the Liquor Control Board to initiate any special investigations sufficiently in advance of the license expiration date to be able to notify the Department of appropriate action 15 days prior to expiration. Provision will be made for the Liquor Control Board to obtain a listing of all expiring licenses at least 60 days prior to the expiration date.

(3) The Department will not issue renewals prior to 15 days before the expiration date.

(4) Following each license renewal, affected administering agencies will be advised of the new expiration date.

(5) So long as the Department has been advised of any changes in the licenses per WAC 130-12-120 at least 60 days before the expiration date, the renewal shall be issued automatically as under Section 1. [Order 76-1, § 130-12-230, filed 5/24/76.]

WAC 130-12-240 Renewal notices. Renewal notices will be mailed out to the licensee via first-class mail approximately 45 days prior to the new expiration date indicating the fees for each license.

Licenses may be renewed by providing information requested and remitting required fees to the Department. [Order 76-1, § 130-12-240, filed 5/24/76.]

WAC 130-12-250 Renewal procedures. Initial coverage under this Act will be acknowledged by issuance of a master license with stickers affixed for each individual license being renewed. Thereafter, renewal acknowledgement shall be in the form of a renewal registration sticker to affix to the existing master license which automatically renews all licenses appearing thereon. Should any administering agency order a denial, or the licensee desire to delete certain individual licenses already affixed to the master license, a new sticker voiding such individual licenses shall be sent with the renewal registration sticker. These voiding stickers shall be affixed by the licensee or an enforcement officer of the administering agency. [Order 76-1, § 130-12-250, filed 5/24/76.]

WAC 130-12-310 Handling of fees. With the exception of industrial insurance premium deposits, all funds received in the Olympia Office of the Department will be deposited within one working day into a suspense account in the State Treasurer's Office. The Department will distribute applicable fees to appropriate agency accounts at least once a month for those applications for which a master license has been issued. Liquor license fees will be held in the suspense fund until those licenses are issued or denied. Premium deposits for industrial insurance will be forwarded to the Department of Labor and Industries with the application form. [Order 76-1, § 130-12-310, filed 5/24/76.]

WAC 130-12-320 Application withdrawal. If the master application (or any part thereof) is withdrawn by

the applicant prior to actual issuance of the master license and without having gone into business, a refund of all pertinent fees shall be made, with no handling charges. [Order 76-1, § 130-12-320, filed 5/24/76.]

WAC 130-12-330 Master license fee. (1) For new businesses, the master license fee shall be the total amount of all applicable individual license fees, except for the road approach permit which will be billed by the Department of Highways.

(2) The first year a business is placed on a renewal schedule by the Department, prorating procedures of WAC 130-12-350 apply.

(3) Payment of fees shall be by check or money order, payable at the time of application. Checks or money orders for all fees except the industrial insurance premium shall be made payable to the State Treasurer. A separate check or money order for the industrial insurance premium deposit shall be made, payable to the Department of Labor and Industries. [Order 76-1, § 130-12-330, filed 5/24/76.]

WAC 130-12-340 Fee requirements. (1) When the original fee charged by the Department is insufficient to cover licenses subsequently approved, the applicant will be billed for the balance.

(2) The master license will not be issued until all fees have been collected.

(3) Where an individual license is denied, an appropriate refund shall be made to the applicant within a reasonable period of time. [Order 76-1, § 130-12-340, filed 5/24/76.]

WAC 130-12-350 Prorating of fees. Prorating of fees, where necessitated by renewal dates authorized by the Department, shall be computed on a monthly basis (i.e., one-twelfth of the annual payment per month) and added to/or subtracted from the regular annual fee. Prorating shall be based on the number of complete months between the previous expiration date and the next renewal date. [Order 76-1, § 130-12-350, filed 5/24/76.]

WAC 130-12-360 Late filing procedures. (1) A late filing penalty shall be charged for licenses not renewed before the expiration date:

(a) The late filing fee shall be computed according to existing statutes for each individual license (administering agency late filing dates shall no longer apply, however).

(b) Penalty fees will be deposited to appropriate agency accounts.

(2) To allow processing of renewals, there shall be a 10 day extension of licenses beyond the expiration date of the master license, as required, if renewal fees have been paid before the expiration date. [Order 76-1, § 130-12-360, filed 5/24/76.]

WAC 130-12-410 Issuing of master license. (1) Within 30 days of receipt of application, the Department will prepare a master license incorporating all approved individual licenses. Upon compliance with WAC 130-

12-340(2) and WAC 130-12-170, as required, the master license will be mailed to the applicant with the following:

(a) posting requirements

(b) appeals procedures, as appropriate

(2) Administering agencies shall be responsible for mailing or providing any materials pertinent to their operational requirements. [Order 76-1, § 130-12-410, filed 5/24/76.]

WAC 130-12-510 Supplemental applications. (1) Licensee shall apply to the Department for additional licenses, as desired. Supplemental applications shall be handled under new application procedures subject to provisions of WAC 130-12-110.

(2) Supplemental licenses will expire on the same date as the master license. Fees for supplemental license will be charged at the full annual rate.

(3) Upon approval, the license will be mailed to the licensee by the Department to be affixed to the master license. [Order 76-1, § 130-12-510, filed 5/24/76.]

WAC 130-12-520 Revoking of licenses. Decisions to revoke licenses will be made according to existing statutes by the administering agency, except for those instances related to late filing which are affected by renewal schedules assigned by the Department. The administering agency shall notify the Department of any permanent revocations no later than 15 days prior to the normal expiration date. [Order 76-1, § 130-12-520, filed 5/24/76.]

WAC 130-12-530 Individual license voiding procedures. The Department will provide stickers for voiding individual licenses on the master license document, as required by either licensee decision or agency determination. All voiding stickers required on the master license shall state "Activity Discontinued." Voiding stickers will be placed over the existing individual license to be terminated. Voiding stickers may be handled either by mail, where appropriate, or affixed by an inspector or enforcement officer when immediate action is necessary. Penalties for misuse of voiding stickers are covered under WAC 130-12-630.

The administering agency shall be responsible for reinstating an individual license following temporary suspension, by affixing a new supplemental license sticker. [Order 76-1, § 130-12-530, filed 5/24/76.]

WAC 130-12-610 Posting. The master license shall be posted on the licensee's premises, preferably in the office area, and shall be visible and easily accessible for ease in affixing additional stickers. [Order 76-1, § 130-12-610, filed 5/24/76.]

WAC 130-12-620 Transferability. The master license shall not be transferable, except to the surviving spouse only of a deceased licensee, if the parties were maintaining a marital community and the license was issued in the names of one or both of the parties. [Order 76-1, § 130-12-620, filed 5/24/76.]

WAC 130-12-630 Misuse of master license. Defacing, remarking, or misusing the master license in any manner, including noncompliance with official requests of the Department, will expose the violator to all penalties applicable to any of the individual licenses appearing on the master license. [Order 76-1, § 130-12-630, filed 5/24/76.]

WAC 130-12-640 Loss of master license. In the case of a lost or destroyed master license, by fire, theft, or any other natural disaster, the licensee shall notify the Department. A duplicate master license shall be issued for a fee of \$10. [Order 76-1, § 130-12-640, filed 5/24/76.]

WAC 130-12-710 Coordination of inspections. The Department shall establish, for businesses covered under this Act, a program for coordinating and consolidating inspections with similar objectives or involving common expertise. Elements of the program will be identified and developed in conjunction with affected agencies with due regard for any applicable federal requirements and statutory time limits. [Order 76-1, § 130-12-710, filed 5/24/76.]

WAC 130-12-720 Training of inspectors. The Department shall establish a program for training of inspectors to accomplish the objectives under WAC 130-12-710. Decisions concerning the need and content for such training sessions shall be made by the Department in cooperation with affected agencies. [Order 76-1, § 130-12-720, filed 5/24/76.]

WAC 130-12-730 Inspection log sheets. As an integral part of data collection and measurement of program effectiveness, the Department shall provide an Inspection Log Sheet to each business, where applicable. All inspectors entering the premises to make any type of inspection, unless doing so incognito, shall sign and provide the information requested on the Log Sheet before leaving the premises. Exceptions may be considered by the Department according to administering agency need or policy. [Order 76-1, § 130-12-730, filed 5/24/76.]