Chapter 16-401 WAC
NURSERY INSPECTION FEES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-401-001 Promulgation. [Order 1064, Promulgation, filed 8/28/67, effective 9/27/67.] Repealed by Order 1152, filed 5/28/70, effective 7/1/70.

16-401-002 Promulgation. [Order 1152, § 16-401-002, filed 5/28/70, effective 7/1/70.] Repealed by 87-19-098 (Order 1953), filed 9/17/87. Statutory Authority: Chapter 15.54 RCW.

16-401-003 Promulgation. [Order 1315, § 16-401-003, filed 5/30/73; Order 1204, § 16-401-003, filed 5/28/71, effective 7/1/71.] Repealed by 79-04-025 (Order 1628), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-401-010 Nonlicensed operators. [Order 1064, Regulation 1, filed 8/28/67, effective 9/27/67.] Repealed by Order 1152, filed 5/28/70, effective 7/1/70.

16-401-015 Nonretailer or wholesaler shippers. [Order 1064, Regulation 2, filed 8/28/67, effective 9/27/67.] Repealed by Order 1152, filed 5/28/70, effective 7/1/70.

16-401-020 Schedule of fees and charges—Facility inspection—Effective June 30, 1999. [Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-020, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-020, filed 12/1/92, effective 1/1/93. Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-020, filed 9/17/87; Order 1315, § 16-401-020, filed 5/30/73; Order 1204, § 16-401-020, filed 5/28/71, effective 7/1/71; Order 1152, § 16-401-020, filed 5/28/70, effective 7/1/70.] Repealed by 99-21-050, filed 10/18/99, effective 11/18/99. Statutory Authority: Chapters 15.13 and 15.14 RCW.

16-401-025 Schedule of fees and charges—Applicable rates and charges—Effective June 30, 1999. [Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-025, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-025, filed 12/1/92, effective 1/1/93. Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-025, filed 9/17/87. Statutory Authority: Chapter 15.13 RCW. 79-04-025 (Order 1628), § 16-401-025, filed 3/21/79; Order 1315, § 16-401-025, filed 5/30/73; Order 1152, § 16-401-025, filed 5/28/70, effective 7/1/70.] Repealed by 99-21-050, filed 10/18/99, effective 11/18/99. Statutory Authority: Chapters 15.13 and 15.14 RCW.

16-401-026 Schedule of fees and charges—Applicable rates and charges—Effective June 30, 2001. [Statutory Authority: Chapters 15.13 and 15.14 RCW. 01-11-031, § 16-401-026, filed 5/8/01, effective 6/8/01; 99-12-034, § 16-401-026, filed 5/26/99, effective 6/26/99.] Repealed by 03-10-083, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW.

16-401-030 Schedule of fees and charges—Miscellaneous charges—Effective June 30, 1999. [Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-030, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-030, filed 12/1/92, effective 1/1/93. Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-030, filed 9/17/87. Statutory Authority: Chapter 15.13 RCW. 79-04-025 (Order 1628), § 16-401-030, filed 3/21/79; Order 1315, § 16-401-030, filed 5/30/73; Order 1152, § 16-401-030, filed 5/28/70, effective 7/1/70.] Repealed by 99-21-050, filed 10/18/99, effective 11/18/99. Statutory Authority: Chapters 15.13 and 15.14 RCW.

16-401-031 Schedule of fees and charges—Miscellaneous charges—Effective June 30, 2001. [Statutory Authority: Chapters 15.13 and 15.14 RCW. 01-11-031, § 16-401-031, filed 5/8/01, effective 6/8/01; 99-12-034, § 16-401-031, filed 5/26/99, effective 6/26/99.] Repealed by 03-10-083, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW.

16-401-035 Effective date. [Order 1315, § 16-401-035, filed 5/30/73; Order 1204, § 16-401-035, filed 5/28/71, effective 7/1/71; Order 1152, § 16-401-035, filed 5/28/70, effective 7/1/71.] Repealed by 79-04-025 (Order 1628), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-401-040 Nursery dealer license fees—Effective June 30, 1999. [Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-040, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-040, filed 12/1/92, effective 1/1/93; 92-13-034 (Order 2094), § 16-401-040, filed 6/10/92, effective 7/1/92. Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-040, filed 9/17/87.] Repealed by 99-21-050, filed 10/18/99, effective 11/18/99. Statutory Authority: Chapters 15.13 and 15.14 RCW.

WAC 16-401-019 Schedule of fees and charges—Billing policies and procedures. (1) All billable services provided under chapter 15.13 RCW are due and payable upon billing by the department. For the convenience of established accounts and in accord with good business practices, the department provides a monthly billing service for established accounts. Accounts not paid-in-full within thirty days of billing are considered delinquent.

(2) All delinquent accounts are assessed a late charge equal to one and one-half percent per month, or portion of a month, on the unpaid balance.

(3) Except for established accounts where there is a reasonable expectation of additional charges during a calendar month, the minimum billable amount through the monthly billing system is twenty dollars. All billable services of less than twenty dollars are due and payable-in-full at the time that service is rendered.

(4) No person with an account ninety days or more in arrears will receive service except on the basis of payment in full at the time service is rendered. Such accounts will not be restored to monthly billing status until all past due accounts are paid-in-full. Such accounts may be subject to legal action for collection.

(5) Accounts that become ninety days or more in arrears twice within a five-year period may be subject to a permanent requirement for payment in full at the time service is provided.

[Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-019, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-019, filed 12/1/92, effective 1/1/93.]

WAC 16-401-021 Schedule of fees and charges—Facility inspection. (1) The department may conduct regulatory inspections of any plant material at any nursery facility licensed under chapter 15.13 RCW without additional charge except as provided in subsection (2) of this section. Subsequent to each inspection the department will issue a nursery inspection report to the licensed nursery.

(2) The department may charge a fee for repeated, subsequent inspections of licensed locations where plant material does not meet the requirements in chapter 15.13 RCW. However, the licensed location cannot be subjected to more than two paid inspections each license period. Fees are assessed on the basis of the time required for the inspection at the applicable hourly rate provided in this chapter.

[Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. 03-10-083, § 16-401-021, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 15.13 and 15.14 RCW. 01-11-031, § 16-401-021, filed 5/8/01, effective 6/8/01; 99-12-034, § 16-401-021, filed 5/26/99, effective 6/26/99.]

WAC 16-401-023 Schedule of fees and charges—Establishing hourly rates. (1) Requested services are provided at the applicable hourly rate. The nonbusiness hourly rate applies for service provided before 8:00 a.m. or after 5:00 p.m. during the workday and for all services provided on Saturday, Sunday, or a holiday listed in subsection (2) of this section.

(2) Holidays mean New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day immediately following Thanksgiving Day, Veteran's Day, Christmas Day, President's Day, and Martin Luther King's Birthday.

(3) The hourly charge is assessed in one-half hour increments.

(4) Persons requesting service with less than twenty-four hours notice during nonbusiness hours may be subject to a charge of two additional hours at the nonbusiness hourly rate, if the department is required to pay call back to the employee(s) providing the requested service.

[Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. 03-10-083, § 16-401-023, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-023, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-023, filed 12/1/92, effective 1/1/93.]

WAC 16-401-027 Schedule of fees and charges—Applicable rates and charges. The following rates apply for requested inspection services:

(1) **Fee or Charge:**	
Hourly rate—business hours	$40.00
Hourly rate—nonbusiness hours	$51.00
Certificate issued at time of inspection	No charge
Certificate issued more than twenty-four hours after the inspection	$19.50
Additional certificates	$6.50
Fumigation lot or container fee	$16.00
Certificate of plant health for noncommercial movement	$6.80
Compliance agreement	$40.00
Inspection tags or stickers (lots of 250)	$7.80 per lot

(2) Mileage at the established office of financial management rate (schedule A), per diem and other authorized travel expenses at actual cost, and travel time at the applicable hourly rate may be assessed for requested inspections that are not a part of a regular work schedule. Such charge may be prorated among applicants if more than one applicant is provided service during a workday or trip when mileage and/or per diem are applicable.

(3) Inspections for phytosanitary certification, including growing season field inspections, are provided at the applicable hourly rate provided in subsection (1) of this section except where an alternate certification inspection fee is provided in statute, in rule, or by a written agreement between the department and an industry entity, university, or public agency. When growing season field inspections for phytosanitary certification and regulatory inspections are performed simultaneously, the first two hours of inspection each calendar year for nurseries licensed under WAC 16-401-041 (1)(b) or (2)(a); and the first four hours of inspection per calendar year for nurseries licensed under WAC 16-401-041 (1)(c) or (2)(b), are without charge.

There is no additional charge for the first phytosanitary certificate issued at the time of the inspection.

(4) Inspection and certification of nonplant material or equipment for sanitation (freedom from soil or pests) by visual examination or through witnessing a prescribed treatment (steam cleaning, hydro-washing, etc.) is charged at the applicable hourly rate.

(5) Witnessing and certification of fumigation is charged at the applicable hourly rate, plus a per lot or container fee.

(6) The department may also charge fees and/or surcharges for transmittal to federal agencies.

(7) The department may issue a certificate of plant health for noncommercial movement of plant materials between states by unlicensed persons, up to a maximum of five plants, and provided that the plants are brought to a plant services office for inspection.

Note: When two or more types of inspection, provided in this section, are performed simultaneously, only one hourly rate applies. One certificate for one service is issued at no charge.

[Statutory Authority: RCW 15.13.260, 15.13.280, 15.13.370, 15.14.015, chapter 34.05 RCW, and 2009 c 564. 09-23-005, § 16-401-027, filed 11/5/09, effective 1/1/10. Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. 07-11-011, § 16-401-027, filed 5/3/07, effective 7/1/07; 06-15-043, § 16-401-027, filed 7/11/06, effective 8/11/06; 05-12-110, § 16-401-027, filed 5/31/05, effective 7/1/05; 04-17-037, § 16-401-027, filed 8/10/04, effective 9/10/04. Statutory Authority: Chapters 15.13, 15.14, 17.24, and 34.05 RCW. 03-21-166, § 16-401-027, filed 10/22/03, effective 11/22/03. Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. 03-10-083, § 16-401-027, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 15.13 and 15.14 RCW. 01-11-031, § 16-401-027, filed 5/8/01, effective 6/8/01.]

WAC 16-401-032 Schedule of fees and charges—Miscellaneous charges. The following rates for miscellaneous charges on requested inspections shall apply.

(1) Postage, special handling services and other miscellaneous costs exceeding five dollars are charged at the actual cost.

(2) Other requested office services, not specifically provided for, are charged a fee based on the portion of an hour at the applicable hourly rate in this chapter.

[Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. 05-12-110, § 16-401-032, filed 5/31/05, effective 7/1/05; 03-10-083, § 16-401-032, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 15.13 and 15.14 RCW. 01-11-031, § 16-401-032, filed 5/8/01, effective 6/8/01.]

WAC 16-401-041 Nursery dealer license fees. Annual license fees as established below, must accompany the application for nursery dealer license:

(1) Retail nursery dealer license fee:

(a) Gross business sales of horticultural plants and turf less than two thousand five hundred dollars $42.00

(b) Gross business sales of horticultural plants and turf between two thousand five hundred dollars and fifteen thousand dollars, the license fee is $91.00

(c) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more $182.00

(2) Wholesale nursery dealer license fee:

(a) Gross business sales of horticultural plants and turf less than fifteen thousand dollars $91.00

(b) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more $182.00

(3) As provided in RCW 15.13.285, a surcharge of twenty percent of the base rate, in addition to the fees established on all classes of licenses in subsections (1) and (2) of this section, is established.

(4) Permit fee for those types of sales and organizations exempted from licensing requirements by RCW 15.13.270 . . . . . .$6.70

[Statutory Authority: RCW 15.13.260, 15.13.280, 15.13.370, 15.14.015, chapter 34.05 RCW, and 2009 c 564. 09-23-005, § 16-401-041, filed 11/5/09, effective 1/1/10. Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. 07-11-011, § 16-401-041, filed 5/3/07, effective 7/1/07; 06-15-043, § 16-401-041, filed 7/11/06, effective 8/11/06; 05-12-110, § 16-401-041, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapters 15.13, 15.14, 17.24 and 34.05 RCW. 03-21-166, § 16-401-041, filed 10/22/03, effective 11/22/03. Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. 03-10-083, § 16-401-041, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 15.13 and 15.14 RCW. 01-11-031, § 16-401-041, filed 5/8/01, effective 6/8/01; 99-12-034, § 16-401-041, filed 5/26/99, effective 6/26/99.]

WAC 16-401-045 Christmas tree grower license fees. (1) All Christmas tree growers, except those exempted in subsection (5) of this section, must obtain a Christmas tree grower license.

(2) The licensing period for a Christmas tree grower license is February 1st to January 31st.

(3) The annual fee for a Christmas tree grower license is forty dollars plus an acreage assessment of three dollars per acre. The annual Christmas tree grower license fee for any person may not exceed five thousand dollars.

(4) Growers must submit an application for Christmas tree grower license and the annual fee to the department by February 1st.

(5) Any Christmas tree grower owning Christmas trees, whose business consists solely of retail sales to the ultimate consumer, is exempt from the requirements of this section if:

(a) The grower has less than one acre of Christmas trees; or

(b) The grower harvests, by u-cut or otherwise, fewer than four hundred Christmas trees per year.

[Statutory Authority: RCW 15.13.311, chapter 34.05 RCW, 2007 c 335, and 2009 c 564. 09-22-091, § 16-401-045, filed 11/4/09, effective 1/1/10.]

WAC 16-401-050 Annual assessment—Fruit tree material. As provided in RCW 15.13.310, an annual assessment of one percent on the gross sale price of the wholesale market value for all fruit trees, fruit tree related ornamental trees, fruit tree seedlings, fruit tree rootstock, and all other rootstock used for fruit tree propagation produced in Washington, and sold within the state or shipped from the state by any licensed nursery dealer, is established.

[Statutory Authority: Chapters 15.13 and 15.14 RCW. 99-12-034, § 16-401-050, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-050, filed 12/1/92, effective 1/1/93. Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-050, filed 9/17/87.]

WAC 16-401-060 Annual assessment—Grapevines. As provided in RCW 15.13.310, an annual assessment of five percent on the gross sale price of the wholesale market value for all grapevine propagation material produced in Washington, and sold within the state or shipped from the state by any licensed nursery dealer, is established.

[Statutory Authority: Chapters 15.13 and 34.05 RCW. 03-09-112, § 16-401-060, filed 4/22/03, effective 5/23/03.]

WAC 16-401-070 Annual assessment—Recordkeeping requirement. Any person selling grapevine, fruit tree or fruit tree related ornamental nursery stock must maintain a set of accurate sales records to facilitate an audit and ensure that the proper assessment amount is paid to the department. The records must be maintained for a minimum of three years from the date of sale. At a minimum, the records must contain sequentially numbered sales invoices that clearly show the amount of assessment owed for each invoice. Sales invoices must be filed either numerically or alphabetically.

[Statutory Authority: Chapters 15.13, 15.14 and 34.05 RCW. 04-11-026, § 16-401-070, filed 5/11/04, effective 6/11/04.]