

of the state government and its existing public institutions, and shall take effect May 1, 1982.

NEW SECTION. Sec. 27. Section 1, chapter 143, Laws of 1969 and RCW 48.44.025 are each repealed.

NEW SECTION. Sec. 28. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House March 10, 1982.

Passed the Senate March 7, 1982.

Approved by the Governor April 1, 1982.

Filed in Office of Secretary of State April 1, 1982.

CHAPTER 182

[Substitute House Bill No. 878]

STATE MASTER LICENSE SYSTEM

AN ACT Relating to state government; amending section 1, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.250; amending section 4, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.280; amending section 5, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.290; amending section 6, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.300; amending section 38, chapter 63, Laws of 1969 as amended by section 15, chapter 297, Laws of 1981 and RCW 15.49.380; amending section 39, chapter 63, Laws of 1969 and RCW 15-49.390; amending section 3, chapter 190, Laws of 1971 ex. sess. as amended by section 1, chapter 146, Laws of 1979 and RCW 15.58.030; amending section 18, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.180; amending section 19, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.190; amending section 1, chapter 38, Laws of 1963 as amended by section 5, chapter 90, Laws of 1979 and RCW 18.64.011; amending section 17, chapter 90, Laws of 1979 and RCW 18.64.044; amending section 1, chapter 319, Laws of 1977 ex. sess. and RCW 19.02.010; amending section 2, chapter 319, Laws of 1977 ex. sess. as amended by section 75, chapter 158, Laws of 1979 and RCW 19.02.020; amending section 3, chapter 319, Laws of 1977 ex. sess. as amended by section 76, chapter 158, Laws of 1979 and RCW 19.02.030; amending section 4, chapter 319, Laws of 1977 ex. sess. as amended by section 77, chapter 158, Laws of 1979 and RCW 19.02.040; amending section 7, chapter 319, Laws of 1977 ex. sess. as amended by section 79, chapter 158, Laws of 1979 and RCW 19.02.070; amending section 2, chapter 117, Laws of 1943 and RCW 19.32.020; amending section 3, chapter 117, Laws of 1943 and RCW 19.32.040; amending section 4, chapter 117, Laws of 1943 as amended by section 39, chapter 240, Laws of 1967 and RCW 19.32.050; amending section 1, chapter 286, Laws of 1957 as last amended by section 1, chapter 107, Laws of 1979 and RCW 19.91.010; amending section 13, chapter 286, Laws of 1957 as amended by section 14, chapter 278, Laws of 1975 1st ex. sess. and RCW 19.91.130; amending section 14, chapter 286, Laws of 1957 as amended by section 15, chapter 278, Laws of 1975 1st ex. sess. and RCW 19.91.140; amending section 15, chapter 286, Laws of 1957 as amended by section 16, chapter 278, Laws of 1975 1st ex. sess. and RCW 19.91.150; amending section 2, chapter 137, Laws of 1937 and RCW 69.12.020; amending section 3, chapter 137, Laws of 1937 and RCW 69-12.030; amending section 4, chapter 137, Laws of 1937 and RCW 69.12.040; amending section 5, chapter 137, Laws of 1937 as amended by section 44, chapter 240, Laws of 1967 and RCW 69.12.050; amending section 3, chapter 201, Laws of 1975 1st ex. sess. and RCW 69.25.020; amending section 6, chapter 201, Laws of 1975 1st ex. sess. and RCW 69.25.050; amending section 7, chapter 201, Laws of 1975 1st ex. sess. and RCW 69.25.060; adding a new section to chapter 15.49 RCW; adding new sections to chapter

19.02 RCW; adding a new section to chapter 43.07 RCW; creating new sections; repealing section 82.24.220, chapter 15, Laws of 1961, section 69, chapter 278, Laws of 1975 1st ex. sess., section 8, chapter 319, Laws of 1977 ex. sess. and RCW 82.24.220; repealing section 6, chapter 319, Laws of 1977 ex. sess. and RCW 19.02.060; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 319, Laws of 1977 ex. sess. and RCW 19.02.010 are each amended to read as follows:

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

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

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

(b) To (~~establish~~) provide a system which will enable state agencies to efficiently store, retrieve, and exchange (~~registration and~~) license information with due regard to privacy statutes; to issue and renew master licenses where such licenses are appropriate; and to provide appropriate support services for this objective;

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

(d) To (~~establish~~) provide a state-wide system of common business identification.

(2) The second goal of this system is to (~~reduce the total number of licenses required to conduct business in this state~~) aid business and the growth of business in Washington state by instituting a master license system that will reduce the paperwork burden on business, and promote the elimination of obsolete and duplicative licensing requirements by consolidating existing licenses and applications.

It is the intent of the legislature that the authority for determining if a requested license shall be issued shall remain with the agency legally authorized to issue the license (~~or permit~~).

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

Sec. 2. Section 2, chapter 319, Laws of 1977 ex. sess. as amended by section 75, chapter 158, Laws of 1979 and RCW 19.02.020 are each amended to read as follows:

As used in this chapter, the following words shall have the following meanings:

(1) "System" means the mechanism by which master licenses are issued and renewed, license and regulatory information is disseminated, and account data is exchanged by the agencies;

(2) "Business license center" means the business registration and licensing center established by this chapter and located in and under the administrative control of the department of licensing;

~~((2))~~ (3) "Board of review" means the body established to review policies and rules adopted by the department of licensing for carrying out the provisions of this chapter;

~~((3))~~ (4) "Master application" means a document incorporating pertinent data from existing applications for licenses covered under this chapter;

(5) "Master license" means the single document designed for public display issued by the ~~((system which certifies individual state agency approval for licenses the state requires for any person subject to the provisions of this chapter))~~ business license center which certifies state agency license approval and which incorporates the endorsements for individual licenses included in the master license system, which the state requires for any person subject to this chapter;

~~((4))~~ (6) "License" means the whole or part of any agency permit, license, certificate, approval, registration, charter, or any form or permission required by law, including agency rule, to engage in any activity; ~~((and~~

~~(5))~~ (7) "Regulatory" means all licensing and other governmental or statutory requirements pertaining to business or professional activities;

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

(9) "Director" means the director of licensing;

(10) "Department" means the department of licensing; and

(11) "Regulatory agency" means any state agency, board, commission, or division which regulates one or more professions, occupations, industries, businesses, or activities.

Sec. 3. Section 3, chapter 319, Laws of 1977 ex. sess. as amended by section 76, chapter 158, Laws of 1979 and RCW 19.02.030 are each amended to read as follows:

(1) There is created within the department of licensing a business ((registration and licensing system)) license center.

(2) The duties of the ((system)) center shall ((be)) include:

(a) ~~((To establish a service before January 1, 1978, that will provide information to persons detailing all state licenses required to engage in business in this state and the locations for applying for those licenses;~~

~~(b) To develop before April 1, 1978, a common system of identifying businesses by all state agencies;~~

~~(c) To recommend to the legislature on January 1, 1978, criteria for evaluation of existing and proposed forms of licensing authorization; and~~

~~(d) To develop a computerized system before April 1, 1980, capable of storing, retrieving, and exchanging license information as well as issuing and renewing master licenses in an efficient manner.~~

(3) ~~Every state agency shall review its licenses and recommend to the legislature on January 1, 1979, those licenses that should be eliminated or consolidated and justify those that should be retained.~~

(4) ~~The plan for developing the system shall include a phased approach that:~~

~~(a) Will have completed before January 1, 1978, a requirements analysis and specification document including overview systems design;~~

~~(b) Will have completed before April 1, 1978, a detailed requirements analysis including general systems design;~~

~~(c) Will have established before April 1, 1978, interagency procedures for effectuating the system;~~

~~(d) Will have selected before April 1, 1978, those licenses which will be included in the initial implementation of the system and the date and manner the licenses will be integrated into the system;~~

~~(e) Will have completed before July 1, 1978, a cost-benefit analysis of the final implementation of this chapter; and~~

~~(f) Will have concluded before October 1, 1979, trial applications and a test of the system)) Developing and administering a computerized one-stop master license system capable of storing, retrieving, and exchanging license information with due regard to privacy statutes, as well as issuing and renewing master licenses in an efficient manner;~~

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

~~(c) Providing for staggered master license renewal;~~

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

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

~~(f) Incorporating licenses into the master license system.~~

~~((5))~~ (3) The department of licensing shall establish the position of assistant director of the business ~~((registrations and licenses system))~~ license center who will also act as executive secretary to the board of review.

~~((6))~~ (4) The director of licensing may adopt under chapter 34.04 RCW such rules as may be necessary to effectuate the purposes of this chapter. All proposed rules shall be submitted in writing to the board of review for its review and recommendations.

NEW SECTION. Sec. 4. There is added to chapter 19.02 RCW a new section to read as follows:

The business license center shall compile information regarding the regulatory programs associated with each of the licenses obtainable under the master license system. This information shall include, at a minimum, a listing of the statutes and administrative rules requiring the licenses and pertaining to the regulatory programs that are directly related to the licensure. For example, for pesticide dealers' licenses, the information shall include the statutes and rules requiring licensing as well as those pertaining to the subject of registering or distributing pesticides.

The business license center shall provide information governed by this section to any person requesting it. Materials used by the center to describe the services provided by the center shall indicate that this information is available upon request.

Sec. 5. Section 4, chapter 319, Laws of 1977 ex. sess. as amended by section 77, chapter 158, Laws of 1979 and RCW 19.02.040 are each amended to read as follows:

(1) There is hereby created a board of review to provide policy direction to the department of licensing as it establishes and operates the business registration and licensing system. The board of review shall ~~((include))~~ be composed of the following officials or their designees:

- (a) Director, department of revenue;
- (b) Director, department of labor and industries;
- (c) Commissioner, employment security department ~~((of employment security))~~;
- (d) Director, department of agriculture;
- (e) Director, department of commerce and economic development;
- (f) Director, department of licensing;
- (g) Director, office of financial management;
- (h) Chairman, liquor control board;
- (i) Secretary, department of social and health services; ~~((and))~~
- (j) Secretary of state;
- (k) The governor; and
- (l) As ex officio members:
 - (i) The president of the senate or the president's designee; ~~((and))~~
 - (ii) The speaker of the house or the speaker's designee; and

(iii) A representative of a recognized state-wide organization of employers, representing a large cross section of the Washington business community, to be appointed by the governor.

(2) The governor shall ~~((appoint a))~~ be the chairperson ~~((from among the members of the board))~~. In the governor's absence, the secretary of state shall act as chairperson.

(3) The board shall meet at the call of the chairperson at least ~~((once each quarter))~~ semi-annually or at the call of a member to:

(a) Establish interagency policy guidelines for the system;

(b) Review the findings, status, and problems of system operations and recommend courses of action;

(c) Receive reports from industry and agency task forces; ~~((and))~~

(d) ~~((Recommend to the system))~~ Determine in questionable cases whether a specific license ~~((comes within the scope of this chapter))~~ is to be included in the master license system;

(e) Review and make recommendations on rules proposed by the business license center and any amendments to or revisions of the center's rules.

(4) The board shall submit a report to the legislature each biennium identifying the licenses that the board believes should be added to the list of those processed under the master license system.

Sec. 6. Section 7, chapter 319, Laws of 1977 ex. sess. as amended by section 79, chapter 158, Laws of 1979 and RCW 19.02.070 are each amended to read as follows:

(1) Any person requiring licenses which have been incorporated into the system shall submit a master application to the department requesting the issuance of the licenses. The master application form shall contain in consolidated form information necessary for the issuance of the licenses.

(2) The applicant shall include with the application the sum of all fees and deposits required for the requested individual license endorsements.

(3) Irrespective of any authority delegated to the department of licensing to implement the provisions of this chapter, the authority for ~~((determining if))~~ approving issuance and renewal of any requested license ~~((shall be issued shall remain with the agency))~~ that requires a prelicensing or renewal investigation, inspection, testing, or other judgmental review by the regulatory agency otherwise legally authorized to issue the license shall remain with that agency. The business license center has the authority to issue those licenses for which proper fee payment and a completed application form have been received and for which no prelicensing or renewal approval action is required by the regulatory agency.

(4) Upon receipt of the application and proper fee payment for any license for which issuance is subject to regulatory agency action under subsection (3) of this section, the department shall immediately notify the regulatory agency with authority to approve issuance or renewal of the license requested by the applicant. Each regulatory agency shall advise the

department within a reasonable time after receiving the notice: (a) That the agency approves the issuance of the requested license and will advise the applicant of any specific conditions required for issuing the license; (b) that the agency denies the issuance of the license and gives the applicant reasons for the denial; or (c) that the application is pending.

(5) The department shall issue a master license endorsed for all the approved licenses to the applicant and advise the applicant of the status of other requested licenses. It is the responsibility of the applicant to contest the decision regarding conditions imposed or licenses denied through the normal process established by statute or by the agency with the authority for approving issuance of the license.

(6) Regulatory agencies shall be provided information from the master application for their licensing and regulatory functions.

NEW SECTION. Sec. 7. There is added to chapter 19.02 RCW a new section to read as follows:

All fees collected under the system shall be deposited with the state treasurer. Upon issuance or renewal of the master license or supplemental licenses, the department shall distribute the fees to the appropriate accounts under the applicable statutes for those agencies' licenses.

NEW SECTION. Sec. 8. There is added to chapter 19.02 RCW a new section to read as follows:

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

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

NEW SECTION. Sec. 9. There is added to chapter 19.02 RCW a new section to read as follows:

To encourage timely renewal by applicants, a master license delinquency fee shall be imposed on licensees who fail to renew by the master license expiration date. The master license delinquency fee shall be computed as fifty percent of a base comprised of the licensee's renewal fee minus corporate licensing taxes, corporation annual report fee, and any interest fees or penalties charged for late taxes or corporate renewals. The master license delinquency fee shall be added to the renewal fee and paid by the licensee before a master license shall be renewed. The delinquency fee shall be deposited in the general fund.

NEW SECTION. Sec. 10. There is added to chapter 19.02 RCW a new section to read as follows:

(1) The department shall not issue or renew a master license to any person if:

- (a) The person does not have a valid tax registration, if required;
- (b) The person is a corporation delinquent in fees or penalties owing to the secretary of state or is not validly registered under Title 23A RCW, chapter 18.100 RCW, Title 24 RCW, and any other statute now or hereafter adopted which gives corporate or business licensing responsibilities to the secretary of state; or
- (c) The person has not submitted the sum of all fees and deposits required for the requested individual license endorsements, any outstanding master license delinquency fee, or other fees and penalties to be collected through the system.

(2) Nothing in this section shall prevent registration by the state of an employer for the purpose of paying an employee of that employer industrial insurance or unemployment insurance benefits.

NEW SECTION. Sec. 11. There is added to chapter 19.02 RCW a new section to read as follows:

In addition to the licenses processed under the master license system prior to the effective date of this section, on July 1, 1982, use of the master license system shall be expanded as provided by this section.

Applications for the following shall be filed with the business license center and shall be processed, and renewals shall be issued, under the master license system:

- (1) Nursery dealer's licenses required by chapter 15.13 RCW;
- (2) Seed dealer's licenses required by chapter 15.49 RCW;
- (3) Pesticide dealer's licenses required by chapter 15.58 RCW;
- (4) Shopkeeper's licenses required by chapter 18.64 RCW;
- (5) Refrigerated locker licenses required by chapter 19.32 RCW;
- (6) Wholesalers licenses and retailers licenses required by chapter 19.91 RCW;
- (7) Bakery licenses and distributor's licenses required by chapter 69.12 RCW; and
- (8) Egg dealer's licenses required by chapter 69.25 RCW.

NEW SECTION. Sec. 12. There is added to chapter 43.07 RCW a new section to read as follows:

Not later than July 1, 1982, the secretary of state and the director of licensing shall propose to the director of financial management a contract and working agreement with accompanying fiscal notes designating the business license center as the secretary of state's agent for issuing all or a portion of the corporation renewals within the jurisdiction of the secretary of state. The secretary of state and the director of licensing shall submit the proposed contract and accompanying fiscal notes to the legislature before October 1, 1982.

The secretary of state and the director of licensing shall jointly submit to the legislature by January 10, 1983, a schedule for designating the center as the secretary of state's agent for all such corporate renewals not governed by the contract.

NEW SECTION. Sec. 13. There is added to chapter 19.02 RCW a new section to read as follows:

The business license center shall, with the assistance and full cooperation of the board of review, conclude the following tasks by the dates indicated:

(1) By February 1, 1982, ensure that packets containing the forms for the use of the master licensing system, as well as forms for those licenses commonly needed to begin most kinds of businesses, and materials explaining the use of the forms, the system, and the center are available at each headquarters and each field office of the departments of revenue, employment security, labor and industry, and licensing and at the office of the secretary of state;

(2) By July 1, 1982, revise the application forms distributed in subsection (1) of this section such that all of the forms have a common format;

(3) By January 1, 1983:

(a) Identify those licenses needed to begin most kinds of businesses in the state that should be consolidated and processed under the master license system;

(b) Develop a checklist for each major category of industry that identifies the license renewal requirements for licenses not included in the master license system;

(c) Identify a schedule for implementing the long-range goals of the business license center, including the use of a common data base by state agencies;

(d) For licenses not processed under the master license system and for which renewal fees are fixed rather than variable, develop a schedule for processing the licenses under the system;

(e) Authorize those offices of the various county auditors that are served by automated fee deposit systems to act as agents for the center to collect fees payable under the master license system;

(4) By July 1, 1983:

(a) Assign a common business identifier to each master license system account for use by all state agencies;

(b) Develop a common format for issuing all licenses to businesses for which inspections are not required; and

(5) By June 30, 1985, use the computer services of an agency of the state that has been designated as the state's principal computer services agency, if one has been so designated.

NEW SECTION. Sec. 14. The gambling commission, department of general administration, state board of health, department of social and

health services, department of ecology, department of labor and industries, department of agriculture, department of licensing, department of natural resources, department of transportation, insurance commissioner, employment security department, liquor control board, utilities and transportation commission, and department of revenue shall review the licenses, as defined in RCW 19.02.020, and requirements for licensure within their jurisdictions and report to the governor no later than July 1, 1983, those that they recommend be eliminated, modified, or consolidated with other requirements. In the report, each agency in this section shall identify the need for continuing each licensure requirement not recommended for elimination. In identifying the need for continuation, each agency in this section shall be as specific as possible and shall not use the existence of a statute as the source of the need for continuation.

NEW SECTION. Sec. 15. The governor shall review the reports submitted under section 14 of this act and shall submit to the speaker of the house of representatives and the president of the senate by January 9, 1984, recommendations for the elimination, consolidation, or modification of licensing requirements. At least two copies of each of the agency reports shall be transmitted with the governor's recommendations.

NEW SECTION. Sec. 16. There is added to chapter 19.02 RCW a new section to read as follows:

The rule of strict construction shall have no application to this chapter and it shall be liberally construed in order to carry out its purposes.

NEW SECTION. Sec. 17. There is added to chapter 19.02 RCW a new section to read as follows:

Except as provided in section 12 of this act, the provisions of this chapter regarding the processing of license applications and renewals under a master license system shall not apply to those business or professional activities that are licensed or regulated under chapter 31.04, 31.08, 31.12, 31.12A, or 31.13 RCW or under Title 30, 32, 33, or 48 RCW.

NEW SECTION. Sec. 18. There is added to chapter 19.02 RCW a new section to read as follows:

This chapter may be known and cited as the business license center act.

Sec. 19. Section 1, chapter 33, Laws of 1971 ex. sess. and RCW 15.13-.250 are each amended to read as follows:

For the purpose of this chapter:

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

(2) "Director" means the director of the department or his duly appointed representative.

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society and association, and every officer, agent or employee thereof.

(4) "Horticultural plant" includes, but is not limited to, any horticultural, floricultural, viticultural, and olericultural plant, for planting, propagation or ornamentation growing or otherwise, including cut plant material.

(5) "Horticultural facilities" means, but is not limited to, the premises where horticultural plants and/or cut plant material are grown, stored, handled or delivered for sale or transportation, and all vehicles and equipment, whether aerial or surface, used to transport such horticultural plants and/or cut plant material.

(6) "Plant pests" means, but is not limited to any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants, weeds, or reproductive parts thereof, viruses or any organisms similar to or allied with any of the foregoing, or any infectious substance, which can directly or indirectly injure or cause disease or damage in any plant or parts thereof, or any processed, manufactured, or other products of plants.

(7) "Inspection and/or certification" means, but is not limited to, the inspection of any horticultural plants and/or cut plant material at any time prior to, during, or subsequent to harvest, or sale, by the director, and the issuance by him of a written certificate stating the grades, classifications, and if such horticultural plants and/or cut plant material are free of plant pests and in compliance with all the provisions of this chapter and rules adopted hereunder.

(8) "Nursery dealer" means any person who sells, holds for sale, or offers for sale, or plants, grows, receives, or handles horticultural plants and/or cut plant material, including turf for sale or for planting, including lawns, for another person.

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

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

Sec. 20. Section 4, chapter 33, Laws of 1971 ex. sess. and RCW 15.13-.280 are each amended to read as follows:

No person shall act as a nursery dealer without a license for each place of business where horticultural plants are sold. Any person applying for such a license shall ~~((file an application with the director on or before July of each year))~~ apply through the master license system. Such application shall be accompanied by a license fee of twenty-five dollars. Such license shall expire on ~~((June 30th following issuance))~~ the master license expiration date unless it has been revoked or suspended prior thereto by the director for cause. Each such license shall be posted in a conspicuous place open to the public in the location for which it was issued.

Sec. 21. Section 5, chapter 33, Laws of 1971 ex. sess. and RCW 15.13-.290 are each amended to read as follows:

If any application for renewal of nursery dealer license is not filed prior to ~~((July in any year, an additional charge of fifty percent))~~ the master license expiration date, the master license delinquency fee shall be assessed ~~((and added to the original fee))~~ under chapter 19.02 RCW and shall be paid by the applicant before the renewal license shall be issued ~~((PROVIDED, That such additional assessment shall not apply if the applicant furnishes an affidavit certifying that he has not acted as a nursery dealer subsequent to the expiration of his prior license))~~.

Sec. 22. Section 6, chapter 33, Laws of 1971 ex. sess. and RCW 15.13-.300 are each amended to read as follows:

Application for a license shall be ~~((on a form prescribed by the director))~~ made through the master license system and shall include:

(1) The full name of the person applying for such license and if the applicant is an individual, receiver, trustee, firm, partnership, association, or corporation, the full name of each member of the firm or partnership, or the names of the officers of the association or corporation shall be given in the application.

(2) The principal business address of the applicant in the state and elsewhere.

(3) The address for the location or locations for which the licenses are being applied.

(4) The names of the persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant.

(5) Any other necessary information prescribed by the director.

NEW SECTION. Sec. 23. There is added to chapter 15.49 RCW a new section to read as follows:

"Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

Sec. 24. Section 38, chapter 63, Laws of 1969 as amended by section 15, chapter 297, Laws of 1981 and RCW 15.49.380 are each amended to read as follows:

(1) No person shall distribute seeds without having obtained a dealer's license for each regular place of business: PROVIDED, That no license shall be required of a person who distributes seeds only in sealed packages of eight ounces or less, packed by a seed labeling registrant and bearing the name and address of the registrant: PROVIDED FURTHER, That a license shall not be required of any grower selling seeds of his own production exclusively. Such seed sold by such grower must be properly labeled as provided in this chapter. Each dealer's license shall cost twenty-five dollars,

shall be issued (~~by the department~~) through the master license system, shall bear the date of issue, shall expire on (~~January 31st of each year~~) the master license expiration date and shall be prominently displayed in each place of business.

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

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

Sec. 25. Section 39, chapter 63, Laws of 1969 and RCW 15.49.390 are each amended to read as follows:

If an application for renewal of the dealer's license provided for in RCW 15.49.380, is not filed prior to (~~February 1st of any one year, an additional fee of five dollars~~) the master license expiration date, the master license delinquency fee shall be assessed (~~and added to the original fee~~) under chapter 19.02 RCW and shall be paid by the applicant before the renewal license shall be issued (~~PROVIDED, That such additional fee shall not apply if the applicant furnishes an affidavit that he has not acted as a distributor of seed subsequent to the expiration of his prior license~~)).

Sec. 26. Section 3, chapter 190, Laws of 1971 ex. sess. as amended by section 1, chapter 146, Laws of 1979 and RCW 15.58.030 are each amended to read as follows:

As used in this chapter the words and phrases defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Pesticide" means, but is not limited to: (a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed and any other form of plant or animal life or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the director may declare to be a pest; (b) any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; (c) any substance or mixture of substances intended to be used as a spray adjuvant; and (d) any other substances intended for such use as may be named by the director by regulation.

(2) "Device" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests including devices used in conjunction with pesticides such as lindane vaporizers.

(3) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropod, or mollusk pest.

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

(5) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director may declare by regulation to be a pest.

(6) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed, including algae and other aquatic weeds.

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

(8) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

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

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

(11) "Spray adjuvant" means any wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to the application or to the effect thereof, and which is in a package or container separate from that of the pesticide with which it is to be used.

(12) "Pest" means, but is not limited to, any insect, other arthropod, fungus, rodent, nematode, mollusk, weed and any form of plant or animal life or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the director may declare by regulation to be a pest.

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

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

(15) "Insects" means any of the numerous small invertebrate animals whose bodies, in the adult stage, are more or less obviously segmented with six legs and usually with two pairs of wings, belonging to the class insecta; for example, aphids, beetles, bugs, bees, and flies.

(16) "Fungi" means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts); for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals.

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

(18) "Mollusk" means any invertebrate animal characterized by a soft unsegmented body usually partially or wholly enclosed in a calcareous shell, having a foot and mantel; for example, slugs and snails.

(19) "Restricted use pesticide" means any pesticide or device which the director has found and determined subsequent to hearing under the provisions of chapter 17.21 RCW Washington pesticide application act or this chapter as enacted or hereafter amended, to be so injurious to persons, pollinating insects, bees, animals, crops, wildlife, or lands other than the pests it is intended to prevent, destroy, control, or mitigate that additional restrictions are required.

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

(21) "Pesticide dealer" means any person who distributes any of the following pesticides:

(a) "Highly toxic pesticides" and/or

(b) "EPA restricted use pesticides" or "restricted use pesticides" which by regulation are restricted to distribution by licensed pesticide dealers only and/or

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

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

(23) "Pest control consultant" means any individual who offers or supplies technical advice, supervision or aid or makes recommendations to the user of:

(a) "Highly toxic pesticides" and/or

(b) "EPA restricted use pesticides" or "restricted use pesticides" which are restricted by regulation to distribution by licensed pesticide dealers only and/or

(c) Any other pesticides except spray adjuvants and those pesticides which are labeled and intended for home and garden use only.

(24) "Ingredient statement" means a statement of the name and percentage of each active ingredient together with the total percentage of the inert ingredients in the pesticide, and when the pesticide contains arsenic in

any form, the ingredient statement shall also include percentages of total and water soluble arsenic, each calculated as elemental arsenic: PROVIDED, That in the case of a spray adjuvant the ingredient statement need contain only the names of the principal functioning agents and the total percentage of the constituents ineffective as spray adjuvants. If more than three functioning agents are present, only the three principal ones need be named.

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

(26) "Inert ingredient" means an ingredient which is not an active ingredient.

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

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

(29) "Department" means the department of agriculture of the state of Washington.

(30) "Director" means the director of the department or his duly authorized representative.

(31) "Registrant" means the person registering any pesticide pursuant to the provisions of this chapter.

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

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

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

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

(c) To which reference is made on the label or in literature accompanying or referring to the pesticide or device except when accurate nonmisleading reference is made to current official publications of the department, United States department of agriculture; interior; health, education and welfare; state agricultural colleges; and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

(34) "Highly toxic" means any highly toxic pesticide as determined by the director under RCW 15.58.040.

(35) "Pesticide advisory board" means the pesticide advisory board as provided for in the Washington pesticide application act as enacted or hereafter amended.

(36) "Land" means all land and water areas, including airspace and all plants, animals, structures, buildings, devices and contrivances, appurtenant

thereto or situated thereon, fixed or mobile, including any used for transportation.

(37) "Regulation" means rule or regulation.

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

(39) "EPA restricted use pesticide" means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

(40) "FIFRA" means the federal insecticide, fungicide and rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 135).

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

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

(43) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

Sec. 27. Section 18, chapter 190, Laws of 1971 ex. sess. and RCW 15-.58.180 are each amended to read as follows:

(1) It shall be unlawful for any person to act in the capacity of a pesticide dealer, or advertise as, or assume to act as a pesticide dealer at any time without first having obtained an annual license from the director (~~((which shall expire on the final day of February))~~). The license shall expire on the master license expiration date. A license shall be required for each location or outlet located within this state from which such pesticides are distributed: PROVIDED, That any manufacturer, registrant, or distributor who has no pesticide dealer outlet licensed within this state and who distributes such pesticides directly into this state shall obtain a pesticide dealer license for his principal out-of-state location or outlet: PROVIDED FURTHER, That such licensed out-of-state pesticide dealer shall be exempt from the pesticide dealer manager requirements.

(2) Application for a license shall be accompanied by a ten dollar annual license fee and shall be (~~(on a form prescribed by the director)~~) made through the master license system and shall include the full name of the person applying for such license and the name of the individual within the state designated as the pesticide dealer manager. If such applicant is a partnership, association, corporation, or organized group of persons, the full name of each member of the firm or partnership or the names of the officers of the association or corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere, the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds

for the applicant, and any other necessary information prescribed by the director.

(3) It shall be unlawful for any licensed dealer outlet to operate without a pesticide dealer manager who has a license of qualification. The department shall be notified forthwith of any change in the pesticide dealer manager designee during the licensing period.

(4) Provisions of this section shall not apply to a licensed pesticide applicator who sells pesticides only as an integral part of his pesticide application service when such pesticides are dispensed only through apparatuses used for such pesticide application; or any federal, state, county, or municipal agency which provides pesticides only for its own programs.

Sec. 28. Section 19, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.190 are each amended to read as follows:

If an application for renewal of a pesticide dealer license is not filed on or prior to ~~((March 1 of any one year an additional fee of ten dollars))~~ the master license expiration date, the master license delinquency fee shall be assessed ((and added to the original fee)) under chapter 19.02 RCW and shall be paid by the applicant before the renewal license shall be issued((: PROVIDED, That such additional fee shall not apply if the applicant furnishes an affidavit that he has not operated as a pesticide dealer subsequent to the expiration of his prior license)).

Sec. 29. Section 1, chapter 38, Laws of 1963 as amended by section 5, chapter 90, Laws of 1979 and RCW 18.64.011 are each amended to read as follows:

Unless the context clearly requires otherwise, definitions of terms shall be as indicated when used in this chapter.

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

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

(3) "Drugs" means:

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

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

(c) Substances (other than food) intended to affect the structure or any function of the body of man or other animals; or

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

(4) "Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other

animals, or (b) to affect the structure or any function of the body of man or other animals.

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

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

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

(8) "Prescription" means an order for drugs or devices issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe drugs or devices in the course of his or her professional practice for a legitimate medical purpose.

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

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

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

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

(13) The words "drug" and "devices" shall not include surgical or dental instruments or laboratory materials, gas and oxygen, therapy equipment, X-ray apparatus or therapeutic equipment, their component parts or accessories, or equipment, instruments, apparatus, or contrivances used to render such articles effective in medical, surgical, or dental treatment, or for use or consumption in or for mechanical, industrial, manufacturing, or scientific applications or purposes, nor shall the word "drug" include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended, nor medicated feed intended for and used exclusively as a feed for animals other than man.

(14) The word "poison" shall not include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended.

(15) "Dispense" means to deliver a drug or device to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, and includes the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

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

(17) "Compounding" shall be the act of combining two or more ingredients in the preparation of a prescription.

(18) "Wholesaler" shall mean a corporation, individual, or other entity which buys drugs or devices for resale and distribution to corporations, individuals, or entities other than consumers.

(19) "Manufacture" means the production, preparation, propagation, compounding, or processing of a drug or other substance or device or the packaging or repackaging of such substance or device, or the labeling or re-labeling of the commercial container of such substance or device, but does not include the activities of a practitioner who, as an incident to his or her administration or dispensing such substance or device in the course of his or her professional practice, prepares, compounds, packages, or labels such substance or device.

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

(21) "Labeling" shall mean the process of preparing and affixing a label to any drug or device container. The label must include all information required by current federal and state law and pharmacy rules.

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

(23) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

Sec. 30. Section 17, chapter 90, Laws of 1979 and RCW 18.64.044 are each amended to read as follows:

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

(2) Every shopkeeper not a licensed pharmacist, desiring to secure the benefits and privileges of this section, is hereby required to secure a shopkeeper's license through the master license system, and he or she shall pay the fee determined by the board for the same, and annually thereafter the

fee determined by the board for renewal of the same; and shall at all times keep said license or the current renewal thereof conspicuously exposed in the shop to which it applies. In event such shopkeeper's license (~~fee remains unpaid for sixty days from the date due~~) is not renewed by the master license expiration date, no renewal or new license shall be issued except upon payment of the license renewal fee and (~~a penalty fee equal to the license renewal fee~~) the master license delinquency fee under chapter 19.02 RCW: PROVIDED, That every shopkeeper with six or fewer drugs shall pay a fee to be determined by the board. This license fee shall not authorize the sale of legend drugs or controlled substances.

(3) Any shopkeeper who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having a license to do so as provided in this section, shall be guilty of a misdemeanor and each sale or offer to sell shall constitute a separate offense.

Sec. 31. Section 2, chapter 117, Laws of 1943 and RCW 19.32.020 are each amended to read as follows:

Except where the context indicates a different meaning, terms used in this chapter shall be defined as follows:

(1) "Refrigerated locker" or "locker" means any place, premises or establishment where facilities for the cold storage and preservation of human food in separate and individual compartments are offered to the public upon a rental or other basis providing compensation to the person offering such services.

(2) "Person" includes any individual, partnership, corporation, association, county, municipality, cooperative group, or other entity engaging in the business of operating or owning or offering the services of refrigerated lockers as above defined.

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

Sec. 32. Section 3, chapter 117, Laws of 1943 and RCW 19.32.040 are each amended to read as follows:

No person hereafter shall engage within this state in the business of owning, operating or offering the services of any refrigerated locker or lockers without having obtained (~~from the director of agriculture~~) a license for each such place of business. Application for such license shall be made (~~in writing and under oath to the director of agriculture, on such forms and with such pertinent information as he may deem necessary~~) through the master license system. Such licenses shall be granted as a matter of right unless conditions exist which are grounds for a cancellation or revocation of a license as hereinafter set forth.

Sec. 33. Section 4, chapter 117, Laws of 1943 as amended by section 39, chapter 240, Laws of 1967 and RCW 19.32.050 are each amended to read as follows:

(1) ~~((The director of agriculture shall collect with each application for a refrigerated locker license, or renewal of such license;))~~ An annual fee of ten dollars shall accompany each application for a refrigerated locker license or renewal of the license. All such license and renewal fees shall be deposited in the state's general fund.

(2) Each such license shall expire on ~~((December 31st following its date of issue;))~~ the master license expiration date unless sooner revoked for cause. Renewal may be obtained annually by ~~((surrendering to the director of agriculture the old license certificate and))~~ paying the required annual license fee. Such license fee shall not be transferable to any person nor be applicable to any location other than that for which originally issued.

Sec. 34. Section 1, chapter 286, Laws of 1957 as last amended by section 1, chapter 107, Laws of 1979 and RCW 19.91.010 are each amended to read as follows:

When used in this chapter, the following words and phrases shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Person" means and includes any individual, firm, association, company, partnership, corporation, joint stock company, club, agency, syndicate, municipal corporation, or other political subdivision of this state, trust, receiver, trustee, fiduciary and conservator.

(2) "Wholesaler" includes any person who:

(a) Purchases cigarettes directly from the manufacturer, or

(b) Purchases cigarettes from any other person who purchases from or through the manufacturer, for the purpose of bona fide resale to retail dealers or to other persons for the purpose of resale only, or

(c) Services retail outlets by the maintenance of an established place of business for the purchase of cigarettes, including, but not limited to, the maintenance of warehousing facilities for the storage and distribution of cigarettes.

Nothing contained herein shall prevent a person from qualifying in different capacities as both a "wholesaler" and "retailer" under the applicable provisions of this chapter.

(3) "Retailer" means and includes any person who operates a store, stand, booth, concession, or vending machine for the purpose of making sales of cigarettes at retail.

(4) "Cigarettes" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

(5) "Sale" means any transfer for a consideration, exchange, barter, gift, offer for sale and distribution, in any manner, or by any means whatsoever.

(6) "Sell at wholesale", "sale at wholesale" and "wholesale" sales mean and include any bona fide transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or in the usual conduct of the wholesaler's business, to a retailer for the purpose of resale.

(7) "Sell at retail", "sale at retail" and "retail sales" mean and include any transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or usual conduct of the seller's business, to the purchaser for consumption or use.

(8) "Basic cost of cigarettes" means the invoice cost of cigarettes to the retailer or wholesaler, as the case may be, or the replacement cost of cigarettes to the retailer or wholesaler, as the case may be, in the quantity last purchased, whichever is lower, less all trade discounts and customary discounts for cash, to which shall be added the full face value of any stamps which may be required by any cigarette tax act of this state and by ordinance of any municipality thereof, now in effect or hereafter enacted, if not already included by the manufacturer in his list price.

(9) (a) The term "cost to the wholesaler" means the "basic cost of cigarettes" to the wholesaler plus the "cost of doing business by the wholesaler" which said cost of doing business amount shall be expressed percentage-wise in the ratio that said wholesalers "cost of doing business" bears to said wholesalers dollar volume per annum, and said "cost of doing business by the wholesaler" shall be evidenced and determined by the standards and methods of accounting regularly employed by him in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor costs (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling cost, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising.

(b) In the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the wholesaler making the sale, the "cost of doing business by the wholesaler" shall be presumed to be four percent of the "basic cost of cigarettes" to the wholesaler, plus cartage to the retail outlet, if performed or paid for by the wholesaler, which cartage cost, in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost, shall be deemed to be one-half of one percent of the "basic cost of cigarettes" to the wholesaler.

(10) (a) The term "cost to the retailer" means the "basic cost of cigarettes" to the retailer plus the "cost of doing business by the retailer" which said cost of doing business amount shall be expressed percentage-wise in the ratio that said retailers "cost of doing business" bears to said retailers dollar volume per annum, and said "cost of doing business by the retailer" shall be

evidenced and determined by the standards and methods of accounting regularly employed by him in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising: PROVIDED, That any retailer who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, discounts ordinarily allowed upon purchases by a wholesaler shall, in determining "cost to the retailer", pursuant to this subdivision, add the "cost of doing business by the wholesaler," as defined in subdivision (9) of this section, to the "basic cost of cigarettes" to said retailer, as well as the "cost of doing business by the retailer".

(b) In the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the retailer making the sale, the "cost of doing business by the retailer" shall be presumed to be ten percent of the "basic cost of cigarettes" to the retailer.

(c) In the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business, the "cost of doing business by the retailer", who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, the discounts ordinarily allowed upon purchases by a wholesaler, shall be presumed to be ten percent of the sum of the "basic cost of cigarettes" and the "cost of doing business by the wholesaler".

(11) "Business day" means any day other than a Sunday or a legal holiday.

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

Sec. 35. Section 13, chapter 286, Laws of 1957 as amended by section 14, chapter 278, Laws of 1975 1st ex. sess. and RCW 19.91.130 are each amended to read as follows:

The licenses issuable (~~by the department of revenue~~) under this chapter shall be as follows:

- (1) Wholesalers license.
- (2) Retailers license.

~~((All licenses shall be issued by the department of revenue, which shall make rules and regulations respecting applications therefor and issuance thereof:))~~ Application for the licenses shall be made through the master license system. The department of revenue shall make rules regarding the regulation of the licenses. The department of revenue may refrain from the

issuance of any license under this chapter, where it has reasonable cause to believe that the applicant has wilfully withheld information requested of him for the purpose of determining the eligibility of the applicant to receive a license, or where it has reasonable cause to believe that information submitted in the application is false or misleading or is not made in good faith. Each such license shall ~~((lapse on the last day of June of the period for which it is issued))~~ expire on the master license expiration date, and each such license shall be continued annually upon the conditions that the licensee shall have paid the required fee and complied with all the provisions of this chapter and the rules and regulations of the department of revenue made pursuant thereto.

Sec. 36. Section 14, chapter 286, Laws of 1957 as amended by section 15, chapter 278, Laws of 1975 1st ex. sess. and RCW 19.91.140 are each amended to read as follows:

~~((For each license issued to a wholesaler, and for each continuance thereof, there shall be paid to the department of revenue))~~ A fee of three hundred dollars shall accompany each wholesaler's license application or license renewal application. If a wholesaler sells or intends to sell cigarettes at two or more places of business, whether established or temporary, a separate license with a license fee of twenty-five dollars shall be required for each additional place of business. Each license, or certificate thereof, and such other evidence of license as the department of revenue shall require, shall be exhibited in the place of business for which it is issued and in such manner as ~~((may be prescribed by the department of revenue))~~ is prescribed for the display of a master license. The department of revenue shall require each licensed wholesaler to file with him a bond in an amount not less than one thousand dollars to guarantee the proper performance of his duties and the discharge of his liabilities under this chapter. The bond shall be executed by such licensed wholesaler as principal, and by a corporation approved by the department of revenue and authorized to engage in business as a surety company in this state, as surety. The bond shall run concurrently with the wholesaler's license.

Sec. 37. Section 15, chapter 286, Laws of 1957 as amended by section 16, chapter 278, Laws of 1975 1st ex. sess. and RCW 19.91.150 are each amended to read as follows:

~~((For each license issued to a retail dealer and for each continuance thereof, there shall be paid to the department of revenue))~~ A fee of five dollars~~((For each license issued to a retail dealer operating a cigarette vending machine, and for each continuance thereof, there shall be paid to the department of revenue))~~ shall accompany each retailer's license application or license renewal application. A fee of one additional dollar for each vending machine shall accompany each application or renewal for a license issued to a retail dealer operating a cigarette vending machine.

Sec. 38. Section 2, chapter 137, Laws of 1937 and RCW 69.12.020 are each amended to read as follows:

Except where the context indicates a different meaning, terms used in this chapter shall be defined as follows:

(1) "Bakery" means any place, premises or establishment where any bakery product is regularly prepared, processed or manufactured for sale other than for consumption on the premises where originally prepared, processed or manufactured.

(2) "Bakery product" includes bread, rolls, cakes, pies, cookies, doughnuts, biscuits and all similar goods, to be used for human food.

(3) "Person" includes an individual, partnership or corporation.

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

Sec. 39. Section 3, chapter 137, Laws of 1937 and RCW 69.12.030 are each amended to read as follows:

No person shall operate or participate in the operation of any bakery within this state without having obtained from the director of agriculture a bakery license for that bakery issued and in effect under this chapter. Application for such license shall be made ~~((in writing and under oath to the director of agriculture, on such forms and with such pertinent information as he shall require))~~ through the master license system. Such license shall be granted as a matter of right unless conditions exist which are grounds for a cancellation or revocation of a license as hereinafter set forth.

Sec. 40. Section 4, chapter 137, Laws of 1937 and RCW 69.12.040 are each amended to read as follows:

No person hereafter shall engage within this state in the sale or distribution of any bakery product, other than exclusively at retail at a fixed place or places of business, without holding a license to do so issued to that person by the director of agriculture. A distributor's license shall not be required of any person distributing solely bakery products manufactured by him in a bakery licensed under this chapter. Application for such license shall be ~~((filed in writing and under oath with the director of agriculture upon such form as shall be prescribed and supplied by him))~~ made through the master license system.

Sec. 41. Section 5, chapter 137, Laws of 1937 as amended by section 44, chapter 240, Laws of 1967 and RCW 69.12.050 are each amended to read as follows:

(1) ~~((There shall be paid to the director of agriculture with))~~ Each application for a bakery license or distributor's license ((or)) and for renewal

of such license shall be made through the master license system and accompanied by an annual license fee of five dollars. All such license and renewal fees shall be deposited in the state's general fund.

(2) Each such license shall expire on ~~((December 31st following its date of issue))~~ the master license expiration date, unless sooner revoked for cause. Renewal may be obtained annually by ~~((surrendering to the director of agriculture the old license certificate and))~~ paying the required annual license fee. Such license shall not be transferable to any person or be applicable to any location other than that for which originally issued.

Sec. 42. Section 3, chapter 201, Laws of 1975 1st ex. sess. and RCW 69.25.020 are each amended to read as follows:

When used in this chapter the following terms shall have the indicated meanings, unless the context otherwise requires:

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

(2) "Director" means the director of the department or his duly authorized representative.

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

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

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

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

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

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

(e) If it bears or contains any color additive which is unsafe within the meaning of RCW 69.04.396, as enacted or hereafter amended: PROVIDED, That an article which is not otherwise deemed adulterated under subsection (4)(c), (d), or (e) of this section shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive, in or on such article, is prohibited by regulations of the director in official plants;

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

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

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

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

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

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

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

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

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

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

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

(10) "Egg handler" or "dealer" means any person who produces, contracts for or obtains possession or control of any eggs for the purpose of sale to another dealer or retailer, or for processing and sale to a dealer, retailer or consumer: PROVIDED, That for the purpose of this chapter, "sell" or "sale" includes the following: Offer for sale, expose for sale, have in possession for sale, exchange, barter, trade, or as an inducement for the sale of another product.

(11) "Egg product" means any dried, frozen, or liquid eggs, with or without added ingredients, excepting products which contain eggs only in a relatively small proportion, or historically have not been, in the judgment of the director, considered by consumers as products of the egg food industry, and which may be exempted by the director under such conditions as he

may prescribe to assure that the egg ingredients are not adulterated and such products are not represented as egg products.

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

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

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

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

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

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

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

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

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

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

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

(23) "Misbranded" shall apply to egg products which are not labeled and packaged in accordance with the requirements prescribed by regulations of the director under RCW 69.25.100.

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

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

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

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

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

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

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

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

(32) "Plant" means any place of business where egg products are processed.

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

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

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

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

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

(38) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

Sec. 43. Section 6, chapter 201, Laws of 1975 1st ex. sess. and RCW 69.25.050 are each amended to read as follows:

No person shall act as an egg handler or dealer without first obtaining an annual license and permanent dealer's number from the department; such license shall expire on the ~~((thirtieth day of June following issuance))~~ master license expiration date. Application for an egg dealer license or egg dealer branch license, shall be ~~((on a form prescribed by the director and~~

~~accompanied by a ten-dollar annual license fee. Duplicate copies of the license may be issued upon payment of five dollars))~~ made through the master license system. The annual egg dealer license fee shall be ten dollars and the annual egg dealer branch license fee shall be five dollars. A copy of ((said)) the master license shall be posted at each location where such licensee operates. Such application shall include the full name of the applicant for the license and the location of each facility he intends to operate. If such applicant is an individual, receiver, trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership or the names of the officers of the association or corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant and any other necessary information prescribed by the director. Upon the approval of the application and compliance with the provisions of this chapter, including the applicable regulations adopted hereunder by the department, the applicant shall be issued a license or renewal thereof. Such license and permanent egg handler or dealer's number shall be nontransferable.

Sec. 44. Section 7, chapter 201, Laws of 1975 1st ex. sess. and RCW 69.25.060 are each amended to read as follows:

If the application for the renewal of an egg handler's or dealer's license is not filed before ~~((July 1st of any year, an additional fee of five dollars))~~ the master license expiration date, the master license delinquency fee shall be assessed ((and added to the original fee)) under chapter 19.02 RCW and shall be paid by the applicant before the renewal license shall be issued((: PROVIDED, That such additional fee shall not be charged if the applicant furnishes an affidavit certifying that he has not acted as an egg handler or dealer subsequent to the expiration of his license)).

NEW SECTION. Sec. 45. The following acts or parts of acts are each repealed:

(1) Section 82.24.220, chapter 15, Laws of 1961, section 69, chapter 278, Laws of 1975 1st ex. sess., section 8, chapter 319, Laws of 1977 ex. sess. and RCW 82.24.220; and

(2) Section 6, chapter 319, Laws of 1977 ex. sess. and RCW 19.02.060.

NEW SECTION. Sec. 46. A license or permit affected by this act and otherwise valid on the effective date of this act need not be registered under the master license system until the renewal or expiration date of that license or permit under the laws in effect prior to the effective date of this act unless otherwise revoked or suspended.

NEW SECTION. Sec. 47. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or

the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 48. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 10, 1982.

Passed the Senate March 9, 1982.

Approved by the Governor April 1, 1982.

Filed in Office of Secretary of State April 1, 1982.

CHAPTER 183

[House Bill No. 826]

LAW REVISION COMMISSION

AN ACT Relating to the law revision commission; adding a new chapter to Title 1 RCW; and adding a new section to chapter 41.06 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. The legislature finds and declares that to secure the better administration of justice it is in the public interest to establish a law revision commission and thereby to: (1) Provide facilities and procedures to undertake the scholarly investigation of the law; (2) recommend to the legislature elimination of antiquated and inequitable rules of law and removal of other defects or anachronisms in the law; and (3) encourage the clarification and simplification of the law in Washington and to promote its better adaption to modern conditions.

NEW SECTION. Sec. 2. There is created the Washington law revision commission consisting of thirteen members as follows:

- (1) Two senators, ex officio, to be designated by the president of the senate, and not members of the same political party;
- (2) Two representatives, ex officio, to be designated by the speaker of the house of representatives, and not members of the same political party;
- (3) Three deans of accredited law schools of this state, ex officio, or their designees from members of their respective law faculties;
- (4) Four lawyers admitted to practice in this state, designated by the board of governors of the Washington state bar association;
- (5) Two nonlawyer members with a demonstrated interest in the work of the commission, appointed by the governor.

NEW SECTION. Sec. 3. The terms of the members designated by the state bar association and the governor shall be for four years. Of the initial members designated by the state bar association, the terms of two members shall expire June 30, 1984, and the terms of two members shall expire June 30, 1986. Of the initial members designated by the governor, the term of