

CHAPTER 36

[Engrossed House Bill No. 21]

HORTICULTURE—NURSERY DEALERS—LICENSURE MODIFIED

AN ACT Relating to horticultural nursery dealers; amending RCW 15.13.250, 15.13.260, 15.13.270, 15.13.280, 15.13.470, and 15.13.490; and prescribing penalties.

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

Sec. 1. Section 1, chapter 33, Laws of 1971 ex. sess. as amended by section 19, chapter 182, Laws of 1982 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, and viticultural~~((, and olericultural))~~ plant, for planting, propagation or ornamentation growing or otherwise~~((, including cut plant material))~~. The term does not apply to cut plant material or to olericultural plants.

(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. 2. Section 2, chapter 33, Laws of 1971 ex. sess. and RCW 15.13-.260 are each amended to read as follows:

The director shall enforce the provisions of this chapter and he may adopt any rule necessary to carry out its purpose and provisions including but not limited to the following:

(1) The director may adopt rules establishing grades and/or classifications for any horticultural plant (~~((and/or cut plant material))~~) and standards for such grades and/or classifications.

(2) The director may adopt rules for the inspection and/or certification of any horticultural plant (~~((and/or cut plant material))~~) as to variety, quality, size and freedom from plant pests.

(3) The director shall adopt rules establishing fees for inspection of horticultural plants (~~((and/or cut plant material))~~) and methods of collection thereof.

(4) The director shall when adopting rules or regulations under the provisions of this chapter, hold a public hearing and satisfy all the requirements of chapter 34.04 RCW (administrative procedure act) as enacted or hereafter amended, concerning the adoption of rules and regulations.

Sec. 3. Section 3, chapter 33, Laws of 1971 ex. sess. as amended by section 2, chapter 73, Laws of 1983 1st ex. sess. and RCW 15.13.270 are each amended to read as follows:

The provisions of this chapter relating to licensing (~~((shall))~~) do not apply to: (1) Persons making casual or isolated sales ((or for each place of business where gross sales do not exceed five hundred dollars per year, nor to)) that do not exceed one hundred dollars annually; (2) any garden club or charitable nonprofit association conducting not more than three sales per year for not more than four consecutive days each of horticultural plants as defined in RCW 15.13.250 and which are grown by or donated to its members((-PROVIDED, That)); (3) educational organizations associated with private or public secondary schools. However, such a club ((or)), association, or organization shall apply to the director for a permit to conduct such sales. A two dollar fee shall be assessed for ((such)) the permit.

All horticultural plants sold under such a permit issued by the director shall be subject to all the other provisions of this chapter except licensing as set forth herein.

Sec. 4. Section 4, chapter 33, Laws of 1971 ex. sess. as last amended by section 3, chapter 73, Laws of 1983 1st ex. sess. and RCW 15.13.280 are each amended to read as follows:

(1) No person shall act as a nursery dealer without a license for each place of business where horticultural plants are sold except as provided in RCW 15.13.270. Any person applying for such a license shall apply through the master license system. ((Such)) The application shall be accompanied by ((a license)) the following annual licensing fee ((of one hundred dollars, except there shall be no license fee for each place of business where gross sales do not exceed five hundred dollars per year. Such));

(a) Retail licenses:

(i) A twenty-five dollar license fee if gross business sales for horticultural plants and turf do not exceed two thousand five hundred dollars;

(ii) A fifty dollar license fee if such gross business sales are between two thousand five hundred dollars and fifteen thousand dollars; and

(iii) A one hundred dollar license fee if such gross business sales are fifteen thousand dollars or more;

(b) Wholesale licenses:

(i) A fifty dollar license fee if gross business sales for horticultural plants and turf are less than fifteen thousand dollars; and

(ii) A one hundred dollar license fee if such gross business sales are fifteen thousand dollars or more.

(2) Except as provided in RCW 15.13.270, a person conducting both retail and wholesale sales of horticultural plants at a place of business shall secure for the place of business (a) a retail nursery dealer license if retail sales of the plants and turf exceed such wholesale sales, or (b) a wholesale nursery dealer license if wholesale sales of the plants and turf exceed such retail sales.

(3) The licensing fee that must accompany an application for a new license shall be based upon the estimated gross business sales of horticultural plants and turf for the ensuing licensing year. The fee for renewing a license shall be based upon the licensee's gross sales of such products during the preceding licensing year.

(4) The license shall expire on the master license expiration date unless it has been revoked or suspended prior ((thereto)) to the expiration date 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. 5. Section 25, chapter 33, Laws of 1971 ex. sess. as amended by section 1, chapter 257, Laws of 1975 1st ex. sess. and RCW 15.13.470 are each amended to read as follows:

All moneys except assessments and penalties collected under the provisions of this chapter shall be paid into the nursery inspection fund in the state treasury which is hereby established. Such fund shall be used only in the administration and enforcement of this chapter. All moneys collected under the provisions of chapter 15.13 RCW and remaining in such nursery inspection account in the state general fund on July 1, 1975, shall likewise be used only in the administration and enforcement of this chapter: PROVIDED, That all fees collected for fruit tree, fruit tree seedling and fruit tree rootstock assessments as set forth in this chapter shall be deposited in the northwest nursery fund to be used only for the Washington fruit tree certification and nursery improvement programs as set forth in this chapter and chapter 15.14 RCW.

Sec. 6. Section 27, chapter 33, Laws of 1971 ex. sess. and RCW 15-.13.490 are each amended to read as follows:

(1) Any person violating the provisions of this chapter or rules adopted hereunder is guilty of a misdemeanor and guilty of a gross misdemeanor for any subsequent offense, however, any offense committed more than five years after a previous conviction shall be considered a first offense.

(2) In lieu of any other penalty imposed under this section, a person who acts as a nursery dealer without the license required by RCW 15.13-.280 or the permit required by RCW 15.13.270 is subject to a civil penalty of up to two hundred dollars for each violation. The director may impose the penalty and the penalty shall be subject to appeal in accordance with chapter 34.04 RCW. Penalties collected under this subsection shall be deposited in the state general fund.

Passed the House April 5, 1985.

Passed the Senate March 29, 1985.

Approved by the Governor April 15, 1985.

Filed in Office of Secretary of State April 15, 1985.

CHAPTER 37

[Engrossed House Bill No. 409]
ARCHITECTS—LICENSURE

AN ACT Relating to the practice of architecture; adding new sections to chapter 18.08 RCW; repealing RCW 18.08.100, 18.08.110, 18.08.120, 18.08.130, 18.08.140, 18.08.150, 18.08.160, 18.08.170, 18.08.180, 18.08.190, 18.08.200, 18.08.210, 18.08.220, 18.08.230, 18.08.250, 18.08.260, and 18.08.270; and prescribing penalties.

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

NEW SECTION. Sec. 1. The legislature finds that in order to safeguard life, health, and property and to promote the public welfare, it is necessary to regulate the practice of architecture.

NEW SECTION. Sec. 2. It is unlawful for any person to practice or offer to practice in this state, architecture, or to use in connection with his