



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Revenue

- Preproposal Statement of Inquiry was filed as WSR 13-20-123; or
- Expedited Rule Making--Proposed notice was filed as WSR ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

### Title of rule and other identifying information:

1. WAC 458-02, Consolidated Licensing System – adding this new rule chapter to replace former BLS rules under WAC 308-300 and WAC 458-20-10101.
2. WAC 308-300, Consolidated Licensing System – repealing this rule chapter, which is to be replaced by the new rule chapter WAC 458-02.
3. WAC 458-20-10101, Business licensing service—Total fee payable—Handling of fees – repealing this rule, which is incorporated in the new rule chapter WAC 458-02.

### Hearing location(s):

Capitol Plaza Building  
 4<sup>th</sup> Floor Exec Conference Room  
 1025 Union Avenue SE  
 Olympia, Washington

Copies of draft rules are available for viewing and printing on our website at [Rules Agenda](#)

*Call in option can be provided upon request*

Date: **February 18, 2014** Time: **10:00 a.m.**

Date of intended adoption: **February 25, 2014**

(Note: This is NOT the effective date)

### Submit written comments to:

Name: Wan Chen

Address: Post Office Box 47453  
 Olympia, Washington 98504-7453

E-mail: [WanC@dor.wa.gov](mailto:WanC@dor.wa.gov)

By: **February 18, 2014**

**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 hearing date. For Hearing Impaired please contact us via the Washington Relay Operator at (800) 833-6384.

### Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The Department of Revenue is proposing one new rule chapter to replace the former BLS rules under WAC 308-300 and WAC 458-20-10101. Chapter 298, Laws of 2011 and Chapter 144, Laws of 2013 transferred the administration of the former master license service (MLS) program from the department of licensing to the department of revenue, and renamed the program to business license service (BLS).

**Reasons supporting proposal:** Changes in statute that the Department of Revenue be the administrating agency.

### Statutory authority for adoption:

RCWs 19.02.030, 19.02.075 and 19.80.045.

### Statute being implemented:

RCW 19.02 and RCW 19.80

### Is rule necessary because of a:

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION:

DATE **January 2, 2014**

NAME Dylan Waits

SIGNATURE

TITLE **Managing Senior Policy Counsel**

### CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

DATE: **January 02, 2014**

TIME: **11:45 AM**

WSR **14-02-127**

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: Department of Revenue

- Private  
 Public  
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting.....	Wan Chen	1025 Union Ave. SE. Ste #544, Olympia ,WA	(360) 534-1581
Implementation....	Alan Lynn	1025 Union Ave. SE. Ste #544, Olympia ,WA	(360) 534-1599
Enforcement.....	Alan Lynn	1025 Union Ave. SE. Ste #544, Olympia ,WA	(360) 534-1599

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ()

fax ()

e-mail

No. Explain why no statement was prepared.

The rules do not impose any new requirements or administrative burden on any small business not already required by statute.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ()

fax ()

e-mail

No: Please explain: **The proposed rules are not significant legislative rules as defined by RCW 34.05.328.**

## Chapter 458-02 WAC

### CONSOLIDATED LICENSING SYSTEM

#### NEW SECTION

**WAC 458-02-100 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.

[ ]

#### NEW SECTION

**WAC 458-02-200 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 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 canceled for nonrenewal may require the filing of a new business license application.

[ ]

NEW SECTION

**WAC 458-02-201 Business licensing service—Business license transfer.** Transfer of a business license is prohibited. Transfer of each individual license held under the business 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.

[ ]

NEW SECTION

**WAC 458-02-202 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 regulatory 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.

[ ]

NEW SECTION

**WAC 458-02-300 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 canceled 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](http://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.

[ ]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 458-20-10101 Business licensing service—Total fee payable—Handling of fees.

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REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 308-300-010	Declaration of purpose and authority.
WAC 308-300-020	Definitions.
WAC 308-300-030	Licenses which are included on the master license.
WAC 308-300-040	Businesses covered.
WAC 308-300-050	Qualified applicants.
WAC 308-300-060	Participation.
WAC 308-300-070	Authority to prepare forms.
WAC 308-300-080	Procedures for obtaining master application.
WAC 308-300-090	Transfer of master license.
WAC 308-300-100	Notification of changes.
WAC 308-300-110	Issuance of master license.
WAC 308-300-120	Assignment of renewal schedules.
WAC 308-300-130	Renewal notices and procedures.
WAC 308-300-140	Renewal of licenses.
WAC 308-300-150	Voiding notices and procedures.
WAC 308-300-170	Prorating of fees.
WAC 308-300-180	Late filing procedures.
WAC 308-300-190	Posting.
WAC 308-300-200	Misuse of master license.
WAC 308-300-210	Declaration of purpose and authority.
WAC 308-300-215	Master license service (MLS) state grant program.
WAC 308-300-220	Definitions.
WAC 308-300-230	Required registration of trade name.
WAC 308-300-240	Cancellation.
WAC 308-300-250	Forms.
WAC 308-300-260	Records—Transfer from counties to department.
WAC 308-300-270	Searches.
WAC 308-300-280	Fees and refunds.
WAC 308-300-290	Cross-referencing and public access.