PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Department of Revenue

Subject of possible rule making: Business licensing service rules: WAC 458-XX, WAC 308-300, and WAC 458-20-10101.

Statutes authorizing the agency to adopt rules on this subject: RCWs 19.02.030, 19.02.075 and 19.80.045.

Reasons why rules on this subject may be needed and what they might accomplish:
Chapter 298, Laws of 2011, transferred the administration of the master license service (MLS) program from the department of licensing to the department of revenue, effective July 1, 2011. *See* Chapters 19.02, 19.80 RCW. Chapter 144, Laws of 2013, renamed the master license service program to business license (BLS) program.

- Add a new rule chapter to replace former BLS rules under Chapter 308-300 WAC and WAC 458-20-10101.
- Repeal Chapter 308-300 WAC.
- Repeal WAC 458-20-10101 on BLS handling fees for new and renewal applications, which is now incorporated in the new chapter on BLS rules.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None.

Process for developing new rule (check all that apply):

☐ Negotiated rule making
☐ Pilot rule making
☐ Agency study
☒ Other (describe) Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

A preliminary draft of possible rule changes will be available via the Department's online Rules Agenda.

Written comments may be submitted by mail and should be directed to **Wan Chen** at either of the following addresses: email: WanC@dor.wa.gov, or mailing address: **ITA Division, PO Box 47453, Olympia, WA 98504-7453**.

Written and oral comments will be accepted at the public meeting.

Public meeting location:
Capitol Plaza Building
4th Floor Exec Conference Room
1025 Union Avenue SE
Olympia, Washington

Assistance for persons with disabilities:
Contact Mary Carol LaPalm (360) 725-7499 or Renee Cosare (360) 725-7514 no later than 10 days before the meeting date. For Hearing Impaired please contact us via the Washington Relay Operator at (800) 833-6384.

Date: **November 6, 2013** **Time:** **10:00 A.M.**

Date
October 1, 2013

Name
Alan R. Lynn

Signature

Title
Assistant Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 01, 2013
TIME: 3:50 PM

WSR 13-20-123

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NEW CHAPTER

Chapter 458-xx CONSOLIDATED LICENSING SYSTEM

WAC 458-XX-100

Declaration of purpose and authority

This chapter is adopted to implement the authority granted by RCW 19.02.030 to administer the consolidated business license application process created under chapter 19.02 RCW, and the authority granted by RCW 19.80.045 to administer the registration of trade names under chapter 19.80 RCW.

WAC 458-XX-200

Business Licensing Service – Applications, Licenses, Renewals – Fees - Posting

(1) **Introduction.** Information about the individual licenses that may be obtained from the Business Licensing Service (BLS) of the Department of Revenue (the department) is available online at: http://bls.dor.wa.gov/

(2) **What fee do I need to pay when applying for or renewing a license?** The fee payable is the total amount of all individual license fees, late filing fees, other penalty fees, and handling fees, and may include additional fees charged to cover credit or debit card processing. Licensing fees vary depending on the license(s) for which you are applying or renewing.

(3) **What does the department do with the fees?** The department will distribute the fees received for individual licenses to the respective regulatory agencies. The handling fees support the operation of the BLS.

(4) **When do I get my business license?** The business license will not be issued until the total fee payable is collected and all required information has been submitted. Some individual licenses require review and approval by the regulating authorities, and the business license will not be issued until the regulating authorities have approved

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them.

(5) **Can I get a refund?** The business license application and renewal handling fees collected under RCW 19.02.075 are not refundable. When a license is denied or when an applicant withdraws an application, a refund of any other refundable portion of the total payment will be made in accordance with the applicable licensing laws.

(6) **What are the handling fees?** The business license application handling fee amounts are:

Type of handling fee:	Fee amount:
Business license application filing	$19.00
Business renewal application filing	$11.00

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

(8) **Do I need to renew my business license?** (a) The various licenses displayed on the business license may each have a requirement to be renewed periodically. The department will prorate the individual license issuance fees as appropriate so that all requested licenses are renewed at the same time.

(b) Licenses requiring renewal must be renewed by the expiration date or the department will assess a delinquency fee. The regulatory agencies may also assess delinquency fees and/or penalties for late renewal, and may cancel the individual licenses for nonrenewal. Reissuance of individual licenses cancelled for nonrenewal may require the filing of a new business license application.

WAC 458-XX-201

Business licensing service – Business license transfer

Transfer of a business license is prohibited. Transfer of each individual license held under the business

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license is also prohibited, unless expressly permitted by the regulatory agency's applicable licensing law. In the event of proven incapacity, death, receivership, bankruptcy, or assignment for benefit of creditors of any licensee, the business license may be transferred to a court appointed or court confirmed guardian, executor or administrator, receiver, trustee, or assignee for the benefit of creditors, who may continue to operate or conduct the licensed business activities, subject to the rules of the individual agencies.

WAC 458-XX-202

Business licensing service – Notification of Changes

(1) When the information about a business that was submitted in a business license application changes, the applicant or the licensee must immediately notify the department of the change or correction. Notification must be made in advance of a change whenever possible.

(2) Where the rules of the granting agency require advanced notice of a change, and/or the approval of the granting agency before implementing the change, the licensee must comply with that requirement.

(3) Some changes must be reported on a specific form and may require the payment of a fee.

(4) If the change is significant, a new business license application may be required, and all licenses requested on that application will be reviewed and reapproved by the respective regulating authorities.

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WAC 458-XX-300

Trade names – Registration – Fees – Search - Changes

(1) **Introduction.** (a) Any person or persons who carries on, conducts or transacts business under a name or names that do not include the true and real name of all persons conducting that business must register that name or names with the department as trade name(s).

(b) Trade name registrations are made by completing a business license application, payment of the appropriate fees, and providing the required information.

(c) A notice of change must be filed with the department when any information in the business license application relating to the trade name registration has changed.

(d) A trade name must be cancelled with the department when use of the trade name is discontinued.

(2) For the purpose of this section, applicable terms have the meaning given in RCW 19.80.005.

(3) **Can I search for a trade name?** (a) Free search of a particular trade name is available online at www.bls.dor.gov

(b) Trade name registration does not afford any brand name protection or provide you with unlimited rights for the use of that name.

(4) **What are the fees related to the trade name registration?**

Type of fee:	Fee amount:
Trade name registration	$5.00 per name

(5) **Can I get a refund?** The fees related to trade name registrations are not refundable.

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