Chapter 16-401 WAC
NURSERY INSPECTION FEES

WAC
16-401-019 Schedule of fees and charges—Billing policies and procedures.
16-401-021 Schedule of fees and charges—Facility inspection.
16-401-023 Schedule of fees and charges—Establishing hourly rates.
16-401-027 Schedule of fees and charges—Applicable rates and charges.
16-401-032 Schedule of fees and charges—Miscellaneous charges.
16-401-041 Nursery dealer license fees.
16-401-045 Christmas tree grower license fees.
16-401-050 Annual assessment—Fruit tree material.
16-401-060 Annual assessment—Recordkeeping requirement.
16-401-070 Annual assessment—Nonretailer or wholesaler shippers.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

16-401-002 Promulgation. [Order 1152, § 16-401-002, filed 5/28/70, effective 7/1/70.] Repealed by WSR 87-19-098 (Order 1953), filed 9/17/87.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 Repealed by WSR 79-04-025 (Order 1628), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
16-401-010 Nonretailer or wholesaler shippers. [Order 1064, Regulation 1, filed 8/28/67, effective 9/27/67.] Repealed by Order 1152, filed 5/28/70, effective 7/1/70.

**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. WSR 99-12-034, § 16-401-019, filed 5/26/99, effective 6/26/99. Statutory Authority: Chapter 15.13 RCW. WSR 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. WSR 03-10-083, § 16-401-021, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 15.13 and 15.14 RCW. WSR 01-11-031, § 16-401-021, filed 5/8/01, effective 6/8/01; WSR 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.


(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. WSR 00-11-083, § 16-401-023, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 15.13 and 15.14 RCW. WSR 01-11-034, § 16-401-023, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW. WSR 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:

<table>
<thead>
<tr>
<th>(1) Fee or Charge:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly rate—business hours</td>
<td>$40.00</td>
</tr>
<tr>
<td>Hourly rate—nonbusiness hours</td>
<td>$51.00</td>
</tr>
<tr>
<td>Certificate issued at time of inspection</td>
<td>No charge</td>
</tr>
</tbody>
</table>

(11/5/09)
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. WSR 04-11-226, § 16-401-070, filed 5/11/04, effective 6/11/04.]

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

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

2. **(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. WSR 04-11-226, § 16-401-070, filed 5/11/04, effective 6/11/04.]

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

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

$6.70


**WAC 16-401-045 Christmas tree grower license fees.**

1. **(1)** All Christmas tree growers, except those exempted in subsection (5) of this section, must obtain a Christmas tree grower license.

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

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

5. **(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. WSR 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. WSR 99-12-034, § 16-401-050, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW], WSR 92-24-067 (Order 4016), § 16-401-050, filed 12/1/92, effective 1/1/93. Statutory Authority: Chapter 15.54 RCW. WSR 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. WSR 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. WSR 04-11-026, § 16-401-070, filed 5/11/04, effective 6/11/04.]