

WSR 22-21-121

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed October 18, 2022, 11:44 a.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: WAC 458-02-200  
Business licensing service—Applications, licenses, renewals—Fees.

Hearing Location(s): On November 28, 2022, at 10:00 a.m. This meeting will be conducted over the internet/telephone. Please contact Sierra Crumbaker at SierraC@dor.wa.gov for login/dial-in information.

Date of Intended Adoption: December 1, 2022.

Submit Written Comments to: Leslie Mullin, P.O. Box 47453, Olympia, WA 98504-7453, email LeslieMu@dor.wa.gov, fax 360-534-1606, by November 25, 2022.

Assistance for Persons with Disabilities: Contact TTY 800-833-6384.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to decrease the various business application-related fees required to be paid by persons wanting to open a new business or renew their business license application.

Reasons Supporting Proposal: The department is proposing to amend WAC 458-02-200 to decrease business application fees to new and existing businesses.

Statutory Authority for Adoption: RCW 19.02.030.

Statute Being Implemented: RCW 19.02.075.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Leslie Mullin, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1589; Implementation and Enforcement: Heidi Geathers, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1615.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This rule is not a significant legislative rule as defined in RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

Explanation of exemptions: The exemption under RCW 34.05.310(4)(f) applies to the proposed rule being amended because the rule sets the fees pursuant to RCW 19.02.075.

Scope of exemption for rule proposal:

Is fully exempt.

October 18, 2022  
Atif Aziz  
Rules Coordinator

OTS-4149.2

AMENDATORY SECTION (Amending WSR 20-24-067, filed 11/24/20, effective 12/25/20)

WAC 458-02-200 Business licensing service—Applications, licenses, renewals—Fees. (1) Introduction. This rule provides information about business license application handling fees, renewal application handling fees, and late filing delinquency fees as described in chapter 19.02 RCW. Information about individual licenses may be obtained from the business licensing service (BLS) of the department of revenue (department) and is available online at dor.wa.gov.

(2) Definitions. The definitions in RCW 19.02.020 apply to this rule.

(3) What fee do I need to pay when applying for or renewing a license? Individual license fees vary depending on the license(s) for which you are applying or renewing. The fee payable is the total amount of all applicable individual license fees, business license application handling fees, renewal application handling fees, late filing delinquency fees, and other penalty fees. The method of payment may result in additional charges for credit or debit card processing.

(4) What does the department do with the fees? The department will distribute the fees received for individual licenses to the respective regulatory agencies. The application and renewal handling fees and the late filing delinquency fees support the operation of the BLS. Credit or debit card payment processing fees are charged and retained by a third-party payment processor.

(5) When do I get my business license? A business license will not be issued until the total fees due are collected and all required information has been submitted. Some individual licenses require review and approval by the regulating authorities, and the business license will not be issued until the regulating authorities have approved them.

(6) Can I get a refund? The business license application handling fee and renewal application handling fee collected under RCW 19.02.075 are not refundable. The late filing delinquency fee under RCW 19.02.085 may not be waived or refunded unless the department determines that the licensee failed to renew a license by the business license expiration date due to an undisputable error or failure by the department that caused the late filing. When a license is denied or when an applicant withdraws an application, a refund of any other refundable portion of the total payment will be made in accordance with the applicable licensing laws.

(7) What are the fees? The business license application handling fee, renewal application handling fee, late renewal filing delinquency fee, and individual license fee amounts are as follows:

Type of fee:	Fee amount:
Business license application handling fee to open the first business location of a new business, or to reopen a closed business:	<del>(\$90.00)</del> \$50.00

Type of fee:	Fee amount:
Business license application handling fee for an existing business adding a new business location or requesting a city's license endorsement for a nonresident business:	\$0
Business license application handling fee for any other purpose(s):	<del>(\$19.00)</del> \$10.00
Business license renewal application handling fee:	<del>(\$10.00)</del> \$5.00
Late renewal filing delinquency fee:	Up to \$150.00 per business location. See subsection (9)(b) of this rule.
Individual license fee:	Varies depending on type of license.

(8) **What should I do with my business license?** The business license document must be displayed in a conspicuous place at the business location for which the license is issued.

(9) **Do I need to renew my business license?**

(a) The various licenses endorsed and displayed on the business license may each have a requirement to be renewed periodically. The department may prorate the terms of individual licenses and associated fees as needed so that all requested licenses on the account are due for renewal at the same time.

(b) Licenses requiring renewal must be renewed by the expiration date or the department will assess a delinquency fee. The delinquency fee is calculated according to RCW 19.02.085 and must be paid by the licensee before a business license is renewed. Other regulatory agencies may also assess delinquency fees and/or penalties for late renewal, and may cancel the individual licenses for nonrenewal. Reissuance of individual licenses canceled for nonrenewal may require the filing of a new business license application.

[Statutory Authority: RCW 19.02.030(3). WSR 20-24-067, § 458-02-200, filed 11/24/20, effective 12/25/20. Statutory Authority: RCW 82.32.300 and 82.01.060(2). WSR 14-08-010, § 458-02-200, filed 3/20/14, effective 4/20/14.]