
HOUSE BILL 2790

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Orcutt and McCune

Read first time 02/21/12. Referred to Committee on Business & Financial Services.

1 AN ACT Relating to making technical changes to licensing and trade
2 name laws and conforming amendments; amending RCW 15.13.250, 15.13.250,
3 15.13.280, 15.13.290, 15.49.011, 15.49.380, 15.49.390, 15.54.275,
4 15.58.180, 15.58.235, 18.44.031, 18.64.044, 19.02.010, 19.02.030,
5 19.02.035, 19.02.070, 19.02.075, 19.02.080, 19.02.085, 19.02.090,
6 19.02.100, 19.02.110, 19.02.115, 19.02.210, 19.02.310, 19.02.800,
7 19.02.890, 19.80.010, 19.80.075, 19.94.2582, 35.21.392, 35.21.392,
8 35A.21.340, 36.110.130, 43.22.035, 46.72A.020, 50.12.290, 59.30.050,
9 59.30.090, 69.25.050, 69.25.060, 70.290.030, 76.48.121, 82.24.510,
10 82.24.520, 82.26.150, 90.76.010, and 90.76.020; reenacting and amending
11 RCW 15.58.030, 18.64.011, 19.02.020, 19.94.015, and 69.25.020; adding
12 a new section to chapter 19.80 RCW; adding a new section to chapter
13 70.290 RCW; creating new sections; repealing RCW 19.02.220, 19.02.810,
14 19.80.065, and 43.24.160; providing effective dates; and providing an
15 expiration date.

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

17 **PART I**
18 **MAKING TECHNICAL CHANGES TO LICENSING AND TRADE NAME**
19 **LAWS AND CONFORMING AMENDMENTS**

1 **Sec. 101.** RCW 15.13.250 and 2007 c 335 s 1 are each amended to
2 read as follows:

3 For the purpose of this chapter:

4 (1) "Department" means the department of agriculture of the state
5 of Washington.

6 (2) "Director" means the director of the department or the
7 director's duly authorized representative.

8 (3) "Person" means any individual, firm, partnership, corporation,
9 company, society and association, and every officer, agent or employee
10 thereof.

11 (4) "Horticultural plant" includes, but is not limited to, any
12 horticultural, floricultural, or viticultural plant, or turf, for
13 planting, propagation or ornamentation growing or otherwise. The term
14 does not apply to potato, garlic, or onion planting stock or to cut
15 plant material, except plant parts used for propagative purposes.

16 (5) "Horticultural facilities" means, but is not limited to, the
17 premises where horticultural plants or Christmas trees are grown,
18 stored, handled or delivered for sale or transportation, or where
19 records required under this chapter are stored or kept, and all
20 vehicles and equipment used to transport horticultural plants or
21 Christmas trees.

22 (6) "Plant pests" means, but is not limited to, a living stage of
23 insect, mite, or other arthropod; nematode; slug, snail, or other
24 mollusk; protozoa or other invertebrate animals; bacteria; fungus;
25 virus; viroid; phytoplasma; weed or parasitic plant; or any organisms
26 similar to or allied with any of the plant pests listed in this
27 section; or any infectious substance; which can directly or indirectly
28 injure or cause disease or damage to any plant or plant product or that
29 threatens the diversity or abundance of native species.

30 (7) "Inspection and/or certification" means, but is not limited to,
31 the inspection by the director of horticultural plants or Christmas
32 trees at any time prior to, during, or subsequent to harvest or sale
33 and the issuance by the director of a written certificate stating if
34 the horticultural plants or Christmas trees are in compliance with the
35 provisions of this chapter and rules adopted under this chapter.
36 Inspection may include, but is not limited to, examination of
37 horticultural plants or Christmas trees, taking samples, destructive

1 testing, conducting interviews, taking photographs, and examining
2 records.

3 (8) "Nursery dealer" means any person who sells horticultural
4 plants or plants, grows, receives, or handles horticultural plants for
5 the purpose of selling or planting for another person.

6 (9) "Sell" means to sell, hold for sale, offer for sale, handle, or
7 to use as an inducement for the sale of another article or product.

8 (10) "~~((Master license))~~ Business licensing system" means the
9 mechanism established by chapter 19.02 RCW by which ~~((master))~~ business
10 licenses, endorsed for individual state-issued licenses, are issued and
11 renewed utilizing a ~~((master))~~ business license application and a
12 ~~((master))~~ business license expiration date common to each renewable
13 license endorsement.

14 (11) "Certificate" or "certificate of inspection" means an official
15 document certifying compliance with the requirements of this chapter.
16 The term "certificate" includes labels, rubber stamp imprints, tags,
17 permits, written statements, or any other form of certification
18 document that accompanies the movement of inspected and certified plant
19 material, including Christmas trees.

20 (12) "Turf" means field-cultivated turf grass sod consisting of
21 grass varieties, or blends of grass varieties, and dichondra for use in
22 residential and commercial landscapes.

23 (13) "This chapter" means this chapter and the rules adopted under
24 this chapter.

25 (14) "Compliance agreement" means a written agreement between the
26 department and a person engaged in growing, handling, or moving
27 articles, plants, or plant products regulated under this chapter or
28 title, in which the person agrees to comply with stipulated
29 requirements.

30 (15) "Consignor" means the person named in the invoice, bill, or
31 other shipping document accompanying a horticultural plant as the
32 person from whom the horticultural plant has been received for
33 shipment.

34 (16) "Christmas tree" means a cut evergreen tree:

35 (a) Of a marketable species;

36 (b) Managed to produce trees meeting United States number 2 or
37 better standards for Christmas trees as specified by the United States
38 department of agriculture; and

1 (c) Evidencing periodic maintenance practices of shearing or
2 culturing, or both; weed and brush control; and one or more of the
3 following practices: Basal pruning, fertilization, insect and disease
4 control, stump culture, soil cultivation, and irrigation.

5 (17) "Christmas tree grower" means any person who grows Christmas
6 trees for sale.

7 **Sec. 102.** RCW 15.13.250 and 2000 c 144 s 1 are each amended to
8 read as follows:

9 For the purpose of this chapter:

10 (1) "Department" means the department of agriculture of the state
11 of Washington.

12 (2) "Director" means the director of the department or the
13 director's duly authorized representative.

14 (3) "Person" means any individual, firm, partnership, corporation,
15 company, society and association, and every officer, agent or employee
16 thereof.

17 (4) "Horticultural plant" includes, but is not limited to, any
18 horticultural, floricultural, or viticultural plant, or turf, for
19 planting, propagation or ornamentation growing or otherwise. The term
20 does not apply to potato, garlic, or onion planting stock or to cut
21 plant material, except plant parts used for propagative purposes.

22 (5) "Horticultural facilities" means, but is not limited to, the
23 premises where horticultural plants are grown, stored, handled or
24 delivered for sale or transportation, or where records required under
25 this chapter are stored or kept, and all vehicles and equipment used to
26 transport horticultural plants.

27 (6) "Plant pests" means, but is not limited to, a living stage of
28 insect, mite, or other arthropod; nematode; slug, snail, or other
29 mollusk; protozoa or other invertebrate animals; bacteria; fungus;
30 virus; viroid; phytoplasma; weed or parasitic plant; or any organisms
31 similar to or allied with any of the plant pests listed in this
32 section; or any infectious substance; which can directly or indirectly
33 injure or cause disease or damage to any plant or plant product or that
34 threatens the diversity or abundance of native species.

35 (7) "Inspection and/or certification" means, but is not limited to,
36 the inspection by the director of horticultural plants at any time
37 prior to, during, or subsequent to harvest or sale and the issuance by

1 the director of a written certificate stating if the horticultural
2 plants are in compliance with the provisions of this chapter and rules
3 adopted under this chapter. Inspection may include, but is not limited
4 to, examination of horticultural plants, taking samples, destructive
5 testing, conducting interviews, taking photographs, and examining
6 records.

7 (8) "Nursery dealer" means any person who sells horticultural
8 plants or plants, grows, receives, or handles horticultural plants for
9 the purpose of selling or planting for another person.

10 (9) "Sell" means to sell, hold for sale, offer for sale, handle, or
11 to use as an inducement for the sale of another article or product.

12 (10) "~~((Master license))~~ Business licensing system" means the
13 mechanism established by chapter 19.02 RCW by which ~~((master))~~ business
14 licenses, endorsed for individual state-issued licenses, are issued and
15 renewed utilizing a ~~((master))~~ business license application and a
16 ~~((master))~~ business license expiration date common to each renewable
17 license endorsement.

18 (11) "Certificate" or "certificate of inspection" means an official
19 document certifying compliance with the requirements of this chapter.
20 The term "certificate" includes labels, rubber stamp imprints, tags,
21 permits, written statements, or any other form of certification
22 document that accompanies the movement of inspected and certified plant
23 material.

24 (12) "Turf" means field-cultivated turf grass sod consisting of
25 grass varieties, or blends of grass varieties, and dichondra for use in
26 residential and commercial landscapes.

27 (13) "This chapter" means this chapter and the rules adopted under
28 this chapter.

29 (14) "Compliance agreement" means a written agreement between the
30 department and a person engaged in growing, handling, or moving
31 articles, plants, or plant products regulated under this chapter or
32 title, in which the person agrees to comply with stipulated
33 requirements.

34 (15) "Consignor" means the person named in the invoice, bill, or
35 other shipping document accompanying a horticultural plant as the
36 person from whom the horticultural plant has been received for
37 shipment.

1 **Sec. 103.** RCW 15.13.280 and 2000 c 144 s 6 are each amended to
2 read as follows:

3 (1) No person (~~shall~~) may act as a nursery dealer without a
4 license for each place of business where horticultural plants are sold
5 except as provided in RCW 15.13.270. Any person applying for such a
6 license (~~shall~~) must apply through the (~~master license~~) business
7 licensing system. The application (~~shall~~) must be accompanied by the
8 appropriate fee. The director (~~shall~~) must establish a schedule of
9 fees for retail and wholesale nursery dealer licenses based upon the
10 person's gross annual sales of horticultural plants at each place of
11 business. The schedule for retail licenses (~~shall~~) must include
12 separate fees for at least the following two categories:

13 (a) A person whose gross annual sales of horticultural plants do
14 not exceed two thousand five hundred dollars; and

15 (b) A person whose gross annual sales of horticultural plants
16 exceed two thousand five hundred dollars.

17 (2) A person conducting both retail and wholesale sales of
18 horticultural plants at the same place of business shall secure one of
19 the following:

20 (a) A retail nursery dealer license if retail sales of the
21 horticultural plants exceed such wholesale sales; or

22 (b) A wholesale nursery dealer license if wholesale sales of the
23 horticultural plants exceed such retail sales.

24 (3) The director may issue a wholesale nursery dealer license to a
25 person operating as a farmers market at which individual producers are
26 selling directly to consumers. The license (~~shall~~) must be at the
27 appropriate level to cover all persons selling horticultural plants at
28 each site at which the person operates a market.

29 (4) The licensing fee that must accompany an application for a new
30 license shall be based upon the applicant's estimated gross sales of
31 horticultural plants for the ensuing licensing year. The fee for
32 renewing a license (~~shall~~) must be based upon the licensee's gross
33 sales of these products during the preceding licensing year.

34 (5) The license expires on the (~~master~~) business license
35 expiration date unless it has been revoked or suspended prior to the
36 expiration date by the director for cause. Each license (~~shall~~) must
37 be posted in a conspicuous place open to the public in the location for
38 which it was issued.

1 (6) The department may audit licensees during normal business hours
2 to determine that appropriate fees have been paid.

3 **Sec. 104.** RCW 15.13.290 and 2000 c 144 s 8 are each amended to
4 read as follows:

5 If any application for renewal of a nursery dealer license is not
6 filed prior to the ((~~master~~)) business license expiration date, the
7 ((~~master~~)) business license delinquency fee ((~~shall be~~)) is assessed
8 under chapter 19.02 RCW and ((~~shall~~)) must be paid by the applicant
9 before the renewal license is issued.

10 **Sec. 105.** RCW 15.49.011 and 1989 c 354 s 73 are each amended to
11 read as follows:

12 Unless the context clearly requires otherwise, the definitions in
13 this section apply throughout this chapter.

14 (1) "Advertisement" means all representations, other than those on
15 the label, disseminated in any manner or by any means, relating to seed
16 within the scope of this chapter.

17 (2) "Agricultural seed" includes grass, forage, cereal, oil, fiber,
18 and other kinds of crop seeds commonly recognized within this state as
19 agricultural seeds, lawn seeds, and combinations of such seeds, and may
20 include common and restricted noxious weed seeds but not prohibited
21 noxious weed seeds.

22 (3) "Blend" means seed consisting of more than one variety of a
23 kind, each in excess of five percent by weight of the whole.

24 (4) "Bulk seed" means seed distributed in a nonpackage form.

25 (5) "Certifying agency" means (a) an agency authorized under the
26 laws of any state, territory, or possession to certify seed officially
27 and which has standards and procedures approved by the United States
28 secretary of agriculture to assure the genetic purity and identity of
29 the seed certified; or (b) an agency of a foreign country determined by
30 the United States secretary of agriculture to adhere to procedures and
31 standards for seed certification comparable to those adhered to
32 generally by seed-certifying agencies under (a) of this subsection.

33 (6) "Conditioning" means drying, cleaning, scarifying, and other
34 operations that could change the purity or germination of the seed and
35 require the seed lot to be retested to determine the label information.

36 (7) "Dealer" means any person who distributes.

1 (8) "Department" means the department of agriculture of the state
2 of Washington or its duly authorized representative.

3 (9) "Director" means the director of the department of agriculture.

4 (10) "Distribute" means to import, consign, offer for sale, hold
5 for sale, sell, barter, or otherwise supply seed in this state.

6 (11) "Flower seeds" includes seeds of herbaceous plants grown from
7 their blooms, ornamental foliage, or other ornamental parts, and
8 commonly known and sold under the name of flower seeds in this state.

9 (12) The terms "foundation seed," "registered seed," and "certified
10 seed" mean seed that has been produced and labeled in compliance with
11 the regulations of the department.

12 (13) "Germination" means the emergence and development from the
13 seed embryo of those essential structures which, for the kind of seed
14 in question, are indicative of the ability to produce a normal plant
15 under favorable conditions.

16 (14) "Hard seeds" means seeds that remain hard at the end of the
17 prescribed test period because they have not absorbed water due to an
18 impermeable seed coat.

19 (15) "Hybrid" means the first generation seed of a cross produced
20 by controlling the pollination and by combining (a) two or more inbred
21 lines; (b) one inbred or a single cross with an open pollinated
22 variety; or (c) two varieties or species, except open-pollinated
23 varieties of corn (*Zea mays*). The second generation or subsequent
24 generations from such crosses (~~shall~~) are not (~~be~~) regarded as
25 hybrids. Hybrid designations (~~shall~~) must be treated as variety
26 names.

27 (16) "Inert matter" means all matter not seed, that includes broken
28 seeds, sterile florets, chaff, fungus bodies, and stones as determined
29 by methods defined by rule.

30 (17) "Kind" means one or more related species or subspecies that
31 singly or collectively is known by one common name, for example, corn,
32 oats, alfalfa, and timothy.

33 (18) "Label" includes a tag or other device attached to or written,
34 stamped, or printed on any container or accompanying any lot of bulk
35 seeds purporting to set forth the information required on the seed
36 label by this chapter, and it may include any other information
37 relating to the labeled seed.

1 (19) "Lot" means a definite quantity of seed identified by a lot
2 number or other mark, every portion or bag of which is uniform within
3 recognized tolerances for the factors that appear in the labeling.

4 (20) "Lot number" (~~((shall))~~) must identify the producer or dealer
5 and year of production or the year distributed for each lot of seed.
6 This requirement may be satisfied by use of a conditioner's or dealer's
7 code.

8 (21) "~~((Master license))~~ Business licensing system" means the
9 mechanism established by chapter 19.02 RCW by which (~~((master))~~) business
10 licenses, endorsed for individual state-issued licenses, are issued and
11 renewed using a (~~((master))~~) business license application and a
12 (~~((master))~~) business license expiration date common to each renewable
13 license endorsement.

14 (22) "Mixture," "mix," or "mixed" means seed consisting of more
15 than one kind, each in excess of five percent by weight of the whole.

16 (23) "Official sample" means any sample of seed taken and
17 designated as official by the department.

18 (24) "Other crop seed" means seed of plants grown as crops, other
19 than the kind or variety included in the pure seed, as determined by
20 methods defined by rule.

21 (25) "Prohibited (primary) noxious weed seeds" are the seeds of
22 weeds which when established are highly destructive, competitive,
23 and/or difficult to control by cultural or chemical practices.

24 (26) "Person" means an individual, partnership, corporation,
25 company, association, receiver, trustee, or agent.

26 (27) "Pure live seed" means the product of the percent of
27 germination plus hard or dormant seed multiplied by the percent of pure
28 seed divided by one hundred. The result is expressed as a whole
29 number.

30 (28) "Pure seed" means seed exclusive of inert matter and all other
31 seeds not of the seed being considered as determined by methods defined
32 by rule.

33 (29) "Restricted (secondary) noxious weed seeds" are the seeds of
34 weeds which are objectionable in fields, lawns, and gardens of this
35 state, but which can be controlled by cultural or chemical practices.

36 (30) "Retail" means to distribute to the ultimate consumer.

37 (31) "Screenings" mean chaff, seed, weed seed, inert matter, and
38 other materials removed from seed in cleaning or conditioning.

1 (32) "Seed labeling registrant" means a person who has obtained a
2 permit to label seed for distribution in this state.

3 (33) "Seeds" mean agricultural or vegetable seeds or other seeds as
4 determined by rules adopted by the department.

5 (34) "Stop sale, use, or removal order" means an administrative
6 order restraining the sale, use, disposition, and movement of a
7 specific amount of seed.

8 (35) "Treated" means that the seed has received an application of
9 a substance, or that it has been subjected to a process for which a
10 claim is made.

11 (36) "Type" means a group of varieties so nearly similar that the
12 individual varieties cannot be clearly differentiated except under
13 special conditions.

14 (37) "Variety" means a subdivision of a kind that is distinct,
15 uniform, and stable; "distinct" in the sense that the variety can be
16 differentiated by one or more identifiable morphological,
17 physiological, or other characteristics from all other varieties of
18 public knowledge; "uniform" in the sense that variations in essential
19 and distinctive characteristics are describable; and "stable" in the
20 sense that the variety will remain unchanged in its essential and
21 distinctive characteristics and its uniformity when reproduced or
22 reconstituted as required by the different categories of varieties.

23 (38) "Vegetable seeds" includes the seeds of those crops that are
24 grown in gardens and on truck farms and are generally known and sold
25 under the name of vegetable or herb seeds in this state.

26 (39) "Weed seeds" include the seeds of all plants generally
27 recognized as weeds within this state, and includes the seeds of
28 prohibited and restricted noxious weeds as determined by regulations
29 adopted by the department.

30 (40) "Inoculant" means a commercial preparation containing nitrogen
31 fixing bacteria applied to the seed.

32 (41) "Coated seed" means seed that has been treated and has
33 received an application of inert material during the treatment process.

34 **Sec. 106.** RCW 15.49.380 and 2010 c 8 s 6064 are each amended to
35 read as follows:

36 (1) No person (~~shall~~) may distribute seeds without having
37 obtained a dealer's license for each regular place of business((÷

1 ~~PROVIDED, That no~~). However, a license ((shall be)) is not required
2 of a person who distributes seeds only in sealed packages of eight
3 ounces or less, packed by a seed labeling registrant and bearing the
4 name and address of the registrant(~~(:—PROVIDED FURTHER, That)~~).
5 Moreover, a license ((shall not be)) is not required of any grower
6 selling seeds of his or her own production exclusively. Such seed sold
7 by such grower must be properly labeled as provided in this chapter.
8 Each dealer's license ((shall)) must cost twenty-five dollars,
9 ((shall)) must be issued through the ((~~master license~~)) business
10 licensing system, ((shall)) must bear the date of issue, ((shall)) must
11 expire on the ((~~master~~)) business license expiration date and ((shall))
12 must be prominently displayed in each place of business.

13 (2) Persons custom conditioning and/or custom treating seeds for
14 others for remuneration ((shall be)) are considered dealers for the
15 purpose of this chapter.

16 (3) Application for a license to distribute seed ((shall)) must be
17 through the ((~~master license~~)) business licensing system and ((shall))
18 must include the name and address of the person applying for the
19 license, the name of a person domiciled in this state authorized to
20 receive and accept service or legal notices of all kinds, and any other
21 reasonable and practical information prescribed by the department
22 necessary to carry out the purposes and provisions of this chapter.

23 **Sec. 107.** RCW 15.49.390 and 1982 c 182 s 25 are each amended to
24 read as follows:

25 If an application for renewal of the dealer's license provided for
26 in RCW 15.49.380, is not filed prior to the ((~~master~~)) business license
27 expiration date, the ((~~master~~)) business license delinquency fee
28 ((shall be)) is assessed under chapter 19.02 RCW and ((shall)) must be
29 paid by the applicant before the renewal license shall be issued.

30 **Sec. 108.** RCW 15.54.275 and 1998 c 36 s 3 are each amended to read
31 as follows:

32 (1) No person may distribute a bulk fertilizer in this state until
33 a license to distribute has been obtained by that person. An annual
34 license is required for each out-of-state or in-state location that
35 distributes bulk fertilizer in Washington state. An application for
36 each location ((shall)) must be filed on forms provided by the ((~~master~~

1 ~~license~~) business licensing system established under chapter 19.02 RCW
2 and ~~((shall))~~ must be accompanied by an annual fee of twenty-five
3 dollars per location. The license ~~((shall))~~ expires on the ~~((master))~~
4 business license expiration date.

5 (2) An application for license ~~((shall))~~ must include the
6 following:

7 (a) The name and address of licensee.

8 (b) Any other information required by the department by rule.

9 (3) The name and address shown on the license ~~((shall))~~ must be
10 shown on all labels, pertinent invoices, and storage facilities for
11 fertilizer distributed by the licensee in this state.

12 (4) If an application for license renewal provided for in this
13 section is not filed prior to the ~~((master))~~ business license
14 expiration date, a delinquency fee of twenty-five dollars ~~((shall be))~~
15 is assessed and added to the original fee and ~~((shall))~~ must be paid by
16 the applicant before the renewal license ~~((shall be))~~ is issued. The
17 assessment of this delinquency fee ~~((shall))~~ does not prevent the
18 department from taking any other action as provided for in this
19 chapter. The penalty ~~((shall))~~ does not apply if the applicant
20 furnishes an affidavit that he or she has not distributed this
21 commercial fertilizer subsequent to the expiration of his or her prior
22 license.

23 **Sec. 109.** RCW 15.58.030 and 2011 c 103 s 35 are each reenacted and
24 amended to read as follows:

25 ~~((As used in this chapter the words and phrases defined in this~~
26 ~~section shall have the meanings indicated))~~ The definitions in this
27 section apply throughout this chapter unless the context clearly
28 requires otherwise.

29 (1) "Active ingredient" means any ingredient which will prevent,
30 destroy, repel, control, or mitigate pests, or which will act as a
31 plant regulator, defoliant, desiccant, or spray adjuvant.

32 (2) "Antidote" means the most practical immediate treatment in case
33 of poisoning and includes first aid treatment.

34 (3) "Arthropod" means any invertebrate animal that belongs to the
35 phylum arthropoda, which in addition to insects, includes allied
36 classes whose members are wingless and usually have more than six legs;
37 for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

1 (4) "Complete wood destroying organism inspection" means inspection
2 for the purpose of determining evidence of infestation, damage, or
3 conducive conditions as part of the transfer, exchange, or refinancing
4 of any structure in Washington state. Complete wood destroying
5 organism inspections include any wood destroying organism inspection
6 that is conducted as the result of telephone solicitation by an
7 inspection, pest control, or other business, even if the inspection
8 would fall within the definition of a specific wood destroying organism
9 inspection.

10 (5) "Defoliant" means any substance or mixture of substances
11 intended to cause the leaves or foliage to drop from a plant with or
12 without causing abscission.

13 (6) "Department" means the Washington state department of
14 agriculture.

15 (7) "Desiccant" means any substance or mixture of substances
16 intended to artificially accelerate the drying of plant tissues.

17 (8) "Device" means any instrument or contrivance intended to trap,
18 destroy, control, repel, or mitigate pests, or to destroy, control,
19 repel or mitigate fungi, nematodes, or such other pests, as may be
20 designated by the director, but not including equipment used for the
21 application of pesticides when sold separately from the pesticides.

22 (9) "Director" means the director of the department or a duly
23 authorized representative.

24 (10) "Distribute" means to offer for sale, hold for sale, sell,
25 barter, or supply pesticides in this state.

26 (11) "EPA" means the United States environmental protection agency.

27 (12) "EPA restricted use pesticide" means any pesticide with
28 restricted uses as classified for restricted use by the administrator,
29 EPA.

30 (13) "FIFRA" means the federal insecticide, fungicide, and
31 rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

32 (14) "Fungi" means all nonchlorophyll-bearing thallophytes (all
33 nonchlorophyll-bearing plants of a lower order than mosses and
34 liverworts); for example, rusts, smuts, mildews, molds, yeasts, and
35 bacteria, except those on or in living persons or other animals.

36 (15) "Fungicide" means any substance or mixture of substances
37 intended to prevent, destroy, repel, or mitigate any fungi.

1 (16) "Herbicide" means any substance or mixture of substances
2 intended to prevent, destroy, repel, or mitigate any weed.

3 (17) "Inert ingredient" means an ingredient which is not an active
4 ingredient.

5 (18) "Ingredient statement" means a statement of the name and
6 percentage of each active ingredient together with the total percentage
7 of the inert ingredients in the pesticide, and when the pesticide
8 contains arsenic in any form, the ingredient statement shall also
9 include percentages of total and water soluble arsenic, each calculated
10 as elemental arsenic. The ingredient statement for a spray adjuvant
11 must be consistent with the labeling requirements adopted by rule.

12 (19) "Insect" means any of the numerous small invertebrate animals
13 whose bodies are more or less obviously segmented, and which for the
14 most part belong to the class insecta, comprising six-legged, usually
15 winged forms, for example, beetles, bugs, bees, flies, and to other
16 allied classes of arthropods whose members are wingless and usually
17 have more than six legs, for example, spiders, mites, ticks,
18 centipedes, and isopod crustaceans.

19 (20) "Insecticide" means any substance or mixture of substances
20 intended to prevent, destroy, repel, or mitigate any insects which may
21 be present in any environment whatsoever.

22 (21) "Inspection control number" means a number obtained from the
23 department that is recorded on wood destroying organism inspection
24 reports issued by a structural pest inspector in conjunction with the
25 transfer, exchange, or refinancing of any structure.

26 (22) "Label" means the written, printed, or graphic matter on, or
27 attached to, the pesticide, device, or immediate container, and the
28 outside container or wrapper of the retail package.

29 (23) "Labeling" means all labels and other written, printed, or
30 graphic matter:

31 (a) Upon the pesticide, device, or any of its containers or
32 wrappers;

33 (b) Accompanying the pesticide, or referring to it in any other
34 media used to disseminate information to the public; and

35 (c) To which reference is made on the label or in literature
36 accompanying or referring to the pesticide or device except when
37 accurate nonmisleading reference is made to current official
38 publications of the department, United States departments of

1 agriculture; interior; education; health and human services; state
2 agricultural colleges; and other similar federal or state institutions
3 or agencies authorized by law to conduct research in the field of
4 pesticides.

5 (24) "Land" means all land and water areas, including airspace and
6 all plants, animals, structures, buildings, devices and contrivances,
7 appurtenant thereto or situated thereon, fixed or mobile, including any
8 used for transportation.

9 (25) "~~((Master license))~~ Business licensing system" means the
10 mechanism established by chapter 19.02 RCW by which ~~((master))~~ business
11 licenses, endorsed for individual state-issued licenses, are issued and
12 renewed using a ~~((master))~~ business license application and a
13 ~~((master))~~ business license expiration date common to each renewable
14 license endorsement.

15 (26) "Nematocide" means any substance or mixture of substances
16 intended to prevent, destroy, repel, or mitigate nematodes.

17 (27) "Nematode" means any invertebrate animal of the phylum
18 nemathelminthes and class nematoda, that is, unsegmented round worms
19 with elongated, fusiform, or saclike bodies covered with cuticle, and
20 inhabiting soil, water, plants or plant parts, may also be called nemas
21 or eelworms.

22 (28) "Person" means any individual, partnership, association,
23 corporation, or organized group of persons whether or not incorporated.

24 (29) "Pest" means, but is not limited to, any insect, rodent,
25 nematode, snail, slug, weed and any form of plant or animal life or
26 virus, except virus on or in a living person or other animal, which is
27 normally considered to be a pest or which the director may declare to
28 be a pest.

29 (30) "Pest control consultant" means any individual who sells or
30 offers for sale at other than a licensed pesticide dealer outlet or
31 location where they are employed, or who offers or supplies technical
32 advice or makes recommendations to the user of:

33 (a) Highly toxic pesticides, as determined under RCW 15.58.040;

34 (b) EPA restricted use pesticides or restricted use pesticides
35 which are restricted by rule to distribution by licensed pesticide
36 dealers only; or

37 (c) Any other pesticide except those pesticides which are labeled
38 and intended for home and garden use only.

1 (31) "Pesticide" means, but is not limited to:
2 (a) Any substance or mixture of substances intended to prevent,
3 destroy, control, repel, or mitigate any insect, rodent, snail, slug,
4 fungus, weed, and any other form of plant or animal life or virus,
5 except virus on or in a living person or other animal which is normally
6 considered to be a pest or which the director may declare to be a pest;
7 (b) Any substance or mixture of substances intended to be used as
8 a plant regulator, defoliant or desiccant; and
9 (c) Any spray adjuvant.

10 (32) "Pesticide dealer" means any person who distributes any of the
11 following pesticides:
12 (a) Highly toxic pesticides, as determined under RCW 15.58.040;
13 (b) EPA restricted use pesticides or restricted use pesticides
14 which are restricted by rule to distribution by licensed pesticide
15 dealers only; or
16 (c) Any other pesticide except those pesticides which are labeled
17 and intended for home and garden use only.

18 (33) "Pesticide dealer manager" means the owner or other individual
19 supervising pesticide distribution at one outlet holding a pesticide
20 dealer license.

21 (34) "Plant regulator" means any substance or mixture of substances
22 intended through physiological action, to accelerate or retard the rate
23 of growth or maturation, or to otherwise alter the behavior of
24 ornamental or crop plants or their produce, but (~~shall~~) does not
25 include substances insofar as they are intended to be used as plant
26 nutrients, trace elements, nutritional chemicals, plant inoculants, or
27 soil amendments.

28 (35) "Registrant" means the person registering any pesticide under
29 the provisions of this chapter.

30 (36) "Restricted use pesticide" means any pesticide or device
31 which, when used as directed or in accordance with a widespread and
32 commonly recognized practice, the director determines, subsequent to a
33 hearing, requires additional restrictions for that use to prevent
34 unreasonable adverse effects on the environment including people,
35 lands, beneficial insects, animals, crops, and wildlife, other than
36 pests.

37 (37) "Rodenticide" means any substance or mixture of substances

1 intended to prevent, destroy, repel, or mitigate rodents, or any other
2 vertebrate animal which the director may declare by rule to be a pest.

3 (38) "Special local needs registration" means a registration issued
4 by the director pursuant to provisions of section 24(c) of FIFRA.

5 (39) "Specific wood destroying organism inspection" means an
6 inspection of a structure for purposes of identifying or verifying
7 evidence of an infestation of wood destroying organisms prior to pest
8 management activities.

9 (40) "Spray adjuvant" means any product intended to be used with a
10 pesticide as an aid to the application or to the effect of the
11 pesticide, and which is in a package or container separate from the
12 pesticide. Spray adjuvant includes, but is not limited to, acidifiers,
13 compatibility agents, crop oil concentrates, defoaming agents, drift
14 control agents, modified vegetable oil concentrates, nonionic
15 surfactants, organosilicone surfactants, stickers, and water
16 conditioning agents. Spray adjuvant does not include products that are
17 only intended to mark the location where a pesticide is applied.

18 (41) "Structural pest inspector" means any individual who performs
19 the service of conducting a complete wood destroying organism
20 inspection or a specific wood destroying organism inspection.

21 (42) "Unreasonable adverse effects on the environment" means any
22 unreasonable risk to people or the environment taking into account the
23 economic, social, and environmental costs and benefits of the use of
24 any pesticide, or as otherwise determined by the director.

25 (43) "Weed" means any plant which grows where not wanted.

26 (44) "Wood destroying organism" means insects or fungi that
27 consume, excavate, develop in, or otherwise modify the integrity of
28 wood or wood products. Wood destroying organism includes, but is not
29 limited to, carpenter ants, moisture ants, subterranean termites,
30 dampwood termites, beetles in the family Anobiidae, and wood decay
31 fungi (wood rot).

32 (45) "Wood destroying organism inspection report" means any written
33 document that reports or comments on the presence or absence of wood
34 destroying organisms, their damage, and/or conducive conditions leading
35 to the establishment of such organisms.

36 **Sec. 110.** RCW 15.58.180 and 2008 c 285 s 16 are each amended to
37 read as follows:

1 (1) Except as provided in subsections (4) and (5) of this section,
2 it is unlawful for any person to act in the capacity of a pesticide
3 dealer or advertise as or assume to act as a pesticide dealer without
4 first having obtained an annual license from the director. The license
5 expires on the (~~master~~) business license expiration date. A license
6 is required for each location or outlet located within this state from
7 which pesticides are distributed. A manufacturer, registrant, or
8 distributor who has no pesticide dealer outlet licensed within this
9 state and who distributes pesticides directly into this state must
10 obtain a pesticide dealer license for his or her principal out-of-state
11 location or outlet, but such a licensed out-of-state pesticide dealer
12 is exempt from the pesticide dealer manager requirements.

13 (2) Application for a license must be accompanied by a fee of
14 sixty-seven dollars and must be made through the (~~master-license~~)
15 business licensing system and must include the full name of the person
16 applying for the license and the name of the individual within the
17 state designated as the pesticide dealer manager. If the applicant is
18 a partnership, association, corporation, or organized group of persons,
19 the full name of each member of the firm or partnership or the names of
20 the officers of the association or corporation must be given on the
21 application. The application must state the principal business address
22 of the applicant in the state and elsewhere, the name of a person
23 domiciled in this state authorized to receive and accept service of
24 summons of legal notices of all kinds for the applicant, and any other
25 necessary information prescribed by the director.

26 (3) It is unlawful for any licensed dealer outlet to operate
27 without a pesticide dealer manager who has a license of qualification.

28 (4) This section does not apply to (a) a licensed pesticide
29 applicator who sells pesticides only as an integral part of the
30 applicator's pesticide application service when pesticides are
31 dispensed only through apparatuses used for pesticide application, or
32 (b) any federal, state, county, or municipal agency that provides
33 pesticides only for its own programs.

34 (5) A user of a pesticide may distribute a properly labeled
35 pesticide to another user who is legally entitled to use that pesticide
36 without obtaining a pesticide dealer's license if the exclusive purpose
37 of distributing the pesticide is keeping it from becoming a hazardous
38 waste as defined in chapter 70.105 RCW.

1 **Sec. 111.** RCW 15.58.235 and 1989 c 380 s 19 are each amended to
2 read as follows:

3 (1) If an application for renewal of a pesticide dealer license is
4 not filed on or before the (~~master~~) business license expiration date,
5 the (~~master~~) business license delinquency fee (~~shall be~~) is
6 assessed under chapter 19.02 RCW and (~~shall~~) must be paid by the
7 applicant before the renewal license is issued.

8 (2) If application for renewal of any license provided for in this
9 chapter other than the pesticide dealer license is not filed on or
10 before the expiration date of the license, a penalty equivalent to the
11 license fee (~~shall be~~) is assessed and added to the original fee, and
12 (~~shall~~) must be paid by the applicant before the renewal license is
13 issued(~~:-PROVIDED, That~~). However, such penalty (~~shall~~) does not
14 apply if the applicant furnishes an affidavit certifying that he or she
15 has not acted as a licensee subsequent to the expiration of the
16 license.

17 (3) Any license for which a renewal application has been made, all
18 other requirements have been met, and the proper fee paid, continues in
19 full force and effect until the director notifies the applicant that
20 the license has been renewed or the application has been denied.

21 **Sec. 112.** RCW 18.44.031 and 2010 c 34 s 3 are each amended to read
22 as follows:

23 An application for an escrow agent license (~~shall~~) must be in
24 writing in such form as is prescribed by the director, and (~~shall~~)
25 must be verified on oath by the applicant. An application for an
26 escrow agent license (~~shall~~) must include the following:

27 (1) The applicant's form of business organization and place of
28 organization;

29 (2) Information concerning the identity of the applicant, and its
30 officers, directors, owners, partners, controlling persons, and
31 employees, including fingerprints for submission to the Washington
32 state patrol, the federal bureau of investigation, and any government
33 agency or subdivision authorized to receive information for state and
34 national criminal history background checks; personal history;
35 experience; business record; purposes; and other pertinent facts, as
36 the director may reasonably require. The director may also request
37 criminal history record information, including nonconviction data, as

1 defined by RCW 10.97.030. The department may disseminate nonconviction
2 data obtained under this section only to criminal justice agencies.
3 The applicant must pay the cost of fingerprinting and processing the
4 fingerprints by the department;

5 (3) If the applicant is a corporation or limited liability company,
6 the address of its physical location, a list of officers, controlling
7 persons, and directors of such corporation or company and their
8 residential addresses, telephone numbers, and other identifying
9 information as the director may determine by rule. If the applicant is
10 a sole proprietorship or partnership, the address of its business
11 location, a list of owners, partners, or controlling persons and their
12 residential addresses, telephone numbers, and other identifying
13 information as the director may determine by rule. Any information in
14 the application regarding the personal residential address or telephone
15 number of any officer, director, partner, owner, controlling person, or
16 employee is exempt from the public records disclosure requirements of
17 chapter 42.56 RCW;

18 (4) In the event the applicant is doing business under an assumed
19 name, a copy of the ((master)) business license with the registered
20 trade name shown;

21 (5) The qualifications and business history of the applicant and
22 all of its officers, directors, owners, partners, and controlling
23 persons;

24 (6) A personal credit report from a recognized credit reporting
25 bureau satisfactory to the director on all officers, directors, owners,
26 partners, and controlling persons of the applicant;

27 (7) Whether any of the officers, directors, owners, partners, or
28 controlling persons have been convicted of any crime within the
29 preceding ten years which relates directly to the business or duties of
30 escrow agents, or have suffered a judgment within the preceding five
31 years in any civil action involving fraud, misrepresentation, any
32 unfair or deceptive act or practice, or conversion;

33 (8) The identity of the licensed escrow officer designated by the
34 escrow agent as the designated escrow officer responsible for
35 supervising the agent's escrow activity;

36 (9) Evidence of compliance with the bonding and insurance
37 requirements of RCW 18.44.201; and

1 (10) Any other information the director may require by rule. The
2 director may share any information contained within a license
3 application, including fingerprints, with the federal bureau of
4 investigation and other regulatory or law enforcement agencies.

5 **Sec. 113.** RCW 18.64.011 and 2009 c 549 s 1008 are each reenacted
6 and amended to read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise~~((, definitions of terms~~
9 ~~shall be as indicated when used in this chapter))~~.

10 (1) "Administer" means the direct application of a drug or device,
11 whether by injection, inhalation, ingestion, or any other means, to the
12 body of a patient or research subject.

13 (2) "Board" means the Washington state board of pharmacy.

14 (3) "Compounding" ~~((shall be))~~ is the act of combining two or more
15 ingredients in the preparation of a prescription.

16 (4) "Controlled substance" means a drug or substance, or an
17 immediate precursor of such drug or substance, so designated under or
18 pursuant to the provisions of chapter 69.50 RCW.

19 (5) "Deliver" or "delivery" means the actual, constructive, or
20 attempted transfer from one person to another of a drug or device,
21 whether or not there is an agency relationship.

22 (6) "Department" means the department of health.

23 (7) "Device" means instruments, apparatus, and contrivances,
24 including their components, parts, and accessories, intended (a) for
25 use in the diagnosis, cure, mitigation, treatment, or prevention of
26 disease in human beings or other animals, or (b) to affect the
27 structure or any function of the body of human beings or other animals.

28 (8) "Dispense" means the interpretation of a prescription or order
29 for a drug, biological, or device and, pursuant to that prescription or
30 order, the proper selection, measuring, compounding, labeling, or
31 packaging necessary to prepare that prescription or order for delivery.

32 (9) "Distribute" means the delivery of a drug or device other than
33 by administering or dispensing.

34 (10) ~~((The words))~~ "Drug" and "devices" ~~((shall))~~ do not include
35 surgical or dental instruments or laboratory materials, gas and oxygen,
36 therapy equipment, X-ray apparatus or therapeutic equipment, their
37 component parts or accessories, or equipment, instruments, apparatus,

1 or contrivances used to render such articles effective in medical,
2 surgical, or dental treatment, or for use or consumption in or for
3 mechanical, industrial, manufacturing, or scientific applications or
4 purposes(~~(, nor shall the word)~~). "Drug" also does not include any
5 article or mixture covered by the Washington pesticide control act
6 (chapter 15.58 RCW), as enacted or hereafter amended, nor medicated
7 feed intended for and used exclusively as a feed for animals other than
8 human beings.

9 (11) "Drugs" means:

10 (a) Articles recognized in the official United States pharmacopoeia
11 or the official homeopathic pharmacopoeia of the United States;

12 (b) Substances intended for use in the diagnosis, cure, mitigation,
13 treatment, or prevention of disease in human beings or other animals;

14 (c) Substances (other than food) intended to affect the structure
15 or any function of the body of human beings or other animals; or

16 (d) Substances intended for use as a component of any substances
17 specified in (a), (b), or (c) of this subsection, but not including
18 devices or their component parts or accessories.

19 (12) "Health care entity" means an organization that provides
20 health care services in a setting that is not otherwise licensed by the
21 state. Health care entity includes a freestanding outpatient surgery
22 center or a freestanding cardiac care center. It does not include an
23 individual practitioner's office or a multipractitioner clinic.

24 (13) "Labeling" (~~(shall)~~) means the process of preparing and
25 affixing a label to any drug or device container. The label must
26 include all information required by current federal and state law and
27 pharmacy rules.

28 (14) "Legend drugs" means any drugs which are required by any
29 applicable federal or state law or regulation to be dispensed on
30 prescription only or are restricted to use by practitioners only.

31 (15) "Manufacture" means the production, preparation, propagation,
32 compounding, or processing of a drug or other substance or device or
33 the packaging or repackaging of such substance or device, or the
34 labeling or relabeling of the commercial container of such substance or
35 device, but does not include the activities of a practitioner who, as
36 an incident to his or her administration or dispensing such substance
37 or device in the course of his or her professional practice, prepares,
38 compounds, packages, or labels such substance or device.

1 (16) "Manufacturer" shall mean a person, corporation, or other
2 entity engaged in the manufacture of drugs or devices.

3 ((~~Master license~~)) Business licensing system" means the
4 mechanism established by chapter 19.02 RCW by which ((~~master~~)) business
5 licenses, endorsed for individual state-issued licenses, are issued and
6 renewed utilizing a ((~~master~~)) business license application and a
7 ((~~master~~)) business license expiration date common to each renewable
8 license endorsement.

9 (18) "Nonlegend" or "nonprescription" drugs means any drugs which
10 may be lawfully sold without a prescription.

11 (19) "Person" means an individual, corporation, government,
12 governmental subdivision or agency, business trust, estate, trust,
13 partnership or association, or any other legal entity.

14 (20) "Pharmacist" means a person duly licensed by the Washington
15 state board of pharmacy to engage in the practice of pharmacy.

16 (21) "Pharmacy" means every place properly licensed by the board of
17 pharmacy where the practice of pharmacy is conducted.

18 (22) ((~~The word~~)) "Poison" ((~~shall~~)) does not include any article
19 or mixture covered by the Washington pesticide control act (chapter
20 15.58 RCW), as enacted or hereafter amended.

21 (23) "Practice of pharmacy" includes the practice of and
22 responsibility for: Interpreting prescription orders; the compounding,
23 dispensing, labeling, administering, and distributing of drugs and
24 devices; the monitoring of drug therapy and use; the initiating or
25 modifying of drug therapy in accordance with written guidelines or
26 protocols previously established and approved for his or her practice
27 by a practitioner authorized to prescribe drugs; the participating in
28 drug utilization reviews and drug product selection; the proper and
29 safe storing and distributing of drugs and devices and maintenance of
30 proper records thereof; the providing of information on legend drugs
31 which may include, but is not limited to, the advising of therapeutic
32 values, hazards, and the uses of drugs and devices.

33 (24) "Practitioner" means a physician, dentist, veterinarian,
34 nurse, or other person duly authorized by law or rule in the state of
35 Washington to prescribe drugs.

36 (25) "Prescription" means an order for drugs or devices issued by
37 a practitioner duly authorized by law or rule in the state of

1 Washington to prescribe drugs or devices in the course of his or her
2 professional practice for a legitimate medical purpose.

3 (26) "Secretary" means the secretary of health or the secretary's
4 designee.

5 (27) "Wholesaler" (~~shall~~) means a corporation, individual, or
6 other entity which buys drugs or devices for resale and distribution to
7 corporations, individuals, or entities other than consumers.

8 **Sec. 114.** RCW 18.64.044 and 2005 c 388 s 5 are each amended to
9 read as follows:

10 (1) A shopkeeper registered as provided in this section may sell
11 nonprescription drugs, if such drugs are sold in the original package
12 of the manufacturer.

13 (2) Every shopkeeper not a licensed pharmacist, desiring to secure
14 the benefits and privileges of this section, is (~~hereby~~) required to
15 register as a shopkeeper through the (~~master license system~~) business
16 licensing system established under chapter 19.02 RCW, and he or she
17 (~~shall~~) must pay the fee determined by the secretary for
18 registration, and on a date to be determined by the secretary
19 thereafter the fee determined by the secretary for renewal of the
20 registration; and (~~shall~~) must at all times keep said registration or
21 the current renewal thereof conspicuously exposed in the location to
22 which it applies. In event such shopkeeper's registration is not
23 renewed by the (~~master~~) business license expiration date, no renewal
24 or new registration (~~shall~~) may be issued except upon payment of the
25 registration renewal fee and the (~~master~~) business license
26 delinquency fee under chapter 19.02 RCW. This registration fee
27 (~~shall~~) does not authorize the sale of legend drugs or controlled
28 substances.

29 (3) The registration fees determined by the secretary under
30 subsection (2) of this section (~~shall~~) may not exceed the cost of
31 registering the shopkeeper.

32 (4) Any shopkeeper who (~~shall~~) vends or sells, or offers to sell
33 to the public any such nonprescription drug or preparation without
34 having registered to do so as provided in this section, (~~shall be~~) is
35 guilty of a misdemeanor and each sale or offer to sell (~~shall~~)
36 constitutes a separate offense.

1 (5) A shopkeeper who is not a licensed pharmacy may purchase
2 products containing any detectable quantity of ephedrine,
3 pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or
4 salts of isomers, only from a wholesaler licensed by the department
5 under RCW 18.64.046 or from a manufacturer licensed by the department
6 under RCW 18.64.045. The board (~~shall~~) must issue a warning to a
7 shopkeeper who violates this subsection, and may suspend or revoke the
8 registration of the shopkeeper for a subsequent violation.

9 (6) A shopkeeper who has purchased products containing any
10 detectable quantity of ephedrine, pseudoephedrine, or
11 phenylpropanolamine, or their salts, isomers, or salts of isomers, in
12 a suspicious transaction as defined in RCW 69.43.035, is subject to the
13 following requirements:

14 (a) The shopkeeper may not sell any quantity of ephedrine,
15 pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or
16 salts of isomers, if the total monthly sales of these products exceed
17 ten percent of the shopkeeper's total prior monthly sales of
18 nonprescription drugs in March through October. In November through
19 February, the shopkeeper may not sell any quantity of ephedrine,
20 pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or
21 salts of isomers, if the total monthly sales of these products exceed
22 twenty percent of the shopkeeper's total prior monthly sales of
23 nonprescription drugs. For purposes of this section, "monthly sales"
24 means total dollars paid by buyers. The board may suspend or revoke
25 the registration of a shopkeeper who violates this subsection.

26 (b) The shopkeeper (~~shall~~) must maintain inventory records of the
27 receipt and disposition of nonprescription drugs, utilizing existing
28 inventory controls if an auditor or investigator can determine
29 compliance with (a) of this subsection, and otherwise in the form and
30 manner required by the board. The records must be available for
31 inspection by the board or any law enforcement agency and must be
32 maintained for two years. The board may suspend or revoke the
33 registration of a shopkeeper who violates this subsection. For
34 purposes of this subsection, "disposition" means the return of product
35 to the wholesaler or distributor.

36 **Sec. 115.** RCW 19.02.010 and 1982 c 182 s 1 are each amended to
37 read as follows:

1 (1) Experience under the pilot program of the business coordination
2 act suggests that the number of state licenses required for new
3 businesses and the renewal of existing licenses places an undue burden
4 on business. Studies under this act also show that the state can
5 reduce its costs by coordinating and consolidating application forms,
6 information, and licenses. Therefore, the legislature extends the
7 business coordination act by establishing a business license program
8 and license center to develop and implement the following goals and
9 objectives:

10 ~~((1))~~ (a) The first goal of this system is to provide a
11 convenient, accessible, and timely one-stop system for the business
12 community to acquire and maintain the necessary state licenses to
13 conduct business. This system ~~((shall))~~ must be developed and operated
14 in the most cost-efficient manner for the business community and state.
15 The objectives of this goal are:

16 ~~((a))~~ (i) To provide a service whereby information is available
17 to the business community concerning all state licensing and regulatory
18 requirements, and to the extent feasible, include local and federal
19 information concerning the same regulated activities;

20 ~~((b))~~ (ii) To provide a system which ~~((will))~~ enables state
21 agencies to efficiently store, retrieve, and exchange license
22 information with due regard to privacy statutes; to issue and renew
23 ~~((master))~~ business licenses where such licenses are appropriate; and
24 to provide appropriate support services for this objective;

25 ~~((c))~~ (iii) To provide at designated locations one consolidated
26 application form to be completed by any given applicant; and

27 ~~((d))~~ (iv) To provide a statewide system of common business
28 identification.

29 ~~((2))~~ (b) The second goal of this system is to aid business and
30 the growth of business in Washington state by instituting a ~~((master))~~
31 business license system that ~~((will))~~ reduces the paperwork burden on
32 business, and promotes the elimination of obsolete and duplicative
33 licensing requirements by consolidating existing licenses and
34 applications.

35 (2) It is the intent of the legislature that the authority for
36 determining if a requested license ~~((shall-be))~~ is issued ~~((shall))~~
37 remains with the agency legally authorized to issue the license.

1 (3) It is the further intent of the legislature that those licenses
2 which no longer serve a useful purpose in regulating certain business
3 activities should be eliminated.

4 **Sec. 116.** RCW 19.02.020 and 2011 c 298 s 4 are each reenacted and
5 amended to read as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Business license" means the single document designed for
9 public display issued by the business licensing service, which
10 certifies state agency or local government license approval and which
11 incorporates the endorsements for individual licenses included in the
12 business licensing system, which the state or local government requires
13 for any person subject to this chapter.

14 (2) "Business license application" means a document incorporating
15 pertinent data from existing applications for licenses covered under
16 this chapter.

17 (3) "Business ~~((license center))~~ licensing service" means the
18 business registration and licensing ~~((center))~~ service established by
19 this chapter and located in and under the administrative control of the
20 department ~~((of revenue))~~.

21 ~~((+2))~~ (4) "Department" means the department of revenue.

22 ~~((+3))~~ (5) "Director" means the director of ~~((revenue))~~ the
23 department.

24 ~~((+4))~~ (6) "License" means the whole or part of any agency or
25 local government permit, license, certificate, approval, registration,
26 charter, or any form or permission required by law, including agency
27 rule, to engage in any activity.

28 ~~((+5))~~ (7) "License information packet" means a collection of
29 information about licensing requirements and application procedures
30 custom-assembled for each request.

31 ~~((+6) "Master application" means a document incorporating pertinent~~
32 ~~data from existing applications for licenses covered under this~~
33 ~~chapter.~~

34 ~~(7) "Master license" means the single document designed for public~~
35 ~~display issued by the business license center which certifies state~~
36 ~~agency or local government license approval and which incorporates the~~

1 ~~endorsements for individual licenses included in the master license~~
2 ~~system, which the state or local government requires for any person~~
3 ~~subject to this chapter.)~~)

4 (8) "Participating local government" means a municipal corporation
5 or political subdivision that participates in the ((~~master license~~))
6 business licensing system established by this chapter.

7 (9) "Person" means any individual, sole proprietorship,
8 partnership, association, cooperative, corporation, nonprofit
9 organization, state or local government agency, and any other
10 organization required to register with the state or a participating
11 local government to do business in the state or the participating local
12 government and to obtain one or more licenses from the state or any of
13 its agencies or the participating local government.

14 (10) "Regulatory" means all licensing and other governmental or
15 statutory requirements pertaining to business or professional
16 activities.

17 (11) "Regulatory agency" means any state agency, board, commission,
18 division, or local government that regulates one or more professions,
19 occupations, industries, businesses, or activities.

20 (12) "Renewal application" means a document used to collect
21 pertinent data for renewal of licenses covered under this chapter.

22 (13) "System" or "((~~master license~~)) business licensing system"
23 means the procedure by which ((~~master~~)) business licenses are issued
24 and renewed, license and regulatory information is collected and
25 disseminated with due regard to privacy statutes, and account data is
26 exchanged by the agencies and participating local governments.

27 **Sec. 117.** RCW 19.02.030 and 2011 c 298 s 5 are each amended to
28 read as follows:

29 (1) There is located within the department a business ((~~license~~
30 ~~center~~)) licensing service.

31 (2) The duties of the ((~~center~~)) business licensing service
32 include:

33 (a) Developing and administering a computerized one-stop ((~~master~~
34 ~~license~~)) business licensing system capable of storing, retrieving, and
35 exchanging license information with due regard to privacy statutes, as
36 well as issuing and renewing ((~~master~~)) business licenses in an
37 efficient manner;

1 (b) Providing a license information service detailing requirements
2 to establish or engage in business in this state;

3 (c) Providing for staggered (~~master~~) business license renewal
4 dates;

5 (d) Identifying types of licenses appropriate for inclusion in the
6 (~~master license~~) business licensing system;

7 (e) Recommending in reports to the governor and the legislature the
8 elimination, consolidation, or other modification of duplicative,
9 ineffective, or inefficient licensing or inspection requirements; and

10 (f) Incorporating licenses into the (~~master license~~) business
11 licensing system.

12 (3) The department may adopt under chapter 34.05 RCW such rules as
13 may be necessary to effectuate the purposes of this chapter.

14 **Sec. 118.** RCW 19.02.035 and 1982 c 182 s 4 are each amended to
15 read as follows:

16 (1) The business (~~license center shall~~) licensing service must
17 compile information regarding the regulatory programs associated with
18 each of the licenses obtainable under the (~~master license~~) business
19 licensing system. This information (~~shall~~) must include, at a
20 minimum, a listing of the statutes and administrative rules requiring
21 the licenses and pertaining to the regulatory programs that are
22 directly related to the licensure. For example, for pesticide dealers'
23 licenses, the information (~~shall~~) must include the statutes and rules
24 requiring licensing as well as those pertaining to the subject of
25 registering or distributing pesticides.

26 (2) The business (~~license center shall~~) licensing service must
27 provide information governed by this section to any person requesting
28 it. Materials used by the (~~center~~) business licensing service to
29 describe (~~the~~) its services (~~provided by the center shall~~) must
30 indicate that this information is available upon request.

31 **Sec. 119.** RCW 19.02.070 and 2011 c 298 s 7 are each amended to
32 read as follows:

33 (1) Any person requiring licenses (~~which~~) that have been
34 incorporated into the system must submit a (~~master~~) business license
35 application to the department requesting the issuance of the licenses.

1 The ((~~master~~)) business license application form must contain in
2 consolidated form information necessary for the issuance of the
3 licenses.

4 (2) The applicant must include with the application the sum of all
5 fees and deposits required for the requested individual license
6 endorsements as well as the handling fee established by the department
7 under the authority of RCW 19.02.075.

8 (3) Irrespective of any authority delegated to the department to
9 implement the provisions of this chapter, the authority for approving
10 issuance and renewal of any requested license that requires a
11 prelicensing or renewal investigation, inspection, testing, or other
12 judgmental review by the regulatory agency otherwise legally authorized
13 to issue the license must remain with that agency. The business
14 ((~~license center~~)) licensing service has the authority to issue those
15 licenses for which proper fee payment and a completed application form
16 have been received and for which no prelicensing or renewal approval
17 action is required by the regulatory agency.

18 (4) Upon receipt of the application and proper fee payment for any
19 license for which issuance is subject to regulatory agency action under
20 subsection (3) of this section, the department must immediately notify
21 the regulatory agency with authority to approve issuance or renewal of
22 the license requested by the applicant. Each regulatory agency must
23 advise the department within a reasonable time after receiving the
24 notice: (a) That the agency approves the issuance of the requested
25 license and will advise the applicant of any specific conditions
26 required for issuing the license; (b) that the agency denies the
27 issuance of the license and gives the applicant reasons for the denial;
28 or (c) that the application is pending.

29 (5) The department must issue a ((~~master~~)) business license
30 endorsed for all the approved licenses to the applicant and advise the
31 applicant of the status of other requested licenses. It is the
32 responsibility of the applicant to contest the decision regarding
33 conditions imposed or licenses denied through the normal process
34 established by statute or by the regulatory agency with the authority
35 for approving issuance of the license.

36 (6) Regulatory agencies must be provided information from the
37 ((~~master~~)) business license application for their licensing and
38 regulatory functions.

1 **Sec. 120.** RCW 19.02.075 and 2011 c 298 s 8 are each amended to
2 read as follows:

3 (1) The department must collect a handling fee on each ~~((master))~~
4 business license application and each business license renewal
5 application filing. The department must set the amount of the handling
6 fees by rule, as authorized by RCW 19.02.030. The handling fees may
7 not exceed nineteen dollars for each ~~((master))~~ business license
8 application, and eleven dollars for each business license renewal
9 application filing, and must be deposited in the ~~((master))~~ business
10 license ~~((fund))~~ account. The department may increase handling and
11 renewal fees for the purposes of making improvements in the ~~((master~~
12 ~~license))~~ business licensing service program, including improvements in
13 technology and customer services, expanded access, and infrastructure.

14 (2) The department may waive the fees imposed in subsection (1) of
15 this section for good cause. The department's decision whether or not
16 to waive a fee may not be overturned by any court except upon a showing
17 by clear and convincing evidence that the department acted arbitrarily
18 in making its decision.

19 **Sec. 121.** RCW 19.02.080 and 1992 c 107 s 3 are each amended to
20 read as follows:

21 All fees collected under the system ~~((shall))~~ must be deposited
22 with the state treasurer. Upon issuance or renewal of the ~~((master))~~
23 business license or supplemental licenses, the department ~~((shall))~~
24 must distribute the fees, except for fees covered under RCW 19.02.210
25 and for fees covered under RCW 19.80.075, to the appropriate accounts
26 under the applicable statutes for those agencies' licenses.

27 **Sec. 122.** RCW 19.02.085 and 1992 c 107 s 5 are each amended to
28 read as follows:

29 To encourage timely renewal by applicants, a ~~((master))~~ business
30 license delinquency fee ~~((shall-be))~~ is imposed on licensees who fail
31 to renew by the ~~((master))~~ business license expiration date. The
32 ~~((master))~~ business license delinquency fee ~~((shall))~~ must be the
33 lesser of one hundred fifty dollars or fifty percent of a base
34 comprised of the licensee's renewal fee minus corporate licensing
35 taxes, corporation annual report fee, and any interest fees or
36 penalties charged for late taxes or corporate renewals. The ~~((master))~~

1 business license delinquency fee (~~((shall))~~) must be added to the renewal
2 fee and paid by the licensee before a (~~(master))~~ business license
3 (~~((shall-be))~~) is renewed. The delinquency fee (~~((shall))~~) must be
4 deposited in the (~~(master-license-fund))~~) business license account.

5 **Sec. 123.** RCW 19.02.090 and 1982 c 182 s 8 are each amended to
6 read as follows:

7 (1) The department (~~((shall))~~) must assign an expiration date for
8 each (~~(master))~~ business license. All renewable licenses endorsed on
9 that (~~(master))~~ business license (~~((shall))~~) must expire on that date.
10 License fees (~~((shall))~~) must be prorated to accommodate the staggering
11 of expiration dates.

12 (2) All renewable licenses endorsed on a (~~(master))~~ business
13 license (~~((shall))~~) must be renewed by the department under conditions
14 originally imposed unless a regulatory agency advises the department of
15 conditions or denials to be imposed before the endorsement is renewed.

16 **Sec. 124.** RCW 19.02.100 and 2011 c 298 s 9 are each amended to
17 read as follows:

18 (1) The department may (~~((not))~~) refuse to issue or renew a
19 (~~(master))~~ business license to any person if:

20 (a) The person does not have a valid tax registration, if required
21 by a regulatory agency;

22 (b) The person is a corporation delinquent in fees or penalties
23 owing to the secretary of state or is not validly registered under
24 Title 23B RCW, chapter 18.100 RCW, Title 24 RCW, or any other statute
25 now or hereafter adopted which gives corporate or business licensing
26 responsibilities to the secretary of state if the person is required to
27 be so registered and the regulatory agency issuing or renewing the
28 license requires, as a condition of approving the issuance or renewal
29 of the license, that the person be so registered or not delinquent in
30 fees or penalties owing to the secretary of state; or

31 (c) The person has not submitted the sum of all fees and deposits
32 required for the requested individual license endorsements, any
33 outstanding (~~(master))~~ business license delinquency fee, or other fees
34 and penalties to be collected through the system.

35 (2) Nothing in this section prevents registration by the state of

1 a business for taxation purposes, or an employer for the purpose of
2 paying an employee of that employer industrial insurance or
3 unemployment insurance benefits.

4 ~~((3) The department must immediately suspend the license or
5 certificate of a person who has been certified pursuant to RCW
6 74.20A.320 by the department of social and health services as a person
7 who is not in compliance with a support order. If the person has
8 continued to meet all other requirements for reinstatement during the
9 suspension, reissuance of the license or certificate is automatic upon
10 the department's receipt of a release issued by the department of
11 social and health services stating that the licensee is in compliance
12 with the order.))~~

13 **Sec. 125.** RCW 19.02.110 and 2007 c 52 s 1 are each amended to read
14 as follows:

15 (1) In addition to the licenses processed under the ~~((master
16 license))~~ business licensing system prior to April 1, 1982, on July 1,
17 1982, use of the ~~((master license))~~ business licensing system ~~((shall
18 be))~~ is expanded as provided by this section.

19 (2) Applications for the following ~~((shall))~~ must be filed with the
20 business ~~((license center and shall))~~ licensing service and must be
21 processed, and renewals ~~((shall))~~ must be issued, under the ~~((master
22 license))~~ business licensing system:

- 23 ~~((1))~~ (a) Nursery dealer's licenses required by chapter 15.13
24 RCW;
- 25 ~~((2))~~ (b) Seed dealer's licenses required by chapter 15.49 RCW;
- 26 ~~((3))~~ (c) Pesticide dealer's licenses required by chapter 15.58
27 RCW;
- 28 ~~((4))~~ (d) Shopkeeper's licenses required by chapter 18.64 RCW;
- 29 ~~((5))~~ (e) Egg dealer's licenses required by chapter 69.25 RCW.

30 **Sec. 126.** RCW 19.02.115 and 2011 c 298 s 12 are each amended to
31 read as follows:

- 32 (1) For purposes of this section:
 - 33 (a) "Disclose" means to make known to any person in any manner
34 licensing information;
 - 35 (b) "Licensing information" means any information created or
36 obtained by the department in the administration of this chapter and

1 chapters 19.80 and 59.30 RCW, which information relates to any person
2 who: (i) Has applied for or has been issued a license or trade name;
3 or (ii) has been issued an assessment or delinquency fee. Licensing
4 information includes (~~master applications, renewal applications, and~~
5 ~~master~~) initial and renewal business license applications, and
6 business licenses; and

7 (c) "State agency" means every Washington state office, department,
8 division, bureau, board, commission, or other state agency.

9 (2) Licensing information is confidential and privileged, and
10 except as authorized by this section, neither the department nor any
11 other person may disclose any licensing information. Nothing in this
12 chapter requires any person possessing licensing information made
13 confidential and privileged by this section to delete information from
14 such information so as to permit its disclosure.

15 (3) This section does not prohibit the department of revenue from:

16 (a) Disclosing licensing information in a civil or criminal
17 judicial proceeding or an administrative proceeding:

18 (i) In which the person about whom such licensing information is
19 sought and the department, another state agency, or a local government
20 are adverse parties in the proceeding; or

21 (ii) Involving a dispute arising out of the department's
22 administration of chapter (~~19.027~~) 19.80(~~7~~) or 59.30 RCW, or this
23 chapter if the licensing information relates to a party in the
24 proceeding;

25 (b) Disclosing, subject to such requirements and conditions as the
26 director prescribes by rules adopted pursuant to chapter 34.05 RCW,
27 such licensing information regarding a license applicant or license
28 holder to such license applicant or license holder or to such person or
29 persons as that license applicant or license holder may designate in a
30 request for, or consent to, such disclosure, or to any other person, at
31 the license applicant's or license holder's request, to the extent
32 necessary to comply with a request for information or assistance made
33 by the license applicant or license holder to such other person.
34 However, licensing information not received from the license applicant
35 or holder must not be so disclosed if the director determines that such
36 disclosure would compromise any investigation or litigation by any
37 federal, state, or local government agency in connection with the civil
38 or criminal liability of the license applicant, license holder, or

1 another person, or that such disclosure would identify a confidential
2 informant, or that such disclosure is contrary to any agreement entered
3 into by the department that provides for the reciprocal exchange of
4 information with other government agencies, which agreement requires
5 confidentiality with respect to such information unless such
6 information is required to be disclosed to the license applicant or
7 license holder by the order of any court;

8 (c) Publishing statistics so classified as to prevent the
9 identification of particular licensing information;

10 (d) Disclosing licensing information for official purposes only, to
11 the governor or attorney general, or to any state agency, or to any
12 committee or subcommittee of the legislature dealing with matters of
13 taxation, revenue, trade, commerce, the control of industry or the
14 professions, or licensing;

15 (e) Permitting the department's records to be audited and examined
16 by the proper state officer, his or her agents and employees;

17 (f) Disclosing any licensing information to a peace officer as
18 defined in RCW 9A.04.110 or county prosecuting attorney, for official
19 purposes. The disclosure may be made only in response to a search
20 warrant, subpoena, or other court order, unless the disclosure is for
21 the purpose of criminal tax or license enforcement. A peace officer or
22 county prosecuting attorney who receives the licensing information may
23 disclose that licensing information only for use in the investigation
24 and a related court proceeding, or in the court proceeding for which
25 the licensing information originally was sought;

26 (g) Disclosing, in a manner that is not associated with other
27 licensing information, the name of a license applicant or license
28 holder, entity type, registered trade name, business address, mailing
29 address, unified business identifier number, list of licenses issued to
30 a person through the (~~master license~~) business licensing system
31 established in this chapter (~~19.02 RCW~~) and their issuance and
32 expiration dates, and the dates of opening of a business(~~(. The~~
33 ~~department is authorized to give, sell, or provide access to lists of~~
34 ~~licensing information under this subsection (3)(g) that will be used~~
35 ~~for commercial purposes))~~);

36 (h) Disclosing licensing information that is also maintained by
37 another Washington state or local governmental agency as a public

1 record available for inspection and copying under the provisions of
2 chapter 42.56 RCW or is a document maintained by a court of record and
3 is not otherwise prohibited from disclosure;

4 (i) Disclosing any licensing information when the disclosure is
5 specifically authorized under any other section of the Revised Code of
6 Washington;

7 (j) Disclosing licensing information to the proper officer of the
8 licensing or tax department of any city, town, or county of this state,
9 for official purposes. If the licensing information does not relate to
10 a license issued by the city, town, or county requesting the licensing
11 information, disclosure may be made only if the laws of the requesting
12 city, town, or county grants substantially similar privileges to the
13 proper officers of this state; or

14 (k) Disclosing licensing information to the federal government for
15 official purposes.

16 (4) The department may refuse to disclose licensing information
17 that is otherwise disclosable under subsection (3) of this section if
18 such disclosure would violate federal law or any information sharing
19 agreement between the state and federal government.

20 (5) Any person acquiring knowledge of any licensing information in
21 the course of his or her employment with the department and any person
22 acquiring knowledge of any licensing information as provided under
23 subsection (3)(d), (e), (f), (j), or (k) of this section, who discloses
24 any such licensing information to another person not entitled to
25 knowledge of such licensing information under the provisions of this
26 section, is guilty of a misdemeanor. If the person guilty of such
27 violation is an officer or employee of the state, such person must
28 forfeit such office or employment and is incapable of holding any
29 public office or employment ~~((in this state))~~ with the state or any
30 local governmental entity in this state for a period of two years
31 thereafter.

32 **Sec. 127.** RCW 19.02.210 and 1992 c 107 s 4 are each amended to
33 read as follows:

34 The ~~((master license fund))~~ business license account is created in
35 the state treasury. Unless otherwise indicated in RCW 19.02.075, all
36 receipts from handling and ~~((master))~~ business license delinquency fees
37 ~~((shall))~~ must be deposited into the ~~((fund))~~ account. Moneys in the

1 ((fund)) account may be spent only after appropriation beginning in
2 fiscal year 1993. Expenditures from the ((fund)) account may be used
3 only to administer the ((~~master license services~~)) business licensing
4 service program.

5 **Sec. 128.** RCW 19.02.310 and 2005 c 201 s 1 are each amended to
6 read as follows:

7 (1) Subject to the availability of amounts appropriated for this
8 specific purpose, the department ((shall)) may administer a
9 performance-based grant program that provides funding assistance to
10 public agencies that issue business licenses and that wish to join with
11 the department's ((~~master~~)) business licensing service.

12 (2) The department may determine among interested grant applicants
13 the order and the amount of the grant. In making grant determinations,
14 consideration must be given, but not limited to, the following
15 criteria: Readiness of the public agency to participate; the number of
16 renewable licenses; and the reduced regulatory impact to businesses
17 subject to licensure relative to the overall investment required by the
18 department.

19 (3) The department ((shall)) must invite and encourage
20 participation by all Washington city and county governments having
21 interests or responsibilities relating to business licensing.

22 (4) The total amount of grants provided under this section may not
23 exceed seven hundred fifty thousand dollars in any one fiscal year.

24 (5) The source of funds for this grant program is the ((~~master~~))
25 business license account.

26 **Sec. 129.** RCW 19.02.800 and 2011 c 298 s 10 are each amended to
27 read as follows:

28 Except as provided in RCW 43.07.200, the provisions of this chapter
29 regarding the processing of license applications and renewals under ((~~a~~
30 ~~master license~~)) the business licensing system do not apply to those
31 business or professional activities that are licensed or regulated
32 under chapter 31.04, 31.12, or 31.13 RCW or under Title 30, 32, 33, or
33 48 RCW.

34 **Sec. 130.** RCW 19.02.890 and 1982 c 182 s 18 are each amended to
35 read as follows:

1 This chapter may be known and cited as the business ((~~license~~
2 center)) licensing service act.

3 NEW SECTION. **Sec. 131.** A new section is added to chapter 19.80
4 RCW to read as follows:

5 (1) The department may cancel a trade name when it has revoked a
6 business's certificate of registration as provided in RCW 82.32.215,
7 when the department has closed a business's tax reporting account, or
8 when the business's business license, as defined in RCW 19.02.020, is
9 inactive.

10 (2) The department may also provide for the cancellation of trade
11 names under circumstances as defined by the department by rule.

12 (3) The department must notify a person in writing at the person's
13 last known address on record with the department that the person's
14 trade name has been canceled. Except as otherwise provided in this
15 subsection, the department must reinstate a canceled trade name if,
16 within sixty days of sending the notice required under this subsection,
17 the person requests that the trade name be reinstated and pays any
18 applicable renewal fees. The department may not reinstate a trade name
19 if the person's certificate of registration under RCW 82.32.030 is
20 revoked and has not been reinstated or the department is aware that the
21 person is otherwise not legally entitled to carry on, conduct, or
22 transact business in this state.

23 (4) A person whose trade name has been canceled by the department
24 may no longer use such trade name for any purpose.

25 (5) The department may remove any canceled trade names from its
26 database of trade names after the period for reinstatement provided in
27 subsection (3) of this section has expired.

28 **Sec. 132.** RCW 19.80.010 and 2011 c 298 s 14 are each amended to
29 read as follows:

30 Each person or persons who carries on, conducts, or transacts
31 business in this state under any trade name must register that trade
32 name with the department as provided in this section.

33 (1) Sole proprietorship or general partnership: The registration
34 must set forth the true and real name or names of each person
35 conducting the same, together with the post office address or addresses

1 of each such person and the name of the general partnership, if
2 applicable.

3 (2) Foreign or domestic limited partnership: The registration must
4 set forth the limited partnership name as filed with the office of the
5 secretary of state.

6 (3) Foreign or domestic limited liability company: The
7 registration must set forth the limited liability company name as filed
8 with the office of the secretary of state.

9 (4) Foreign or domestic corporation: The registration must set
10 forth the corporate name as filed with the office of the secretary of
11 state.

12 (5) Other business entities: The registration must set forth the
13 entity's name as required by the department.

14 **Sec. 133.** RCW 19.80.075 and 2011 c 298 s 17 are each amended to
15 read as follows:

16 All fees collected by the department under this chapter must be
17 deposited with the state treasurer and credited to the (~~master license~~
18 ~~fund~~) business license account.

19 **Sec. 134.** RCW 19.94.015 and 2011 c 298 s 19 and 2011 c 103 s 38
20 are each reenacted and amended to read as follows:

21 (1) Except as provided in subsection (4) of this section for the
22 initial registration of an instrument or device, no weighing or
23 measuring instrument or device may be used for commercial purposes in
24 the state unless its commercial use is registered annually. If its
25 commercial use is within a city that has a city sealer and a weights
26 and measures program as provided by RCW 19.94.280, the commercial use
27 of the instrument or device must be registered with the city if the
28 city has adopted fees pursuant to subsection (2) of this section. If
29 its commercial use is outside of such a city, the commercial use of the
30 instrument or device must be registered with the department.

31 (2) A city with such a sealer and program may establish an annual
32 fee for registering the commercial use of such a weighing or measuring
33 instrument or device with the city. The annual fee may not exceed the
34 fee established in RCW 19.94.175 for registering the use of a similar
35 instrument or device with the department. Fees upon weighing or
36 measuring instruments or devices within the jurisdiction of the city

1 that are collected under this subsection by city sealers must be
2 deposited into the general fund, or other account, of the city as
3 directed by the governing body of the city.

4 (3) Registrations with the department are accomplished as part of
5 the ((~~master license~~)) business licensing system under chapter 19.02
6 RCW. Payment of the registration fee for a weighing or measuring
7 instrument or device under the ((~~master license~~)) business licensing
8 system constitutes the registration required by this section.

9 (4) The fees established by or under RCW 19.94.175 for registering
10 a weighing or measuring instrument or device must be paid to the
11 department of revenue concurrently with an application for a ((~~master~~))
12 business license under chapter 19.02 RCW or with the annual renewal of
13 a ((~~master~~)) business license under chapter 19.02 RCW. A weighing or
14 measuring instrument or device must be initially registered with the
15 state at the time the owner applies for a ((~~master~~)) business license
16 for a new business or at the first renewal of the license that occurs
17 after the instrument or device is first placed into commercial use.
18 The department of revenue must remit to the department of agriculture
19 all fees collected under this provision less reasonable collection
20 expenses.

21 (5) Each city charging registration fees under this section must
22 notify the department of agriculture at the time such fees are adopted
23 and whenever changes in the fees are adopted.

24 **Sec. 135.** RCW 19.94.2582 and 2006 c 358 s 5 are each amended to
25 read as follows:

26 (1) Each request for an official registration certificate ((~~shall~~))
27 must be in writing, under oath, and on a form prescribed by the
28 department and shall contain any relevant information as the director
29 may require, including but not limited to the following:

30 (a) The name and address of the person, corporation, partnership,
31 or sole proprietorship requesting registration;

32 (b) The names and addresses of all individuals requesting an
33 official registration certificate from the department; and

34 (c) The tax registration number as required under RCW 82.32.030 or
35 uniform business identifier provided on a ((~~master~~)) business license
36 issued under RCW 19.02.070.

1 (2) Each individual when submitting a request for an official
2 registration certificate or a renewal of such a certificate (~~shall~~)
3 must pay a fee to the department in the amount of one hundred sixty
4 dollars per individual.

5 (3) The department (~~shall~~) must issue a decision on a request for
6 an official registration certificate within twenty days of receipt of
7 the request. If an individual is denied their request for an official
8 registration certificate, the department must notify that individual in
9 writing stating the reasons for the denial and (~~shall~~) must refund
10 any payments made by that individual in connection with the request.

11 **Sec. 136.** RCW 35.21.392 and 2011 c 298 s 22 are each amended to
12 read as follows:

13 A city that issues a business license to a person required to be
14 registered under chapter 18.27 RCW may verify that the person is
15 registered under chapter 18.27 RCW and report violations to the
16 department of labor and industries. The department of revenue must
17 conduct the verification for cities that participate in the (~~master~~
18 license) business licensing system.

19 **Sec. 137.** RCW 35.21.392 and 2011 c 298 s 22 are each amended to
20 read as follows:

21 A city that issues a business license to a person required to be
22 registered under chapter 18.27 RCW may verify that the person is
23 registered under chapter 18.27 RCW and report violations to the
24 department of labor and industries. The department of revenue must
25 conduct the verification for cities that participate in the (~~master~~
26 license) business licensing system.

27 **Sec. 138.** RCW 35A.21.340 and 2011 c 298 s 23 are each amended to
28 read as follows:

29 A city that issues a business license to a person required to be
30 registered under chapter 18.27 RCW may verify that the person is
31 registered under chapter 18.27 RCW and report violations to the
32 department of labor and industries. The department of revenue must
33 conduct the verification for cities that participate in the (~~master~~
34 license) business licensing system.

1 **Sec. 139.** RCW 36.110.130 and 1995 c 154 s 3 are each amended to
2 read as follows:

3 In the event of a failure such as a bankruptcy or dissolution, of
4 a private sector business, industry, or nonprofit organization engaged
5 in a free venture industry agreement, responsibility for obligations
6 under Title 51 RCW (~~shall~~) must be borne by the city or county
7 responsible for establishment of the free venture industry agreement,
8 as if the city or county had been the employing agency. To ensure that
9 this obligation can be clearly identified and accomplished, and to
10 provide accountability for purposes of the department of labor and
11 industries, a free venture jail industry agreement entered into by a
12 city or county and private sector business, industry, or nonprofit
13 organization should be filed under a separate (~~master~~) business
14 license application in accordance with chapter 19.02 RCW, establishing
15 a new and separate account with the department of labor and industries,
16 and not be reported under an existing account for parties to the
17 agreement.

18 **Sec. 140.** RCW 43.22.035 and 2007 c 287 s 2 are each amended to
19 read as follows:

20 When an employer initially files a (~~master~~) business license
21 application under chapter 19.02 RCW for the purpose, in whole or in
22 part, of registering to pay industrial insurance taxes, the department
23 (~~shall~~) must send to the employer any printed material the department
24 recommends or requires the employer to post. Any time the printed
25 material has substantive changes in the information, the department
26 (~~shall~~) must send a copy to each employer.

27 **Sec. 141.** RCW 46.72A.020 and 2011 c 374 s 2 are each amended to
28 read as follows:

29 (1) Contact by a customer or customer's agent to engage the
30 services of a carrier's limousine must be initiated by a customer or
31 customer's agent at a time and place different from the customer's time
32 and place of departure. The fare for service must be agreed upon prior
33 to departure. Under no circumstances may customers or customers'
34 agents make arrangements to immediately engage the services of a
35 carrier's limousine with the chauffeur, even if the chauffeur is an
36 owner or officer of the company, with the single exception of stand-

1 hail limousines only at a facility owned and operated by a port
2 district in a county with a population of one million or more that are
3 licensed and restricted by the rules and policies set forth by the port
4 district.

5 (2) At the time of the conduct of the commercial limousine
6 business, the chauffeur of a limousine and the limousine carrier
7 business must possess written or electronic records substantiating the
8 prearrangement of the carrier's services for any customer carried for
9 compensation, except for vehicles meeting the requirements of the
10 exception for stand-hail limousines described in subsection (1) of this
11 section. Limousine carriers and limousine chauffeurs operating as an
12 independent business must list a physical address on their (~~master~~)
13 business license issued under chapter 19.02 RCW where records
14 substantiating the prearrangement of the carrier's services may be
15 reviewed by an enforcement officer. A limousine carrier must retain
16 these records for a minimum of one calendar year, and failure to do so
17 is a class 3 civil infraction against the carrier for each record that
18 is missing or fails to include all of the information described in
19 rules adopted under subsection (4) of this section.

20 (3) Limousine carriers and limousine chauffeurs operating as an
21 independent business must list a telephone or pager number that is used
22 to prearrange the carrier's services for any customer carried for
23 compensation.

24 (4) The department (~~shall~~) must adopt rules specifying the
25 content and retention schedule of the records required for compliance
26 with subsection (2) of this section.

27 (5) The failure of a chauffeur who is operating a limousine to
28 immediately provide, on demand by an enforcement officer, written or
29 electronic records required by the department substantiating the
30 prearrangement of the carrier's services for any customer carried for
31 compensation, except for limousines meeting the requirements of the
32 exception for stand-hail limousines described in subsection (1) of this
33 section, is a class 2 civil infraction and is subject to monetary
34 penalties under RCW 7.80.120. It is a class 1 civil infraction for a
35 repeat offense under this subsection during the same calendar year.

36 (6) The department (~~shall~~) must define by rule conditions under
37 which a chauffeur is considered to be operating a limousine, including
38 when the limousine is parked in a designated passenger load zone.

1 **Sec. 142.** RCW 50.12.290 and 2007 c 287 s 1 are each amended to
2 read as follows:

3 When an employer initially files a (~~master~~) business license
4 application under chapter 19.02 RCW for the purpose, in whole or in
5 part, of registering to pay unemployment insurance taxes, the
6 employment security department (~~shall~~) must send to the employer any
7 printed material the department recommends or requires the employer to
8 post. Any time the printed material has substantive changes in the
9 information, the department (~~shall~~) must send a copy to each
10 employer.

11 **Sec. 143.** RCW 59.30.050 and 2011 c 298 s 31 are each amended to
12 read as follows:

13 (1) The department must annually register all manufactured/mobile
14 home communities. Each community must be registered separately. The
15 department must deliver by certified mail registration notifications to
16 all known manufactured/mobile home community landlords. Registration
17 information packets must include:

18 (a) Registration forms; and

19 (b) Registration assessment information, including registration due
20 dates and late fees, and the collections procedures, liens, and
21 charging costs to tenants.

22 (2) To apply for registration, the landlord of a
23 manufactured/mobile home community must file with the department an
24 application for registration on a form provided by the department and
25 must pay a registration fee as described in subsection (3) of this
26 section. The department may require the submission of information
27 necessary to assist in identifying and locating a manufactured/mobile
28 home community and other information that may be useful to the state,
29 which must include, at a minimum:

30 (a) The names and addresses of the owners of the
31 manufactured/mobile home community;

32 (b) The name and address of the manufactured/mobile home community;

33 (c) The name and address of the landlord and manager of the
34 manufactured/mobile home community;

35 (d) The number of lots within the manufactured/mobile home
36 community that are subject to chapter 59.20 RCW; and

1 (e) The addresses of each manufactured/mobile home lot within the
2 manufactured/mobile home community that is subject to chapter 59.20
3 RCW.

4 (3) Each manufactured/mobile home community landlord must pay to
5 the department:

6 (a) A one-time (~~master~~) business license application fee for the
7 first year of registration and, in subsequent years, an annual
8 (~~master~~) renewal application fee, as provided in RCW 19.02.075; and

9 (b) An annual registration assessment of ten dollars for each
10 manufactured/mobile home that is subject to chapter 59.20 RCW within a
11 manufactured/mobile home community. Manufactured/mobile home community
12 landlords may charge a maximum of five dollars of this assessment to
13 tenants. Nine dollars of the registration assessment for each
14 manufactured/mobile home must be deposited into the manufactured/mobile
15 home dispute resolution program account created in RCW 59.30.070 to
16 fund the costs associated with the manufactured/mobile home dispute
17 resolution program. The remaining one dollar must be deposited into
18 the (~~master license fund~~) business license account created in RCW
19 19.02.210. The annual registration assessment must be reviewed once
20 each biennium by the department and the attorney general and may be
21 adjusted to reasonably relate to the cost of administering this
22 chapter. The registration assessment may not exceed ten dollars, but
23 if the assessment is reduced, the portion allocated to the
24 manufactured/mobile home dispute resolution program account and the
25 (~~master license fund~~) business license account must be adjusted
26 proportionately.

27 (4) Initial registrations of manufactured/mobile home communities
28 must be filed before November 1, 2007, or within three months of the
29 availability of mobile home lots for rent within the community. The
30 manufactured/mobile home community is subject to a delinquency fee of
31 two hundred fifty dollars for late initial registrations. The
32 delinquency fee must be deposited in the (~~master license fund~~)
33 business license account. Renewal registrations that are not renewed
34 by the expiration date as assigned by the department are subject to
35 delinquency fees under RCW 19.02.085.

36 (5) Thirty days after sending late fee notices to a noncomplying
37 landlord, the department may issue a warrant under RCW 59.30.090 for
38 the unpaid registration assessment and delinquency fee. If a warrant

1 is issued by the department under RCW 59.30.090, the department must
2 add a penalty of ten percent of the amount of the unpaid registration
3 assessment and delinquency fee, but not less than ten dollars. The
4 warrant penalty must be deposited into the ((~~master license fund~~))
5 business license account created in RCW 19.02.210. Chapter 82.32 RCW
6 applies to the collection of warrants issued under RCW 59.30.090.

7 (6) Registration is effective on the date determined by the
8 department, and the department must issue a registration number to each
9 registered manufactured/mobile home community. The department must
10 provide an expiration date, assigned by the department, to each
11 manufactured/mobile home community who registers.

12 **Sec. 144.** RCW 59.30.090 and 2011 c 298 s 33 are each amended to
13 read as follows:

14 (1) If any registration assessment or delinquency fee is not paid
15 in full within thirty days after sending late fee notices to a
16 noncomplying landlord, the department may issue a warrant in the amount
17 of such unpaid sums, together with interest thereon from the date the
18 warrant is issued until the date of payment.

19 (2) Interest must be computed on a daily basis on the amount of
20 outstanding registration assessment and delinquency fee imposed under
21 RCW 59.30.050 at the rate as computed under RCW 82.32.050(2). The rate
22 so computed must be adjusted on the first day of January of each year
23 for use in computing interest for that calendar year. Interest must be
24 deposited in the ((~~master license fund~~)) business license account
25 created in RCW 19.02.210.

26 (3) The department may file a copy of the warrant with the clerk of
27 the superior court of any county of the state in which real or personal
28 property of the owner of the manufactured/mobile home community may be
29 found. The clerk is entitled to a filing fee under RCW 36.18.012(10).
30 Upon filing, the clerk must enter in the judgment docket the name of
31 the owner of the manufactured/mobile home community mentioned in the
32 warrant and the amount of the registration assessment and delinquency
33 fee, or portion thereof, and any increases and penalties for which the
34 warrant is issued, and the date when the copy is filed.

35 (4) The amount of the warrant so docketed becomes a lien upon the
36 title to, and interest in, all real and personal property of the owner
37 of the manufactured/mobile home community against whom the warrant is

1 issued the same as a judgment in a civil case duly docketed in the
2 office of the clerk. The warrant so docketed is sufficient to support
3 the issuance of writs of garnishment in favor of the state in the
4 manner provided by law in the case of judgments wholly or partially
5 unsatisfied.

6 (5) The lien is not superior to bona fide interests of third
7 persons that had vested prior to the filing of the warrant. The phrase
8 "bona fide interests of third persons" does not include any mortgage of
9 real or personal property or any other credit transaction that results
10 in the mortgagee or the holder of the security acting as trustee for
11 unsecured creditors of the owner of the manufactured/mobile home
12 community mentioned in the warrant who executed the chattel or real
13 property mortgage or the document evidencing the credit transaction.

14 **Sec. 145.** RCW 69.25.020 and 2011 c 306 s 1 are each reenacted and
15 amended to read as follows:

16 (~~When used in this chapter the following terms shall have the~~
17 ~~indicated meanings,~~) The definitions in this section apply throughout
18 this chapter unless the context otherwise requires:

19 (1) "Adulterated" applies to any egg or egg product under one or
20 more of the following circumstances:

21 (a) If it bears or contains any poisonous or deleterious substance
22 which may render it injurious to health; but in case the substance is
23 not an added substance, such article (~~shall~~) is not (~~be~~) considered
24 adulterated under this clause if the quantity of such substance in or
25 on such article does not ordinarily render it injurious to health;

26 (b) If it bears or contains any added poisonous or added
27 deleterious substance (other than one which is: (i) A pesticide
28 chemical in or on a raw agricultural commodity; (ii) a food additive;
29 or (iii) a color additive) which may, in the judgment of the director,
30 make such article unfit for human food;

31 (c) If it is, in whole or in part, a raw agricultural commodity and
32 such commodity bears or contains a pesticide chemical which is unsafe
33 within the meaning of RCW 69.04.392, as enacted or hereafter amended;

34 (d) If it bears or contains any food additive which is unsafe
35 within the meaning of RCW 69.04.394, as enacted or hereafter amended;

36 (e) If it bears or contains any color additive which is unsafe
37 within the meaning of RCW 69.04.396; however, an article which is not

1 otherwise deemed adulterated under (~~(subsection (1))~~)(c), (d), or (e)
2 of this (~~(section shall)~~) subsection are nevertheless (~~(be)~~) deemed
3 adulterated if use of the pesticide chemical, food additive, or color
4 additive, in or on such article, is prohibited by regulations of the
5 director in official plants;

6 (f) If it consists in whole or in part of any filthy, putrid, or
7 decomposed substance, or if it is otherwise unfit for human food;

8 (g) If it consists in whole or in part of any damaged egg or eggs
9 to the extent that the egg meat or white is leaking, or it has been
10 contacted by egg meat or white leaking from other eggs;

11 (h) If it has been prepared, packaged, or held under insanitary
12 conditions whereby it may have become contaminated with filth, or
13 whereby it may have been rendered injurious to health;

14 (i) If it is an egg which has been subjected to incubation or the
15 product of any egg which has been subjected to incubation;

16 (j) If its container is composed, in whole or in part, of any
17 poisonous or deleterious substance which may render the contents
18 injurious to health;

19 (k) If it has been intentionally subjected to radiation, unless the
20 use of the radiation was in conformity with a regulation or exemption
21 in effect pursuant to RCW 69.04.394; or

22 (l) If any valuable constituent has been in whole or in part
23 omitted or abstracted therefrom; or if any substance has been
24 substituted, wholly or in part therefor; or if damage or inferiority
25 has been concealed in any manner; or if any substance has been added
26 thereto or mixed or packed therewith so as to increase its bulk or
27 weight, or reduce its quality or strength, or make it appear better or
28 of greater value than it is.

29 (2) "Ambient temperature" means the atmospheric temperature
30 surrounding or encircling shell eggs.

31 (3) "At retail" means any transaction in intrastate commerce
32 between a retailer and a consumer.

33 (4) "Candling" means the examination of the interior of eggs by the
34 use of transmitted light used in a partially dark room or place.

35 (5) "Capable of use as human food" shall apply to any egg or egg
36 product unless it is denatured, or otherwise identified, as required by
37 regulations prescribed by the director, to deter its use as human food.

1 (6) "Check" means an egg that has a broken shell or crack in the
2 shell but has its shell membranes intact and contents not leaking.

3 (7) "Clean and sound shell egg" means any egg whose shell is free
4 of adhering dirt or foreign material and is not cracked or broken.

5 (8) "Consumer" means any person who purchases eggs for his or her
6 own family use or consumption; or any restaurant, hotel, boarding
7 house, bakery, or other institution or concern which purchases eggs for
8 serving to guests or patrons thereof, or for its own use in cooking or
9 baking.

10 (9) "Container" or "package" includes any box, can, tin, plastic,
11 or other receptacle, wrapper, or cover.

12 (10) "Department" means the department of agriculture of the state
13 of Washington.

14 (11) "Director" means the director of the department or his duly
15 authorized representative.

16 (12) "Dirty egg" means an egg that has a shell that is unbroken and
17 has adhering dirt or foreign material.

18 (13) "Egg" means the shell egg of the domesticated chicken, turkey,
19 duck, goose, or guinea, or any other specie of fowl.

20 (14) "Egg handler" or "dealer" means any person who produces,
21 contracts for or obtains possession or control of any eggs or egg
22 products for the purpose of sale to another dealer or retailer, or for
23 processing and sale to a dealer, retailer or consumer. For the purpose
24 of this chapter, "sell" or "sale" includes the following: Offer for
25 sale, expose for sale, have in possession for sale, exchange, barter,
26 trade, or as an inducement for the sale of another product.

27 (15)(a) "Egg product" means any dried, frozen, or liquid eggs, with
28 or without added ingredients, excepting products which contain eggs
29 only in a relatively small proportion, or historically have not been,
30 in the judgment of the director, considered by consumers as products of
31 the egg food industry, and which may be exempted by the director under
32 such conditions as the director may prescribe to assure that the egg
33 ingredients are not adulterated and are not represented as egg
34 products.

35 (b) The following products are not included in the definition of
36 "egg product" if they are prepared from eggs or egg products that have
37 been either inspected by the United States department of agriculture or
38 by the department under a cooperative agreement with the United States

1 department of agriculture: Freeze-dried products, imitation egg
2 products, egg substitutes, dietary foods, dried no-bake custard mixes,
3 eggnog mixes, acidic dressings, noodles, milk and egg dip, cake mixes,
4 French toast, balut and other similar ethnic delicacies, and sandwiches
5 containing eggs or egg products.

6 (16) "Immediate container" means any consumer package, or any other
7 container in which egg products, not consumer-packaged, are packed.

8 (17) "Incubator reject" means an egg that has been subjected to
9 incubation and has been removed from incubation during the hatching
10 operations as infertile or otherwise unhatchable.

11 (18) "Inedible" means eggs of the following descriptions: Black
12 rots, yellow rots, white rots, mixed rots (addled eggs), sour eggs,
13 eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs,
14 eggs showing blood rings, and eggs containing embryo chicks (at or
15 beyond the blood ring stage).

16 (19) "Inspection" means the application of such inspection methods
17 and techniques as are deemed necessary by the director to carry out the
18 provisions of this chapter.

19 (20) "Inspector" means any employee or official of the department
20 authorized to inspect eggs or egg products under the authority of this
21 chapter.

22 (21) "Intrastate commerce" means any eggs or egg products in
23 intrastate commerce, whether such eggs or egg products are intended for
24 sale, held for sale, offered for sale, sold, stored, transported, or
25 handled in this state in any manner and prepared for eventual
26 distribution in this state, whether at wholesale or retail.

27 (22) "Leaker" means an egg that has a crack or break in the shell
28 and shell membranes to the extent that the egg contents are exposed or
29 are exuding or free to exude through the shell.

30 (23) "Loss" means an egg that is unfit for human food because it is
31 smashed or broken so that its contents are leaking; or overheated,
32 frozen, or contaminated; or an incubator reject; or because it contains
33 a bloody white, large meat spots, a large quantity of blood, or other
34 foreign material.

35 (24) "~~((Master license))~~ Business licensing system" means the
36 mechanism established by chapter 19.02 RCW by which ~~((master))~~ business
37 licenses, endorsed for individual state-issued licenses, are issued and

1 renewed utilizing a (~~master~~) business license application and a
2 (~~master~~) business license expiration date common to each renewable
3 license endorsement.

4 (25) "Misbranded" (~~shall apply~~) applies to egg products (~~which~~)
5 that are not labeled and packaged in accordance with the requirements
6 prescribed by regulations of the director under RCW 69.25.100.

7 (26) "Official certificate" means any certificate prescribed by
8 regulations of the director for issuance by an inspector or other
9 person performing official functions under this chapter.

10 (27) "Official device" means any device prescribed or authorized by
11 the director for use in applying any official mark.

12 (28) "Official inspection legend" means any symbol prescribed by
13 regulations of the director showing that egg products were inspected in
14 accordance with this chapter.

15 (29) "Official mark" means the official inspection legend or any
16 other symbol prescribed by regulations of the director to identify the
17 status of any article under this chapter.

18 (30) "Official plant" means any plant which is licensed under the
19 provisions of this chapter, at which inspection of the processing of
20 egg products is maintained by the United States department of
21 agriculture or by the state under cooperative agreements with the
22 United States department of agriculture or by the state.

23 (31) "Official standards" means the standards of quality, grades,
24 and weight classes for eggs, adopted under the provisions of this
25 chapter.

26 (32) "Pasteurize" means the subjecting of each particle of egg
27 products to heat or other treatments to destroy harmful, viable micro-
28 organisms by such processes as may be prescribed by regulations of the
29 director.

30 (33) "Person" means any natural person, firm, partnership,
31 exchange, association, trustee, receiver, corporation, and any member,
32 officer, or employee thereof, or assignee for the benefit of creditors.

33 (34) "Pesticide chemical," "food additive," "color additive," and
34 "raw agricultural commodity" (~~shall~~) have the same meaning for
35 purposes of this chapter as prescribed in chapter 69.04 RCW.

36 (35) "Plant" means any place of business where egg products are
37 processed.

1 (36) "Processing" means manufacturing egg products, including
2 breaking eggs or filtering, mixing, blending, pasteurizing,
3 stabilizing, cooling, freezing, drying, or packaging egg products.

4 (37) "Restricted egg" means any check, dirty egg, incubator reject,
5 inedible, leaker, or loss.

6 (38) "Retailer" means any person in intrastate commerce who sells
7 eggs to a consumer.

8 (39) "Shipping container" means any container used in packaging a
9 product packed in an immediate container.

10 **Sec. 146.** RCW 69.25.050 and 2011 c 306 s 2 are each amended to
11 read as follows:

12 (1)(a) No person (~~shall~~) may act as an egg handler or dealer
13 without first obtaining an annual license and permanent dealer's number
14 from the department.

15 (b) Application for an egg dealer license and renewal or egg dealer
16 branch license must be made through the (~~master license~~) business
17 licensing system as provided under chapter 19.02 RCW and expires on the
18 (~~master~~) business license expiration date. The annual egg dealer
19 license fee is thirty dollars and the annual egg dealer branch license
20 fee is fifteen dollars. A copy of the (~~master~~) business license
21 issued under chapter 19.02 RCW must be posted at each location where
22 the licensee operates. The application must include the full name of
23 the applicant for the license, the location of each facility the
24 applicant intends to operate, and, if applicable, documentation of
25 compliance with RCW 69.25.065 or 69.25.103.

26 (2) If an applicant is an individual, receiver, trustee, firm,
27 partnership, association or corporation, the full name of each member
28 of the firm or partnership or the names of the officers of the
29 association or corporation (~~shall~~) must be given on the application.
30 The application must further state the principal business address of
31 the applicant in the state and elsewhere and the name of a person
32 domiciled in this state authorized to receive and accept service of
33 summons of legal notices of all kinds for the applicant and any other
34 necessary information prescribed by the director.

35 (3) The applicant must be issued a license or renewal under this
36 section upon the approval of the application and compliance with the

1 provisions of this chapter, including the applicable rules adopted by
2 the department.

3 (4) The license and permanent egg handler or dealer's number is
4 nontransferable.

5 **Sec. 147.** RCW 69.25.060 and 1982 c 182 s 44 are each amended to
6 read as follows:

7 If the application for the renewal of an egg handler's or dealer's
8 license is not filed before the (~~master~~) business license expiration
9 date, the (~~master~~) business license delinquency fee (~~shall be~~) is
10 assessed under chapter 19.02 RCW and (~~shall~~) must be paid by the
11 applicant before the renewal license (~~shall be~~) is issued.

12 NEW SECTION. **Sec. 148.** A new section is added to chapter 70.290
13 RCW to read as follows:

14 (1)(a) A third-party administrator must register with the
15 Washington vaccine association and renew its registration annually.
16 Registrants must report a change of legal name, business name, business
17 address, or business telephone number to the association within ten
18 days after the change.

19 (b) Any person or entity acting as or holding itself out as a
20 third-party administrator without being registered under this section
21 is subject to a civil penalty of not less than one thousand dollars nor
22 more than ten thousand dollars for each violation. The civil penalty
23 is in addition to any other penalties that may be imposed for
24 violations of other laws of this state. Penalties imposed under this
25 section must be deposited in the universal vaccine purchase account
26 created under RCW 43.70.720.

27 (2) The secretary may adopt rules under chapter 34.05 RCW as
28 necessary to implement this section. Any rules must be developed in
29 consultation with the association.

30 **Sec. 149.** RCW 70.290.030 and 2010 c 174 s 3 are each amended to
31 read as follows:

32 (1) The association is comprised of all health carriers issuing or
33 renewing health benefit plans in Washington state and all third-party
34 administrators conducting business on behalf of residents of Washington

1 state or Washington health care providers and facilities. Third-party
2 administrators are subject to registration under (~~RCW 43.24.160~~)
3 section 148 of this act.

4 (2) The association is a nonprofit corporation under chapter 24.03
5 RCW and has the powers granted under that chapter.

6 (3) The board of directors includes the following voting members:

7 (a) Four members, selected from health carriers or third-party
8 administrators, excluding health maintenance organizations, that have
9 the most fully insured and self-funded covered lives in Washington
10 state. The count of total covered lives includes enrollment in all
11 companies included in their holding company system. Each health
12 carrier or third-party administrator is entitled to no more than a
13 single position on the board to represent all entities under common
14 ownership or control.

15 (b) One member selected from the health maintenance organization
16 having the most fully insured and self-insured covered lives in
17 Washington state. The count of total lives includes enrollment in all
18 companies included in its holding company system. Each health
19 maintenance organization is entitled to no more than a single position
20 on the board to represent all entities under common ownership or
21 control.

22 (c) One member, representing health carriers not otherwise
23 represented on the board under (a) or (b) of this subsection, who is
24 elected from among the health carrier members not designated under (a)
25 or (b) of this subsection.

26 (d) One member, representing Taft Hartley plans, appointed by the
27 secretary from a list of nominees submitted by the Northwest
28 administrators association.

29 (e) One member representing Washington state employers offering
30 self-funded health coverage, appointed by the secretary from a list of
31 nominees submitted by the Puget Sound health alliance.

32 (f) Two physician members appointed by the secretary, including at
33 least one board certified pediatrician.

34 (g) The secretary, or a designee of the secretary with expertise in
35 childhood immunization purchasing and distribution.

36 (4) The directors' terms and appointments must be specified in the
37 plan of operation adopted by the association.

38 (5) The board of directors of the association (~~shall~~) must:

- 1 (a) Prepare and adopt articles of association and bylaws;
- 2 (b) Prepare and adopt a plan of operation. The plan of operation
3 (~~shall~~) must include a dispute mechanism through which a carrier or
4 third-party administrator can challenge an assessment determination by
5 the board under RCW 70.290.040. The board (~~shall~~) must include a
6 means to bring unresolved disputes to an impartial decision maker as a
7 component of the dispute mechanism;
- 8 (c) Submit the plan of operation to the secretary for approval;
- 9 (d) Conduct all activities in accordance with the approved plan of
10 operation;
- 11 (e) Enter into contracts as necessary or proper to collect and
12 disburse the assessment;
- 13 (f) Enter into contracts as necessary or proper to administer the
14 plan of operation;
- 15 (g) Sue or be sued, including taking any legal action necessary or
16 proper for the recovery of any assessment for, on behalf of, or against
17 members of the association or other participating person;
- 18 (h) Appoint, from among its directors, committees as necessary to
19 provide technical assistance in the operation of the association,
20 including the hiring of independent consultants as necessary;
- 21 (i) Obtain such liability and other insurance coverage for the
22 benefit of the association, its directors, officers, employees, and
23 agents as may in the judgment of the board of directors be helpful or
24 necessary for the operation of the association;
- 25 (~~j) ((By May 1, 2010, establish the estimated amount of the
26 assessment needed for the period of May 1, 2010, through December 31,
27 2010, based upon the estimate provided to the association under RCW
28 70.290.040(1); and notify, in writing, each health carrier and
29 third party administrator of the health carrier's or third party
30 administrator's total assessment for this period by May 15, 2010;~~
- 31 (~~k) On an annual basis, beginning no later than November 1, 2010,
32 and~~) Annually, by November 1st of each year thereafter, establish the
33 estimated amount of the assessment;
- 34 (~~(l)~~) (k) Notify, in writing, each health carrier and third-party
35 administrator of the health carrier's or third-party administrator's
36 estimated total assessment by November 15th of each year;
- 37 (~~(m)~~) (l) Submit a periodic report to the secretary listing those
38 health carriers or third-party administrators that failed to remit

1 their assessments and audit health carrier and third-party
2 administrator books and records for accuracy of assessment payment
3 submission;

4 ~~((n))~~ (m) Allow each health carrier or third-party administrator
5 no more than ninety days after the notification required by ~~((l))~~ (k)
6 of this subsection to remit any amounts in arrears or submit a payment
7 plan, subject to approval by the association and initial payment under
8 an approved payment plan;

9 ~~((o))~~ (n) Deposit annual assessments collected by the
10 association, less the association's administrative costs, with the
11 state treasurer to the credit of the universal vaccine purchase account
12 established in RCW 43.70.720;

13 ~~((p))~~ (o) Borrow and repay such working capital, reserve, or
14 other funds as, in the judgment of the board of directors, may be
15 helpful or necessary for the operation of the association; and

16 ~~((q))~~ (p) Perform any other functions as may be necessary or
17 proper to carry out the plan of operation and to affect any or all of
18 the purposes for which the association is organized.

19 (6) The secretary ~~((shall))~~ must convene the initial meeting of the
20 association board of directors.

21 **Sec. 150.** RCW 76.48.121 and 2011 c 298 s 34 are each amended to
22 read as follows:

23 Every first or secondary specialized forest products buyer
24 purchasing specialty wood and every specialty wood processor must
25 prominently display the ~~((master))~~ business license issued under RCW
26 19.02.070 and endorsed with the respective licenses or registrations or
27 a copy of the ~~((master))~~ business license at each location where the
28 buyer or processor receives specialty wood if the first or secondary
29 specialized forest products buyer or specialty wood processor is
30 required to possess a license incorporated into the ~~((master-license))~~
31 business licensing system created in chapter 19.02 RCW.

32 **Sec. 151.** RCW 82.24.510 and 2009 c 154 s 1 are each amended to
33 read as follows:

34 (1) The licenses issuable under this chapter are as follows:

35 (a) A wholesaler's license.

36 (b) A retailer's license.

1 (2) Application for the licenses (~~shall~~) must be made through the
2 (~~master license~~) business licensing system under chapter 19.02 RCW.
3 The board (~~shall~~) must adopt rules regarding the regulation of the
4 licenses. The board may refrain from the issuance of any license under
5 this chapter if the board has reasonable cause to believe that the
6 applicant has (~~wilfully~~) willfully withheld information requested for
7 the purpose of determining the eligibility of the applicant to receive
8 a license, or if the board has reasonable cause to believe that
9 information submitted in the application is false or misleading or is
10 not made in good faith. In addition, for the purpose of reviewing an
11 application for a wholesaler's license or retailer's license and for
12 considering the denial, suspension, or revocation of any such license,
13 the board may consider any prior criminal conduct of the applicant,
14 including an administrative violation history record with the board and
15 a criminal history record information check within the previous five
16 years, in any state, tribal, or federal jurisdiction in the United
17 States, its territories, or possessions, and the provisions of RCW
18 9.95.240 and chapter 9.96A RCW (~~shall~~) do not apply to such cases.
19 The board may, in its discretion, grant or refuse the wholesaler's
20 license or retailer's license, subject to the provisions of RCW
21 82.24.550.

22 (3) No person may qualify for a wholesaler's license or a
23 retailer's license under this section without first undergoing a
24 criminal background check. The background check (~~shall~~) must be
25 performed by the board and must disclose any criminal conduct within
26 the previous five years in any state, tribal, or federal jurisdiction
27 in the United States, its territories, or possessions. A person who
28 possesses a valid license on July 22, 2001, is subject to this
29 subsection and subsection (2) of this section beginning on the date of
30 the person's (~~master~~) business license expiration under chapter 19.02
31 RCW, and thereafter. If the applicant or licensee also has a license
32 issued under chapter 66.24 or 82.26 RCW, the background check done
33 under the authority of chapter 66.24 or 82.26 RCW satisfies the
34 requirements of this section.

35 (4) Each such license (~~shall~~) expires on the (~~master~~) business
36 license expiration date, and each such license (~~shall~~) must be
37 continued annually if the licensee has paid the required fee and

1 complied with all the provisions of this chapter and the rules of the
2 board made pursuant thereto.

3 (5) Each license and any other evidence of the license that the
4 board requires must be exhibited in each place of business for which it
5 is issued and in the manner required for the display of a (~~master~~)
6 business license.

7 **Sec. 152.** RCW 82.24.520 and 1986 c 321 s 6 are each amended to
8 read as follows:

9 A fee of six hundred fifty dollars (~~shall~~) must accompany each
10 wholesaler's license application or license renewal application. If a
11 wholesaler sells or intends to sell cigarettes at two or more places of
12 business, whether established or temporary, a separate license with a
13 license fee of one hundred fifteen dollars (~~shall be~~) is required for
14 each additional place of business. Each license, or certificate
15 thereof, and such other evidence of license as the department of
16 revenue requires, (~~shall~~) must be exhibited in the place of business
17 for which it is issued and in such manner as is prescribed for the
18 display of a (~~master~~) business license issued under chapter 19.02
19 RCW. The (~~department of revenue shall~~) board must require each
20 licensed wholesaler to file with the department of revenue a bond in an
21 amount not less than one thousand dollars to guarantee the proper
22 performance of the duties and the discharge of the liabilities under
23 this chapter. The bond (~~shall~~) must be executed by such licensed
24 wholesaler as principal, and by a corporation approved by the
25 department of revenue and authorized to engage in business as a surety
26 company in this state, as surety. The bond (~~shall~~) must run
27 concurrently with the wholesaler's license.

28 **Sec. 153.** RCW 82.26.150 and 2009 c 154 s 4 are each amended to
29 read as follows:

30 (1) The licenses issuable by the board under this chapter are as
31 follows:

32 (a) A distributor's license; and

33 (b) A retailer's license.

34 (2) Application for the licenses (~~shall~~) must be made through the
35 (~~master license~~) business licensing system under chapter 19.02 RCW.
36 The board may adopt rules regarding the regulation of the licenses.

1 The board may refuse to issue any license under this chapter if the
2 board has reasonable cause to believe that the applicant has willfully
3 withheld information requested for the purpose of determining the
4 eligibility of the applicant to receive a license, or if the board has
5 reasonable cause to believe that information submitted in the
6 application is false or misleading or is not made in good faith. In
7 addition, for the purpose of reviewing an application for a
8 distributor's license or retailer's license and for considering the
9 denial, suspension, or revocation of any such license, the board may
10 consider criminal conduct of the applicant, including an administrative
11 violation history record with the board and a criminal history record
12 information check within the previous five years, in any state, tribal,
13 or federal jurisdiction in the United States, its territories, or
14 possessions, and the provisions of RCW 9.95.240 and chapter 9.96A RCW
15 (~~shall~~) do not apply to such cases. The board may, in its
16 discretion, issue or refuse to issue the distributor's license or
17 retailer's license, subject to the provisions of RCW 82.26.220.

18 (3) No person may qualify for a distributor's license or a
19 retailer's license under this section without first undergoing a
20 criminal background check. The background check (~~shall~~) must be
21 performed by the board and must disclose any criminal conduct within
22 the previous five years in any state, tribal, or federal jurisdiction
23 in the United States, its territories, or possessions. If the
24 applicant or licensee also has a license issued under chapter 66.24 or
25 82.24 RCW, the background check done under the authority of chapter
26 66.24 or 82.24 RCW satisfies the requirements of this section.

27 (4) Each license issued under this chapter (~~shall~~) expires on the
28 (~~master~~) business license expiration date. The license (~~shall~~)
29 must be continued annually if the licensee has paid the required fee
30 and complied with all the provisions of this chapter and the rules of
31 the board adopted pursuant to this chapter.

32 (5) Each license and any other evidence of the license required
33 under this chapter must be exhibited in each place of business for
34 which it is issued and in the manner required for the display of a
35 (~~master~~) business license.

36 **Sec. 154.** RCW 90.76.010 and 2011 c 298 s 39 are each amended to
37 read as follows:

1 (1) The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

3 (a) "Department" means the department of ecology.

4 (b) "Director" means the director of the department.

5 (c) "Facility compliance tag" means a marker, constructed of metal,
6 plastic, or other durable material, that clearly identifies all
7 qualifying underground storage tanks on the particular site for which
8 it is issued.

9 (d) "Federal act" means the federal resource conservation and
10 recovery act, as amended (42 U.S.C. Sec. 6901, et seq.).

11 (e) "Federal regulations" means the underground storage tanks
12 regulations (40 C.F.R. Secs. 280 and 281) adopted by the United States
13 environmental protection agency under the federal act.

14 (f) "License" means the ((master)) business license underground
15 storage tank endorsement issued by the department of revenue.

16 (g) "Underground storage tank compliance act of 2005" means Title
17 XV and subtitle B of P.L. 109-58 (42 U.S.C. Sec. 15801 et seq.) which
18 have amended the federal resource conservation and recovery act's
19 subtitle I.

20 (h) "Underground storage tank system" means an underground storage
21 tank, connected underground piping, underground ancillary equipment,
22 and containment system, if any.

23 (2) Except as provided in this section and any rules adopted by the
24 department under this chapter, the definitions contained in the federal
25 regulations apply to the terms in this chapter.

26 **Sec. 155.** RCW 90.76.020 and 2011 c 298 s 40 are each amended to
27 read as follows:

28 (1) The department must adopt rules establishing requirements for
29 all underground storage tanks that are regulated under the federal act,
30 taking into account the various classes or categories of tanks to be
31 regulated. The rules must be consistent with and no less stringent
32 than the federal regulations and the underground storage tank
33 compliance act of 2005 and consist of requirements for the following:

34 (a) New underground storage tank system design, construction,
35 installation, and notification;

36 (b) Upgrading existing underground storage tank systems;

37 (c) General operating requirements;

1 (d) Release detection;
2 (e) Release reporting;
3 (f) Out-of-service underground storage tank systems and closure;
4 (g) Financial responsibility for underground storage tanks
5 containing regulated substances; and
6 (h) Groundwater protection measures, including secondary
7 containment and monitoring for installation or replacement of all
8 underground storage tank systems or components, such as tanks and
9 piping, installed after July 1, 2007, and under dispenser spill
10 containment for installation or replacement of all dispenser systems
11 installed after July 1, 2007.

12 (2) The department must adopt rules:

13 (a) Establishing physical site criteria to be used in designating
14 local environmentally sensitive areas;

15 (b) Establishing procedures for local government application for
16 this designation; and

17 (c) Establishing procedures for local government adoption and
18 department approval of rules more stringent than the statewide
19 standards in these designated areas.

20 (3) The department must establish by rule an administrative and
21 enforcement program that is consistent with and no less stringent than
22 the program required under the federal regulations in the areas of:

23 (a) Compliance monitoring, including procedures for recordkeeping
24 and a program for systematic inspections;

25 (b) Enforcement;

26 (c) Public participation;

27 (d) Information sharing;

28 (e) Owner and operator training; and

29 (f) Delivery prohibition for underground storage tank systems or
30 facilities that are determined by the department to be ineligible to
31 receive regulated substances.

32 (4) The department must establish a program that provides for the
33 annual licensing of underground storage tanks. The license must take
34 the form of a tank endorsement on the facility's annual (~~master~~)
35 business license issued by the department of revenue under chapter
36 19.02 RCW. A tank is not eligible for a license unless the owner or
37 operator can demonstrate compliance with the requirements of this
38 chapter and the annual tank fees have been remitted. The department

1 may revoke a tank license if a facility is not in compliance with this
2 chapter, or any rules adopted under this chapter. The ((master))
3 business license must be displayed by the tank owner or operator in a
4 location clearly identifiable.

5 (5)(a) The department must issue a one-time "facility compliance
6 tag" to underground storage tank facilities that have installed the
7 equipment required to meet corrosion protection, spill prevention,
8 overfill prevention, leak detection standards, have demonstrated
9 financial responsibility, and have paid annual tank fees. The facility
10 must continue to maintain compliance with corrosion protection, spill
11 prevention, overfill prevention, and leak detection standards,
12 financial responsibility, and have remitted annual tank fees to display
13 a facility compliance tag. The facility compliance tag must be
14 displayed on or near the fire emergency shutoff device, or in the
15 absence of such a device in close proximity to the fill pipes and
16 clearly identifiable to persons delivering regulated substance to
17 underground storage tanks.

18 (b) The department may revoke a facility compliance tag if a
19 facility is not in compliance with the requirements of this chapter, or
20 any rules adopted under this chapter.

21 (6) The department may place a red tag on a tank at a facility if
22 the department determines that the owner or operator is not in
23 compliance with this chapter or the rules adopted under this chapter
24 regarding the compliance requirements related to that tank. Removal of
25 a red tag without authorization from the department is a violation of
26 this chapter.

27 (7) The department may establish programs to certify persons who
28 install or decommission underground storage tank systems or conduct
29 inspections, testing, closure, cathodic protection, interior tank
30 lining, corrective action, site assessments, or other activities
31 required under this chapter. Certification programs must be designed
32 to ensure that each certification will be effective in all
33 jurisdictions of the state.

34 (8) When adopting rules under this chapter, the department must
35 consult with the state building code council to ensure coordination
36 with the building and fire codes adopted under chapter 19.27 RCW.

1 persons or circumstances is not affected.

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