
SUBSTITUTE SENATE BILL 5911

State of Washington

62nd Legislature

2011 Regular Session

By Senate Ways & Means (originally sponsored by Senators Murray and Zarelli; by request of Department of Licensing and Department of Revenue)

READ FIRST TIME 04/01/11.

1 AN ACT Relating to the master license service program; amending RCW
2 19.02.020, 19.02.030, 19.02.050, 19.02.070, 19.02.075, 19.02.100,
3 19.02.800, 19.02.900, 19.80.005, 19.80.010, 19.80.025, 19.80.045,
4 19.80.075, 19.80.900, 19.94.015, 34.05.310, 34.05.328, 35.21.392,
5 35A.21.340, 43.07.200, 46.68.060, 46.72.110, 46.72A.110, 59.30.010,
6 59.30.020, 59.30.050, 59.30.060, 76.48.121, 79A.60.485, 82.01.060,
7 82.02.010, 82.32.030, 90.76.010, and 90.76.020; reenacting and amending
8 RCW 43.24.150; adding a new section to chapter 19.02 RCW; adding a new
9 section to chapter 59.30 RCW; creating new sections; decodifying RCW
10 19.02.901 and 19.02.910; prescribing penalties; providing an effective
11 date; and declaring an emergency.

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

13 NEW SECTION. **Sec. 1.** The purpose of this act is to improve
14 customer service by transferring the master license service program
15 from the department of licensing to the department of revenue. It is
16 the legislature's intent that all licenses obtained or renewed through
17 the master license service as of March 1, 2011, will continue to be
18 obtained or renewed through the master license service after the master

1 license service program is transferred to the department of revenue
2 effective July 1, 2011.

3 NEW SECTION. **Sec. 2.** (1) All powers, duties, and functions of the
4 department of licensing pertaining to the administration of chapters
5 19.02, 19.80, and 59.30 RCW are transferred to the department of
6 revenue. All references to the department of licensing or the director
7 of licensing in the Revised Code of Washington must be construed to
8 mean the department of revenue or the director of revenue when
9 referring to the powers, duties, and functions transferred under this
10 section.

11 (2)(a) All reports, documents, surveys, books, records, files,
12 papers, or written material, including electronic records and files, in
13 the possession of the department of licensing pertaining to the powers,
14 functions, and duties transferred to the department of revenue under
15 this section must be delivered to the custody of the department of
16 revenue. All cabinets, furniture, office equipment, motor vehicles,
17 and other tangible property employed by the department of licensing in
18 carrying out the powers, functions, and duties transferred must be made
19 available to the department of revenue. All funds, credits, or other
20 assets held in connection with the powers, functions, and duties
21 transferred must be assigned to the department of revenue.

22 (b) Any appropriations made to the department of licensing for
23 carrying out the powers, functions, and duties transferred must, on the
24 effective date of this section, be transferred and credited to the
25 department of revenue.

26 (c) Whenever any question arises as to the transfer of any
27 personnel, funds, books, documents, records, papers, files, equipment,
28 or other tangible property used or held in the exercise of the powers
29 and the performance of the duties and functions transferred, the
30 director of financial management must make a determination as to the
31 proper allocation and certify the same to the state agencies concerned.

32 (3) All employees of the department of licensing primarily engaged
33 in performing the powers, functions, and duties transferred are
34 transferred to the jurisdiction of the department of revenue. All
35 employees classified under chapter 41.06 RCW, the state civil service
36 law, are assigned to the department of revenue to perform their usual

1 duties upon the same terms as formerly, without any loss of rights,
2 subject to any action that may be appropriate thereafter in accordance
3 with the laws and rules governing state civil service.

4 (4) All rules and all pending business before the department of
5 licensing pertaining to the powers, functions, and duties transferred
6 must be continued and acted upon by the department of revenue. All
7 existing contracts and obligations must remain in full force and must
8 be performed by the department of revenue.

9 (5) The transfer of the powers, duties, functions, and personnel of
10 the department of licensing does not affect the validity of any act
11 performed before the effective date of this section.

12 (6) If apportionments of budgeted funds are required because of the
13 transfers directed by this section, the director of financial
14 management must certify the apportionments to the agencies affected,
15 the state auditor, and the state treasurer. Each of these must make
16 the appropriate transfer and adjustments in funds and appropriation
17 accounts and equipment records in accordance with the certification.

18 (7) All classified employees of the department of licensing
19 assigned to the department of revenue under this section whose
20 positions are within an existing bargaining unit description at the
21 department of revenue must become a part of the existing bargaining
22 unit at the department of revenue and must be considered an appropriate
23 inclusion or modification of the existing bargaining unit, if any,
24 under the provisions of chapter 41.80 RCW.

25 NEW SECTION. **Sec. 3.** To ensure a seamless transfer of the master
26 license service program from the department of licensing to the
27 department of revenue and to prevent any disruption of service to
28 persons seeking to use the master license system, the department of
29 revenue is authorized to contract, under chapter 39.34 RCW, with the
30 department of licensing for support in administering chapters 19.02,
31 19.80, and 59.30 RCW. Any contract entered into pursuant to this
32 section must be for a duration no longer than necessary to fully and
33 effectively transfer the master license service program from the
34 department of licensing to the department of revenue.

35 **Sec. 4.** RCW 19.02.020 and 1993 c 142 s 3 are each amended to read
36 as follows:

1 (~~As used in this chapter, the following words shall have the~~
2 ~~following meanings~~)) The definitions in this section apply throughout
3 this chapter unless the context clearly requires otherwise.

4 (1) "System" or "master license system" means the (~~mechanism~~)
5 procedure by which master licenses are issued and renewed, license and
6 regulatory information is collected and disseminated with due regard to
7 privacy statutes, and account data is exchanged by the agencies(~~(+)~~)
8 and participating local governments.

9 (2) "Business license center" means the business registration and
10 licensing center established by this chapter and located in and under
11 the administrative control of the department of (~~(licensing+)~~) revenue.

12 (3) "Master application" means a document incorporating pertinent
13 data from existing applications for licenses covered under this
14 chapter(~~(+)~~).

15 (4) "Master license" means the single document designed for public
16 display issued by the business license center which certifies state
17 agency or local government license approval and which incorporates the
18 endorsements for individual licenses included in the master license
19 system, which the state or local government requires for any person
20 subject to this chapter(~~(+)~~).

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

25 (6) "Regulatory" means all licensing and other governmental or
26 statutory requirements pertaining to business or professional
27 activities(~~(+)~~).

28 (7) "Person" means any individual, sole proprietorship,
29 partnership, association, cooperative, corporation, nonprofit
30 organization, state or local government agency, and any other
31 organization required to register with the state or a participating
32 local government to do business in the state or the participating local
33 government and to obtain one or more licenses from the state or any of
34 its agencies(~~(+)~~) or the participating local government.

35 (8) "Director" means the director of (~~(licensing+)~~) revenue.

36 (9) "Department" means the department of (~~(licensing+)~~) revenue.

37 (10) "Regulatory agency" means any state agency, board, commission,

1 (~~or~~), division (which), or local government that regulates one or
2 more professions, occupations, industries, businesses, or
3 activities(~~+~~).

4 (11) "Renewal application" means a document used to collect
5 pertinent data for renewal of licenses covered under this chapter(~~+~~
6 ~~and~~).

7 (12) "License information packet" means a collection of information
8 about licensing requirements and application procedures custom-
9 assembled for each request.

10 (13) "Participating local government" means a municipal corporation
11 or political subdivision that participates in the master license system
12 established by this chapter.

13 **Sec. 5.** RCW 19.02.030 and 1999 c 240 s 5 are each amended to read
14 as follows:

15 (1) There is (~~created~~) located within the department (~~of~~
16 ~~licensing~~) a business license center.

17 (2) The duties of the center (~~shall~~) include:

18 (a) Developing and administering a computerized one-stop master
19 license system capable of storing, retrieving, and exchanging license
20 information with due regard to privacy statutes, as well as issuing and
21 renewing master licenses in an efficient manner;

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

24 (c) Providing for staggered master license renewal dates;

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

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

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

31 (3) The (~~director of licensing~~) department may adopt under
32 chapter 34.05 RCW such rules as may be necessary to effectuate the
33 purposes of this chapter.

34 **Sec. 6.** RCW 19.02.050 and 1997 c 391 s 11 are each amended to read
35 as follows:

1 The legislature hereby directs the full participation by the
2 following agencies in the implementation of this chapter:

- 3 (1) Department of agriculture;
- 4 (2) Secretary of state;
- 5 (3) Department of social and health services;
- 6 (4) Department of revenue;
- 7 (5) Department of fish and wildlife;
- 8 (6) (~~Department of~~) Employment security department;
- 9 (7) Department of labor and industries;
- 10 (8) Department of (~~community, trade, and economic development~~)
11 commerce;
- 12 (9) Liquor control board;
- 13 (10) Department of health;
- 14 (11) Department of licensing;
- 15 (12) Parks and recreation commission;
- 16 (13) Utilities and transportation commission; and
- 17 (14) Other agencies as determined by the governor.

18 **Sec. 7.** RCW 19.02.070 and 1990 c 264 s 1 are each amended to read
19 as follows:

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

25 (2) The applicant (~~shall~~) must include with the application the
26 sum of all fees and deposits required for the requested individual
27 license endorsements as well as the handling fee established by the
28 department under the authority of RCW 19.02.075.

29 (3) Irrespective of any authority delegated to the department (~~of~~
30 ~~licensing~~) to implement the provisions of this chapter, the authority
31 for approving issuance and renewal of any requested license that
32 requires a prelicensing or renewal investigation, inspection, testing,
33 or other judgmental review by the regulatory agency otherwise legally
34 authorized to issue the license (~~shall~~) must remain with that agency.
35 The business license center has the authority to issue those licenses
36 for which proper fee payment and a completed application form have been

1 received and for which no prelicensing or renewal approval action is
2 required by the regulatory agency.

3 (4) Upon receipt of the application and proper fee payment for any
4 license for which issuance is subject to regulatory agency action under
5 subsection (3) of this section, the department (~~shall~~) must
6 immediately notify the regulatory agency with authority to approve
7 issuance or renewal of the license requested by the applicant. Each
8 regulatory agency (~~shall~~) must advise the department within a
9 reasonable time after receiving the notice: (a) That the agency
10 approves the issuance of the requested license and will advise the
11 applicant of any specific conditions required for issuing the license;
12 (b) that the agency denies the issuance of the license and gives the
13 applicant reasons for the denial; or (c) that the application is
14 pending.

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

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

24 **Sec. 8.** RCW 19.02.075 and 1995 c 403 s 1007 are each amended to
25 read as follows:

26 (~~(1)~~) The department (~~shall~~) must collect a handling fee (~~of~~
27 ~~fifteen dollars~~) on each master application (~~—The entire master~~
28 ~~application fee shall be deposited in the master license fund.~~

29 ~~(2) The department shall collect a fee of nine dollars on~~) and
30 each renewal application filing. (~~Renewal application fees shall~~)
31 The department must set the amount of the handling fees by rule, as
32 authorized by RCW 19.02.030. The handling fees may not exceed nineteen
33 dollars for each master application, and eleven dollars for each
34 renewal application filing, and must be deposited in the master license
35 fund. The department may increase handling and renewal fees for the
36 purposes of making improvements in the master license service program,

1 including improvements in technology and customer services, expanded
2 access, and infrastructure.

3 **Sec. 9.** RCW 19.02.100 and 1997 c 58 s 865 are each amended to read
4 as follows:

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

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

9 (b) The person is a corporation delinquent in fees or penalties
10 owing to the secretary of state or is not validly registered under
11 Title 23B RCW, chapter 18.100 RCW, Title 24 RCW, (~~and~~) or any other
12 statute now or hereafter adopted which gives corporate or business
13 licensing responsibilities to the secretary of state if the person is
14 required to be so registered; or

15 (c) The person has not submitted the sum of all fees and deposits
16 required for the requested individual license endorsements, any
17 outstanding master license delinquency fee, or other fees and penalties
18 to be collected through the system.

19 (2) Nothing in this section (~~shall~~) prevents registration by the
20 state of a business for taxation purposes, or an employer for the
21 purpose of paying an employee of that employer industrial insurance or
22 unemployment insurance benefits.

23 (3) The department (~~shall~~) must immediately suspend the license
24 or certificate of a person who has been certified pursuant to RCW
25 74.20A.320 by the department of social and health services as a person
26 who is not in compliance with a support order (~~or a residential or~~
27 ~~visitation order~~). If the person has continued to meet all other
28 requirements for reinstatement during the suspension, reissuance of the
29 license or certificate (~~shall be~~) is automatic upon the department's
30 receipt of a release issued by the department of social and health
31 services stating that the licensee is in compliance with the order.

32 **Sec. 10.** RCW 19.02.800 and 2000 c 171 s 44 are each amended to
33 read as follows:

34 Except as provided in RCW 43.07.200, the provisions of this chapter
35 regarding the processing of license applications and renewals under a
36 master license system (~~shall~~) do not apply to those business or

1 professional activities that are licensed or regulated under chapter
2 31.04, 31.12, (~~31.12A,~~) or 31.13 RCW or under Title 30, 32, 33, or 48
3 RCW.

4 **Sec. 11.** RCW 19.02.900 and 1977 ex.s. c 319 s 10 are each amended
5 to read as follows:

6 If any provision of this (~~1977-amendatory-act~~) chapter, or its
7 application to any person or circumstance is held invalid, the
8 remainder of the (~~act~~) chapter, or the application of the provision
9 to other persons or circumstances is not affected.

10 NEW SECTION. **Sec. 12.** A new section is added to chapter 19.02 RCW
11 to read as follows:

12 (1) For purposes of this section:

13 (a) "Disclose" means to make known to any person in any manner
14 licensing information;

15 (b) "Licensing information" means any information created or
16 obtained by the department in the administration of this chapter and
17 chapters 19.80 and 59.30 RCW, which information relates to any person
18 who: (i) Has applied for or has been issued a license or trade name;
19 or (ii) has been issued an assessment or delinquency fee. Licensing
20 information includes master applications, renewal applications, and
21 master licenses; and

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

24 (2) Licensing information is confidential and privileged, and
25 except as authorized by this section, neither the department nor any
26 other person may disclose any licensing information. Nothing in this
27 chapter requires any person possessing licensing information made
28 confidential and privileged by this section to delete information from
29 such information so as to permit its disclosure.

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

31 (a) Disclosing licensing information in a civil or criminal
32 judicial proceeding or an administrative proceeding:

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

1 (ii) Involving a dispute arising out of the department's
2 administration of chapter 19.02, 19.80, or 59.30 RCW if the licensing
3 information relates to a party in the proceeding;

4 (b) Disclosing, subject to such requirements and conditions as the
5 director prescribes by rules adopted pursuant to chapter 34.05 RCW,
6 such licensing information regarding a license applicant or license
7 holder to such license applicant or license holder or to such person or
8 persons as that license applicant or license holder may designate in a
9 request for, or consent to, such disclosure, or to any other person, at
10 the license applicant's or license holder's request, to the extent
11 necessary to comply with a request for information or assistance made
12 by the license applicant or license holder to such other person.
13 However, licensing information not received from the license applicant
14 or holder must not be so disclosed if the director determines that such
15 disclosure would compromise any investigation or litigation by any
16 federal, state, or local government agency in connection with the civil
17 or criminal liability of the license applicant, license holder, or
18 another person, or that such disclosure would identify a confidential
19 informant, or that such disclosure is contrary to any agreement entered
20 into by the department that provides for the reciprocal exchange of
21 information with other government agencies, which agreement requires
22 confidentiality with respect to such information unless such
23 information is required to be disclosed to the license applicant or
24 license holder by the order of any court;

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

27 (d) Disclosing licensing information for official purposes only, to
28 the governor or attorney general, or to any state agency, or to any
29 committee or subcommittee of the legislature dealing with matters of
30 taxation, revenue, trade, commerce, the control of industry or the
31 professions, or licensing;

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

34 (f) Disclosing any licensing information to a peace officer as
35 defined in RCW 9A.04.110 or county prosecuting attorney, for official
36 purposes. The disclosure may be made only in response to a search
37 warrant, subpoena, or other court order, unless the disclosure is for
38 the purpose of criminal tax or license enforcement. A peace officer or

1 county prosecuting attorney who receives the licensing information may
2 disclose that licensing information only for use in the investigation
3 and a related court proceeding, or in the court proceeding for which
4 the licensing information originally was sought;

5 (g) Disclosing, in a manner that is not associated with other
6 licensing information, the name of a license applicant or license
7 holder, entity type, registered trade name, business address, mailing
8 address, unified business identifier number, list of licenses issued to
9 a person through the master license system established in chapter 19.02
10 RCW and their issuance and expiration dates, and the dates of opening
11 of a business. The department is authorized to give, sell, or provide
12 access to lists of licensing information under this subsection (3)(g)
13 that will be used for commercial purposes;

14 (h) Disclosing licensing information that is also maintained by
15 another Washington state or local governmental agency as a public
16 record available for inspection and copying under the provisions of
17 chapter 42.56 RCW or is a document maintained by a court of record and
18 is not otherwise prohibited from disclosure;

19 (i) Disclosing any licensing information when the disclosure is
20 specifically authorized under any other section of the Revised Code of
21 Washington;

22 (j) Disclosing licensing information to the proper officer of the
23 licensing or tax department of any city, town, or county of this state,
24 for official purposes. If the licensing information does not relate to
25 a license issued by the city, town, or county requesting the licensing
26 information, disclosure may be made only if the laws of the requesting
27 city, town, or county grants substantially similar privileges to the
28 proper officers of this state; or

29 (k) Disclosing licensing information to the federal government for
30 official purposes.

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

35 (5) Any person acquiring knowledge of any licensing information in
36 the course of his or her employment with the department and any person
37 acquiring knowledge of any licensing information as provided under
38 subsection (3)(d), (e), (f), (j), or (k) of this section, who discloses

1 any such licensing information to another person not entitled to
2 knowledge of such licensing information under the provisions of this
3 section, is guilty of a misdemeanor. If the person guilty of such
4 violation is an officer or employee of the state, such person must
5 forfeit such office or employment and is incapable of holding any
6 public office or employment in this state for a period of two years
7 thereafter.

8 **Sec. 13.** RCW 19.80.005 and 2000 c 174 s 1 are each amended to read
9 as follows:

10 (~~Unless the context clearly requires otherwise,~~) The definitions
11 in this section apply throughout this chapter(+) unless the context
12 clearly requires otherwise.

13 (1) "Trade name" means a word or name, or any combination of a word
14 or name, used by a person to identify the person's business which:

15 (a) Is not, or does not include, the true and real name of all
16 persons conducting the business; or

17 (b) Includes words which suggest additional parties of interest
18 such as "company," "and sons," or "and associates."

19 (2) "Business" means an occupation, profession, or employment
20 engaged in for the purpose of seeking a profit.

21 (3) "Person" means any individual, partnership, limited liability
22 company, or corporation conducting or having an interest in a business
23 in the state.

24 (4) "True and real name" means:

25 (a) The surname of an individual coupled with one or more of the
26 individual's other names, one or more of the individual's initials, or
27 any combination;

28 (b) The designation or appellation by which an individual is best
29 known and called in the business community where that individual
30 transacts business, if this is used as that individual's legal
31 signature;

32 (c) The registered corporate name of a domestic corporation as
33 filed with the secretary of state;

34 (d) The registered corporate name of a foreign corporation
35 authorized to do business within the state of Washington as filed with
36 the secretary of state;

1 (e) The registered partnership name of a domestic limited
2 partnership as filed with the secretary of state;

3 (f) The registered partnership name of a foreign limited
4 partnership as filed with the secretary of state; or

5 (g) The name of a general partnership which includes in its name
6 the true and real names, as defined in (a) through (f) of this
7 subsection, of each general partner as required in RCW 19.80.010.

8 (5) "Department" means the department of revenue.

9 **Sec. 14.** RCW 19.80.010 and 2000 c 174 s 2 are each amended to read
10 as follows:

11 Each person or persons who (~~shall carry~~) carries on, conducts, or
12 transacts business in this state under any trade name (~~shall~~) must
13 register that trade name with the department (~~of licensing as set~~
14 ~~forth~~) as provided in this section(~~(+)~~).

15 (1) Sole proprietorship or general partnership: The registration
16 (~~shall~~) must set forth the true and real name or names of each person
17 conducting the same, together with the post office address or addresses
18 of each such person and the name of the general partnership, if
19 applicable.

20 (2) Foreign or domestic limited partnership: The registration
21 (~~shall~~) must set forth the limited partnership name as filed with the
22 office of the secretary of state.

23 (3) Foreign or domestic limited liability company: The
24 registration (~~shall~~) must set forth the limited liability company
25 name as filed with the office of the secretary of state.

26 (4) Foreign or domestic corporation: The registration (~~shall~~)
27 must set forth the corporate name as filed with the office of the
28 secretary of state.

29 **Sec. 15.** RCW 19.80.025 and 2000 c 174 s 3 are each amended to read
30 as follows:

31 (1) A notice of change (~~shall~~) must be filed with the department
32 (~~of licensing~~) when a change occurs in:

33 (a) The true and real name of a person conducting a business with
34 a trade name registered under this chapter; or

35 (b) Any mailing address set forth on the registration or any
36 subsequently filed notice of change.

1 (2) A notice of cancellation (~~shall~~) must be filed with the
2 department when use of a trade name is discontinued.

3 (3) A notice of cancellation, together with a new registration,
4 (~~shall~~) must be filed before conducting or transacting any business
5 when:

6 (a) An addition, deletion, or any change of person or persons
7 conducting business under the registered trade name occurs; or

8 (b) There is a change in the wording or spelling of the trade name
9 since initial registration or renewal.

10 **Sec. 16.** RCW 19.80.045 and 1984 c 130 s 6 are each amended to read
11 as follows:

12 The (~~director of licensing shall~~) department must adopt rules as
13 necessary to administer this chapter. The rules may include but are
14 not limited to specifying forms and setting fees for trade name
15 registrations, amendments, searches, renewals, and copies of
16 registration documents. Fees (~~shall~~) may not exceed the actual cost
17 of administering this chapter.

18 **Sec. 17.** RCW 19.80.075 and 1992 c 107 s 6 are each amended to read
19 as follows:

20 All fees collected by the department (~~of licensing~~) under this
21 chapter (~~shall~~) must be deposited with the state treasurer and
22 credited to the master license fund(~~(, except for trade name~~
23 ~~registration fees collected from June 1, 1992, to June 30, 1992, which~~
24 ~~shall be deposited in the general fund. Beginning July 1, 1992, trade~~
25 ~~name registration fees shall be deposited in the master license fund)).~~

26 **Sec. 18.** RCW 19.80.900 and 1984 c 130 s 11 are each amended to
27 read as follows:

28 If any provision of this (~~aet~~) chapter or its application to any
29 person or circumstance is held invalid, the remainder of the (~~aet~~)
30 chapter or the application of the provision to other persons or
31 circumstances is not affected.

32 **Sec. 19.** RCW 19.94.015 and 1995 c 355 s 1 are each amended to read
33 as follows:

34 (1) Except as provided in subsection (4) of this section for the

1 initial registration of an instrument or device, no weighing or
2 measuring instrument or device may be used for commercial purposes in
3 the state unless its commercial use is registered annually. If its
4 commercial use is within a city that has a city sealer and a weights
5 and measures program as provided by RCW 19.94.280, the commercial use
6 of the instrument or device (~~(shall)~~) must be registered with the city
7 if the city has adopted fees pursuant to subsection (2) of this
8 section. If its commercial use is outside of such a city, the
9 commercial use of the instrument or device (~~(shall)~~) must be registered
10 with the department.

11 (2) A city with such a sealer and program may establish an annual
12 fee for registering the commercial use of such a weighing or measuring
13 instrument or device with the city. The annual fee (~~(shall)~~) may not
14 exceed the fee established in RCW 19.94.175 for registering the use of
15 a similar instrument or device with the department. Fees upon weighing
16 or measuring instruments or devices within the jurisdiction of the city
17 that are collected under this subsection by city sealers (~~(shall)~~) must
18 be deposited into the general fund, or other account, of the city as
19 directed by the governing body of the city.

20 (3) Registrations with the department are accomplished as part of
21 the master license system under chapter 19.02 RCW. Payment of the
22 registration fee for a weighing or measuring instrument or device under
23 the master license system constitutes the registration required by this
24 section.

25 (4) The fees established by or under RCW 19.94.175 for registering
26 a weighing or measuring instrument or device (~~(shall)~~) must be paid to
27 the department of (~~(licensing)~~) revenue concurrently with an
28 application for a master license or with the annual renewal of a master
29 license under chapter 19.02 RCW. A weighing or measuring instrument or
30 device (~~(shall)~~) must be initially registered with the state at the
31 time the owner applies for a master license for a new business or at
32 the first renewal of the license that occurs after the instrument or
33 device is first placed into commercial use. However, the use of an
34 instrument or device that is in commercial use on the effective date of
35 this act (~~(shall)~~) must be initially registered at the time the first
36 renewal of the master license of the owner of the instrument or device
37 is due following the effective date of this act. The department of

1 ((~~licensing shall~~)) revenue must remit to the department of agriculture
2 all fees collected under this provision less reasonable collection
3 expenses.

4 (5) Each city charging registration fees under this section
5 ((~~shall~~)) must notify the department of agriculture at the time such
6 fees are adopted and whenever changes in the fees are adopted.

7 **Sec. 20.** RCW 34.05.310 and 2004 c 31 s 1 are each amended to read
8 as follows:

9 (1)(a) To meet the intent of providing greater public access to
10 administrative rule making and to promote consensus among interested
11 parties, agencies ((~~shall~~)) must solicit comments from the public on a
12 subject of possible rule making before filing with the code reviser a
13 notice of proposed rule making under RCW 34.05.320. The agency
14 ((~~shall~~)) must prepare a statement of inquiry that:

15 ((~~a~~)) (i) Identifies the specific statute or statutes authorizing
16 the agency to adopt rules on this subject;

17 ((~~b~~)) (ii) Discusses why rules on this subject may be needed and
18 what they might accomplish;

19 ((~~c~~)) (iii) Identifies other federal and state agencies that
20 regulate this subject, and describes the process whereby the agency
21 would coordinate the contemplated rule with these agencies;

22 ((~~d~~)) (iv) Discusses the process by which the rule might be
23 developed, including, but not limited to, negotiated rule making, pilot
24 rule making, or agency study;

25 ((~~e~~)) (v) Specifies the process by which interested parties can
26 effectively participate in the decision to adopt a new rule and
27 formulation of a proposed rule before its publication.

28 (b) The statement of inquiry ((~~shall~~)) must be filed with the code
29 reviser for publication in the state register at least thirty days
30 before the date the agency files notice of proposed rule making under
31 RCW 34.05.320 and the statement, or a summary of the information
32 contained in that statement, ((~~shall~~)) must be sent to any party that
33 has requested receipt of the agency's statements of inquiry.

34 (2) Agencies are encouraged to develop and use new procedures for
35 reaching agreement among interested parties before publication of
36 notice and the adoption hearing on a proposed rule. Examples of new
37 procedures include, but are not limited to:

1 (a) Negotiated rule making by which representatives of an agency
2 and of the interests that are affected by a subject of rule making,
3 including, where appropriate, county and city representatives, seek to
4 reach consensus on the terms of the proposed rule and on the process by
5 which it is negotiated; and

6 (b) Pilot rule making which includes testing the feasibility of
7 complying with or administering draft new rules or draft amendments to
8 existing rules through the use of volunteer pilot groups in various
9 areas and circumstances, as provided in RCW 34.05.313 or as otherwise
10 provided by the agency.

11 (3)(a) An agency must make a determination whether negotiated rule
12 making, pilot rule making, or another process for generating
13 participation from interested parties prior to development of the rule
14 is appropriate.

15 (b) An agency must include a written justification in the rule-
16 making file if an opportunity for interested parties to participate in
17 the rule-making process prior to publication of the proposed rule has
18 not been provided.

19 (4) This section does not apply to:

20 (a) Emergency rules adopted under RCW 34.05.350;

21 (b) Rules relating only to internal governmental operations that
22 are not subject to violation by a nongovernment party;

23 (c) Rules adopting or incorporating by reference without material
24 change federal statutes or regulations, Washington state statutes,
25 rules of other Washington state agencies, shoreline master programs
26 other than those programs governing shorelines of statewide
27 significance, or, as referenced by Washington state law, national
28 consensus codes that generally establish industry standards, if the
29 material adopted or incorporated regulates the same subject matter and
30 conduct as the adopting or incorporating rule;

31 (d) Rules that only correct typographical errors, make address or
32 name changes, or clarify language of a rule without changing its
33 effect;

34 (e) Rules the content of which is explicitly and specifically
35 dictated by statute;

36 (f) Rules that set or adjust fees under the authority of RCW
37 19.02.075 or that set or adjust fees or rates pursuant to legislative

1 standards, including fees set or adjusted under the authority of RCW
2 19.80.045; or

3 (g) Rules that adopt, amend, or repeal:

4 (i) A procedure, practice, or requirement relating to agency
5 hearings; or

6 (ii) A filing or related process requirement for applying to an
7 agency for a license or permit.

8 **Sec. 21.** RCW 34.05.328 and 2010 c 112 s 15 are each amended to
9 read as follows:

10 (1) Before adopting a rule described in subsection (5) of this
11 section, an agency (~~shall~~) must:

12 (a) Clearly state in detail the general goals and specific
13 objectives of the statute that the rule implements;

14 (b) Determine that the rule is needed to achieve the general goals
15 and specific objectives stated under (a) of this subsection, and
16 analyze alternatives to rule making and the consequences of not
17 adopting the rule;

18 (c) Provide notification in the notice of proposed rule making
19 under RCW 34.05.320 that a preliminary cost-benefit analysis is
20 available. The preliminary cost-benefit analysis must fulfill the
21 requirements of the cost-benefit analysis under (d) of this subsection.
22 If the agency files a supplemental notice under RCW 34.05.340, the
23 supplemental notice (~~shall~~) must include notification that a revised
24 preliminary cost-benefit analysis is available. A final cost-benefit
25 analysis (~~shall~~) must be available when the rule is adopted under RCW
26 34.05.360;

27 (d) Determine that the probable benefits of the rule are greater
28 than its probable costs, taking into account both the qualitative and
29 quantitative benefits and costs and the specific directives of the
30 statute being implemented;

31 (e) Determine, after considering alternative versions of the rule
32 and the analysis required under (b), (c), and (d) of this subsection,
33 that the rule being adopted is the least burdensome alternative for
34 those required to comply with it that will achieve the general goals
35 and specific objectives stated under (a) of this subsection;

36 (f) Determine that the rule does not require those to whom it

1 applies to take an action that violates requirements of another federal
2 or state law;

3 (g) Determine that the rule does not impose more stringent
4 performance requirements on private entities than on public entities
5 unless required to do so by federal or state law;

6 (h) Determine if the rule differs from any federal regulation or
7 statute applicable to the same activity or subject matter and, if so,
8 determine that the difference is justified by the following:

9 (i) A state statute that explicitly allows the agency to differ
10 from federal standards; or

11 (ii) Substantial evidence that the difference is necessary to
12 achieve the general goals and specific objectives stated under (a) of
13 this subsection; and

14 (i) Coordinate the rule, to the maximum extent practicable, with
15 other federal, state, and local laws applicable to the same activity or
16 subject matter.

17 (2) In making its determinations pursuant to subsection (1)(b)
18 through (h) of this section, the agency (~~shall~~) must place in the
19 rule-making file documentation of sufficient quantity and quality so as
20 to persuade a reasonable person that the determinations are justified.

21 (3) Before adopting rules described in subsection (5) of this
22 section, an agency (~~shall~~) must place in the rule-making file a rule
23 implementation plan for rules filed under each adopting order. The
24 plan (~~shall~~) must describe how the agency intends to:

25 (a) Implement and enforce the rule, including a description of the
26 resources the agency intends to use;

27 (b) Inform and educate affected persons about the rule;

28 (c) Promote and assist voluntary compliance; and

29 (d) Evaluate whether the rule achieves the purpose for which it was
30 adopted, including, to the maximum extent practicable, the use of
31 interim milestones to assess progress and the use of objectively
32 measurable outcomes.

33 (4) After adopting a rule described in subsection (5) of this
34 section regulating the same activity or subject matter as another
35 provision of federal or state law, an agency (~~shall~~) must do all of
36 the following:

37 (a) Coordinate implementation and enforcement of the rule with the

1 other federal and state entities regulating the same activity or
2 subject matter by making every effort to do one or more of the
3 following:

- 4 (i) Deferring to the other entity;
- 5 (ii) Designating a lead agency; or
- 6 (iii) Entering into an agreement with the other entities specifying
7 how the agency and entities will coordinate implementation and
8 enforcement.

9 If the agency is unable to comply with this subsection (4)(a), the
10 agency (~~shall~~) must report to the legislature pursuant to (b) of this
11 subsection;

12 (b) Report to the joint administrative rules review committee:

- 13 (i) The existence of any overlap or duplication of other federal or
14 state laws, any differences from federal law, and any known overlap,
15 duplication, or conflict with local laws; and
- 16 (ii) Make recommendations for any legislation that may be necessary
17 to eliminate or mitigate any adverse effects of such overlap,
18 duplication, or difference.

19 (5)(a) Except as provided in (b) of this subsection, this section
20 applies to:

21 (i) Significant legislative rules of the departments of ecology,
22 labor and industries, health, revenue, social and health services, and
23 natural resources, the employment security department, the forest
24 practices board, the office of the insurance commissioner, and to the
25 legislative rules of the department of fish and wildlife implementing
26 chapter 77.55 RCW; and

27 (ii) Any rule of any agency, if this section is voluntarily made
28 applicable to the rule by the agency, or is made applicable to the rule
29 by a majority vote of the joint administrative rules review committee
30 within forty-five days of receiving the notice of proposed rule making
31 under RCW 34.05.320.

32 (b) This section does not apply to:

33 (i) Emergency rules adopted under RCW 34.05.350;

34 (ii) Rules relating only to internal governmental operations that
35 are not subject to violation by a nongovernment party;

36 (iii) Rules adopting or incorporating by reference without material
37 change federal statutes or regulations, Washington state statutes,
38 rules of other Washington state agencies, shoreline master programs

1 other than those programs governing shorelines of statewide
2 significance, or, as referenced by Washington state law, national
3 consensus codes that generally establish industry standards, if the
4 material adopted or incorporated regulates the same subject matter and
5 conduct as the adopting or incorporating rule;

6 (iv) Rules that only correct typographical errors, make address or
7 name changes, or clarify language of a rule without changing its
8 effect;

9 (v) Rules the content of which is explicitly and specifically
10 dictated by statute;

11 (vi) Rules that set or adjust fees under the authority of RCW
12 19.02.075 or that set or adjust fees or rates pursuant to legislative
13 standards, including fees set or adjusted under the authority of RCW
14 19.80.045;

15 (vii) Rules of the department of social and health services
16 relating only to client medical or financial eligibility and rules
17 concerning liability for care of dependents; or

18 (viii) Rules of the department of revenue that adopt a uniform
19 expiration date for reseller permits as authorized in RCW 82.32.780 and
20 82.32.783.

21 (c) For purposes of this subsection:

22 (i) A "procedural rule" is a rule that adopts, amends, or repeals
23 (A) any procedure, practice, or requirement relating to any agency
24 hearings; (B) any filing or related process requirement for making
25 application to an agency for a license or permit; or (C) any policy
26 statement pertaining to the consistent internal operations of an
27 agency.

28 (ii) An "interpretive rule" is a rule, the violation of which does
29 not subject a person to a penalty or sanction, that sets forth the
30 agency's interpretation of statutory provisions it administers.

31 (iii) A "significant legislative rule" is a rule other than a
32 procedural or interpretive rule that (A) adopts substantive provisions
33 of law pursuant to delegated legislative authority, the violation of
34 which subjects a violator of such rule to a penalty or sanction; (B)
35 establishes, alters, or revokes any qualification or standard for the
36 issuance, suspension, or revocation of a license or permit; or (C)
37 adopts a new, or makes significant amendments to, a policy or
38 regulatory program.

1 (d) In the notice of proposed rule making under RCW 34.05.320, an
2 agency (~~shall~~) must state whether this section applies to the
3 proposed rule pursuant to (a)(i) of this subsection, or if the agency
4 will apply this section voluntarily.

5 (6) By January 31, 1996, and by January 31st of each even-numbered
6 year thereafter, the office of financial management, after consulting
7 with state agencies, counties, and cities, and business, labor, and
8 environmental organizations, (~~shall~~) must report to the governor and
9 the legislature regarding the effects of this section on the regulatory
10 system in this state. The report (~~shall~~) must document:

11 (a) The rules proposed to which this section applied and to the
12 extent possible, how compliance with this section affected the
13 substance of the rule, if any, that the agency ultimately adopted;

14 (b) The costs incurred by state agencies in complying with this
15 section;

16 (c) Any legal action maintained based upon the alleged failure of
17 any agency to comply with this section, the costs to the state of such
18 action, and the result;

19 (d) The extent to which this section has adversely affected the
20 capacity of agencies to fulfill their legislatively prescribed mission;

21 (e) The extent to which this section has improved the acceptability
22 of state rules to those regulated; and

23 (f) Any other information considered by the office of financial
24 management to be useful in evaluating the effect of this section.

25 **Sec. 22.** RCW 35.21.392 and 2009 c 432 s 2 are each amended to read
26 as follows:

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

33 **Sec. 23.** RCW 35A.21.340 and 2009 c 432 s 3 are each amended to
34 read as follows:

35 A city that issues a business license to a person required to be
36 registered under chapter 18.27 RCW may verify that the person is

1 registered under chapter 18.27 RCW and report violations to the
2 department of labor and industries. The department of (~~licensing~~
3 ~~shall~~) revenue must conduct the verification for cities that
4 participate in the master license system.

5 **Sec. 24.** RCW 43.07.200 and 1982 c 182 s 12 are each amended to
6 read as follows:

7 (~~Not later than July 1, 1982, the secretary of state and the~~
8 ~~director of licensing shall propose to the director of financial~~
9 ~~management a contract and working agreement with accompanying fiscal~~
10 ~~notes designating the business license center as the secretary of~~
11 ~~state's agent for issuing all or a portion of the corporation renewals~~
12 ~~within the jurisdiction of the secretary of state. The secretary of~~
13 ~~state and the director of licensing shall submit the proposed contract~~
14 ~~and accompanying fiscal notes to the legislature before October 1,~~
15 ~~1982.~~

16 ~~The secretary of state and the director of licensing shall jointly~~
17 ~~submit to the legislature by January 10, 1983, a schedule for~~
18 ~~designating the center as the secretary of state's agent for all such~~
19 ~~corporate renewals not governed by the contract.)) The secretary of
20 state and the director of revenue may enter into agreements designating
21 the department of revenue as the secretary of state's agent for issuing
22 all or a portion of the legal entity renewals within the jurisdiction
23 of the secretary of state.~~

24 **Sec. 25.** RCW 43.24.150 and 2009 c 429 s 4, 2009 c 412 s 21, and
25 2009 c 370 s 19 are each reenacted and amended to read as follows:

26 (1) The business and professions account is created in the state
27 treasury. All receipts from business or professional licenses,
28 registrations, certifications, renewals, examinations, or civil
29 penalties assessed and collected by the department from the following
30 chapters must be deposited into the account:

- 31 (a) Chapter 18.11 RCW, auctioneers;
- 32 (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
- 33 (c) Chapter 18.145 RCW, court reporters;
- 34 (d) Chapter 18.165 RCW, private investigators;
- 35 (e) Chapter 18.170 RCW, security guards;
- 36 (f) Chapter 18.185 RCW, bail bond agents;

- 1 (g) Chapter 18.280 RCW, home inspectors;
- 2 (h) Chapter 19.16 RCW, collection agencies;
- 3 (i) Chapter 19.31 RCW, employment agencies;
- 4 (j) Chapter 19.105 RCW, camping resorts;
- 5 (k) Chapter 19.138 RCW, sellers of travel;
- 6 (l) Chapter 42.44 RCW, notaries public;
- 7 (m) Chapter 64.36 RCW, timeshares;
- 8 (n) Chapter 67.08 RCW, boxing, martial arts, and wrestling; (~~and~~)
- 9 (o) Chapter 18.300 RCW, body art, body piercing, and tattooing;
- 10 (p) Chapter 79A.60 RCW, whitewater river outfitters; and
- 11 (q) Chapter 19.158 RCW, commercial telephone solicitation.

12 Moneys in the account may be spent only after appropriation.
13 Expenditures from the account may be used only for expenses incurred in
14 carrying out these business and professions licensing activities of the
15 department. Any residue in the account (~~shall~~) must be accumulated
16 and (~~shall~~) may not revert to the general fund at the end of the
17 biennium.

18 (2) The director (~~shall~~) must biennially prepare a budget request
19 based on the anticipated costs of administering the business and
20 professions licensing activities listed in subsection (1) of this
21 section, which (~~shall~~) must include the estimated income from these
22 business and professions fees.

23 **Sec. 26.** RCW 46.68.060 and 2009 c 470 s 711 are each amended to
24 read as follows:

25 There is hereby created in the state treasury a fund to be known as
26 the highway safety fund to the credit of which (~~shall~~) must be
27 deposited all moneys directed by law to be deposited therein. This
28 fund (~~shall~~) must be used for carrying out the provisions of law
29 relating to driver licensing, driver improvement, financial
30 responsibility, cost of furnishing abstracts of driving records and
31 maintaining such case records, and to carry out the purposes set forth
32 in RCW 43.59.010, and chapters 46.72 and 46.72A RCW. During the 2007-
33 2009 and 2009-2011 fiscal biennia, the legislature may transfer from
34 the highway safety fund to the motor vehicle fund and the multimodal
35 transportation account such amounts as reflect the excess fund balance
36 of the highway safety fund.

1 **Sec. 27.** RCW 46.72.110 and 2010 c 8 s 9091 are each amended to
2 read as follows:

3 All fees received by the director under the provisions of this
4 chapter (~~shall~~) must be transmitted by him or her, together with a
5 proper identifying report, to the state treasurer to be deposited by
6 the state treasurer in the highway safety fund. Appropriations from
7 the highway safety fund will support expenses incurred in carrying out
8 the licensing and regulatory activities of this chapter.

9 **Sec. 28.** RCW 46.72A.110 and 1996 c 87 s 14 are each amended to
10 read as follows:

11 The department (~~shall~~) must transmit all license and vehicle
12 certificate fees received under this chapter, together with a proper
13 identifying report, to the state treasurer to be deposited by the state
14 treasurer in the (~~master—license~~) highway safety fund.
15 Appropriations from the highway safety fund will support expenses
16 incurred in carrying out the licensing and regulatory activities of
17 this chapter.

18 **Sec. 29.** RCW 59.30.010 and 2007 c 431 s 1 are each amended to read
19 as follows:

20 (1) The legislature finds that there are factors unique to the
21 relationship between a manufactured/mobile home tenant and a
22 manufactured/mobile home community landlord. Once occupancy has
23 commenced, the difficulty and expense in moving and relocating a
24 manufactured/mobile home can affect the operation of market forces and
25 lead to an inequality of the bargaining position of the parties. Once
26 occupancy has commenced, a tenant may be subject to violations of the
27 manufactured/mobile home landlord-tenant act without an adequate remedy
28 at law. This chapter is created for the purpose of protecting the
29 public, fostering fair and honest competition, and regulating the
30 factors unique to the relationship between the manufactured/mobile home
31 tenant and the manufactured/mobile home community landlord.

32 (2) The legislature finds that taking legal action against a
33 manufactured/mobile home community landlord for violations of the
34 manufactured/mobile home landlord-tenant act can be a costly and
35 lengthy process, and that many people cannot afford to pursue a court

1 process to vindicate statutory rights. Manufactured/mobile home
2 community landlords will also benefit by having access to a process
3 that resolves disputes quickly and efficiently.

4 (3)(a) Therefore, it is the intent of the legislature to provide an
5 equitable as well as a less costly and more efficient way for
6 manufactured/mobile home tenants and manufactured/mobile home community
7 landlords to resolve disputes, and to provide a mechanism for state
8 authorities to quickly locate manufactured/mobile home community
9 landlords.

10 (b) The legislature intends to authorize the department of
11 (~~licensing~~) revenue to register manufactured/mobile home communities
12 and collect a registration fee.

13 (c) The legislature intends to authorize the attorney general to:

14 (i) Produce and distribute educational materials regarding the
15 manufactured/mobile home landlord-tenant act and the
16 manufactured/mobile home dispute resolution program created in RCW
17 59.30.030;

18 (ii) Administer the dispute resolution program by taking
19 complaints, conducting investigations, making determinations, issuing
20 fines and other penalties, and participating in administrative dispute
21 resolutions, when necessary, when there are alleged violations of the
22 manufactured/mobile home landlord-tenant act; and

23 (iii) Collect and annually report upon data related to disputes and
24 violations, and make recommendations on modifying chapter 59.20 RCW, to
25 the appropriate committees of the legislature.

26 **Sec. 30.** RCW 59.30.020 and 2007 c 431 s 2 are each amended to read
27 as follows:

28 (~~For purposes of this chapter:~~) The definitions in this section
29 apply throughout this chapter unless the context clearly requires
30 otherwise.

31 (1) "Complainant" means a landlord, community owner, or tenant, who
32 has a complaint alleging a violation of chapter 59.20 RCW(~~(+)~~).

33 (2) "Department" means the department of (~~licensing~~) revenue.

34 (3) "Director" means the director of (~~licensing~~) revenue.

35 (4) "Landlord" or "community owner" means the owner of a mobile
36 home park or a manufactured housing community and includes the agents
37 of a landlord(~~(+)~~).

1 (5) "Manufactured home" means a single-family dwelling built
2 according to the United States department of housing and urban
3 development manufactured home construction and safety standards act,
4 which is a national preemptive building code. A manufactured home
5 also: (a) Includes plumbing, heating, air conditioning, and electrical
6 systems; (b) is built on a permanent chassis; and (c) can be
7 transported in one or more sections with each section at least eight
8 feet wide and forty feet long when transported, or when installed on
9 the site is three hundred twenty square feet or greater((+)).

10 (6) "Mobile home" means a factory-built dwelling built prior to
11 June 15, 1976, to standards other than the United States department of
12 housing and urban development code, and acceptable under applicable
13 state codes in effect at the time of construction or introduction of
14 the home into the state. Mobile homes have not been built since the
15 introduction of the United States department of housing and urban
16 development manufactured home construction and safety act((+)).

17 (7) "Manufactured/mobile home" means either a manufactured home or
18 a mobile home((+)).

19 (8) "Manufactured/mobile home lot" means a portion of a
20 manufactured/mobile home community designated as the location of one
21 mobile home, manufactured home, or park model and its accessory
22 buildings, and intended for the exclusive use as a primary residence by
23 the occupants of that mobile home, manufactured home, or park
24 model((+)).

25 (9) "Mobile home park," "manufactured housing community," or
26 "manufactured/mobile home community" means any real property that is
27 rented or held out for rent to others for the placement of two or more
28 mobile homes, manufactured homes, park models, or recreational vehicles
29 for the primary purpose of production of income, except where the real
30 property is rented or held out for rent for seasonal recreational
31 purposes only and is not used for year-round occupancy((+)).

32 (10) "Owner" means one or more persons, jointly or severally, in
33 whom is vested:

34 (a) All or part of the legal title to the real property; or

35 (b) All or part of the beneficial ownership, and a right to present
36 use and enjoyment of the real property((+)).

37 (11) "Park model" means a recreational vehicle intended for

1 permanent or semipermanent installation and is used as a permanent
2 residence((+))_.

3 (12) "Recreational vehicle" means a travel trailer, motor home,
4 truck camper, or camping trailer that is primarily used as a permanent
5 residence located in a mobile home park or manufactured housing
6 community((+))_.

7 (13) "Respondent" means a landlord, community owner, or tenant,
8 alleged to have committed ((+)) a violation of chapter 59.20
9 RCW((+))_.

10 (14) "Tenant" means any person, except a transient as defined in
11 RCW 59.20.030, who rents a mobile home lot.

12 **Sec. 31.** RCW 59.30.050 and 2007 c 431 s 6 are each amended to read
13 as follows:

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

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

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

- 31 (a) The names and addresses of the owners of the
32 manufactured/mobile home community;
- 33 (b) The name and address of the manufactured/mobile home community;
- 34 (c) The name and address of the landlord and manager of the
35 manufactured/mobile home community;
- 36 (d) The number of lots within the manufactured/mobile home
37 community that are subject to chapter 59.20 RCW; and

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

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

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

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

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

36 (5) Thirty days after sending late fee notices to a noncomplying
37 landlord, the department may (~~refer the past due account to a~~
38 ~~collection agency. If there is no response from a noncomplying~~

1 ~~landlord after sixty days in collections, the department may file an~~
2 ~~action to enforce payment of unpaid registration assessments and late~~
3 ~~fees in the superior court for Thurston county or in the county in~~
4 ~~which the manufactured/mobile home community is located. If the~~
5 ~~department prevails, the manufactured/mobile home community landlord~~
6 ~~shall pay the department's costs, including reasonable attorneys' fees,~~
7 ~~for the enforcement proceedings)) issue a warrant under section 33 of~~
8 ~~this act for the unpaid registration assessment and delinquency fee.~~
9 ~~If a warrant is issued by the department under section 33 of this act,~~
10 ~~the department must add a penalty of ten percent of the amount of the~~
11 ~~unpaid registration assessment and delinquency fee, but not less than~~
12 ~~ten dollars. The warrant penalty must be deposited into the master~~
13 ~~license fund created in RCW 19.02.210. Chapter 82.32 RCW applies to~~
14 ~~the collection of warrants issued under section 33 of this act.~~

15 (6) Registration is effective on the date determined by the
16 department, and the department (~~shall~~) must issue a registration
17 number to each registered manufactured/mobile home community. The
18 department must provide an expiration date, assigned by the department,
19 to each manufactured/mobile home community who registers.

20 **Sec. 32.** RCW 59.30.060 and 2007 c 431 s 7 are each amended to read
21 as follows:

22 The department must have the capability to compile, update, and
23 maintain the most accurate database possible of all the
24 manufactured/mobile home communities in the state, which must include
25 all of the information collected under RCW 59.30.050, except for the
26 addresses of each manufactured/mobile home lot within the
27 manufactured/mobile home community that is subject to chapter 59.20
28 RCW, which must be made available to the attorney general and the
29 department of (~~community, trade, and economic development~~) commerce
30 in a format to be determined by a collaborative agreement between the
31 department (~~of licensing~~) and the attorney general.

32 NEW SECTION. **Sec. 33.** A new section is added to chapter 59.30 RCW
33 to read as follows:

34 (1) If any registration assessment or delinquency fee is not paid
35 in full within thirty days after sending late fee notices to a

1 noncomplying landlord, the department may issue a warrant in the amount
2 of such unpaid sums, together with interest thereon from the date the
3 warrant is issued until the date of payment.

4 (2) Interest must be computed on a daily basis on the amount of
5 outstanding registration assessment and delinquency fee imposed under
6 RCW 59.30.050 at the rate as computed under RCW 82.32.050(2). The rate
7 so computed must be adjusted on the first day of January of each year
8 for use in computing interest for that calendar year. Interest must be
9 deposited in the master license fund created in RCW 19.02.210.

10 (3) The department may file a copy of the warrant with the clerk of
11 the superior court of any county of the state in which real or personal
12 property of the owner of the manufactured/mobile home community may be
13 found. The clerk is entitled to a filing fee under RCW 36.18.012(10).
14 Upon filing, the clerk must enter in the judgment docket the name of
15 the owner of the manufactured/mobile home community mentioned in the
16 warrant and the amount of the registration assessment and delinquency
17 fee, or portion thereof, and any increases and penalties for which the
18 warrant is issued, and the date when the copy is filed.

19 (4) The amount of the warrant so docketed becomes a lien upon the
20 title to, and interest in, all real and personal property of the owner
21 of the manufactured/mobile home community against whom the warrant is
22 issued the same as a judgment in a civil case duly docketed in the
23 office of the clerk. The warrant so docketed is sufficient to support
24 the issuance of writs of garnishment in favor of the state in the
25 manner provided by law in the case of judgments wholly or partially
26 unsatisfied.

27 (5) The lien is not superior to bona fide interests of third
28 persons that had vested prior to the filing of the warrant. The phrase
29 "bona fide interests of third persons" does not include any mortgage of
30 real or personal property or any other credit transaction that results
31 in the mortgagee or the holder of the security acting as trustee for
32 unsecured creditors of the owner of the manufactured/mobile home
33 community mentioned in the warrant who executed the chattel or real
34 property mortgage or the document evidencing the credit transaction.

35 **Sec. 34.** RCW 76.48.121 and 2009 c 245 s 13 are each amended to
36 read as follows:

37 Every first or secondary specialized forest products buyer

1 purchasing specialty wood and every specialty wood processor (~~shall~~)
2 must prominently display ((a)) the master license issued (~~by the~~
3 ~~department of licensing~~) under RCW 19.02.070 and endorsed with the
4 respective licenses or registrations or a copy of the master license at
5 each location where the buyer or processor receives specialty wood if
6 the first or secondary specialized forest products buyer or specialty
7 wood processor is required to possess a license incorporated into the
8 master license system created in chapter 19.02 RCW.

9 **Sec. 35.** RCW 79A.60.485 and 2000 c 11 s 110 are each amended to
10 read as follows:

11 The department of licensing may adopt and enforce such rules,
12 including the setting of fees, as may be consistent with and necessary
13 to implement RCW 79A.60.480. The fees must approximate the cost of
14 administration. The fees must be deposited in the (~~master license~~
15 ~~account~~) business and professions account created in RCW 43.24.150.

16 **Sec. 36.** RCW 82.01.060 and 1995 c 403 s 106 are each amended to
17 read as follows:

18 The director of revenue, hereinafter in chapter 26, Laws of 1967
19 ex. sess. referred to as the director, through the department of
20 revenue, hereinafter in chapter 26, Laws of 1967 ex. sess. referred to
21 as the department, (~~shall~~) must:

22 (1) Assess and collect all taxes and administer all programs
23 relating to taxes which are the responsibility of the tax commission at
24 the time chapter 26, Laws of 1967 ex. sess. takes effect or which the
25 legislature may hereafter make the responsibility of the director or of
26 the department;

27 (2) Make, adopt and publish such rules as he or she may deem
28 necessary or desirable to carry out the powers and duties imposed upon
29 him or her or the department by the legislature(~~(- PROVIDED, That))~~.
30 However, the director may not adopt rules after July 23, 1995, that are
31 based solely on a section of law stating a statute's intent or purpose,
32 on the enabling provisions of the statute establishing the agency, or
33 on any combination of such provisions, for statutory authority to adopt
34 any rule;

35 (3) Rules adopted by the tax commission before July 23, 1995,

1 (~~shall~~) remain in force until such time as they may be revised or
2 rescinded by the director;

3 (4) Provide by general regulations for an adequate system of
4 departmental review of the actions of the department or of its officers
5 and employees in the assessment or collection of taxes;

6 (5) Maintain a tax research section with sufficient technical,
7 clerical and other employees to conduct constant observation and
8 investigation of the effectiveness and adequacy of the revenue laws of
9 this state and of the sister states in order to assist the governor,
10 the legislature and the director in estimation of revenue, analysis of
11 tax measures, and determination of the administrative feasibility of
12 proposed tax legislation and allied problems;

13 (6) Recommend to the governor such amendments, changes in, and
14 modifications of the revenue laws as seem proper and requisite to
15 remedy injustice and irregularities in taxation, and to facilitate the
16 assessment and collection of taxes in the most economical manner;

17 (7) Provide the opportunity for any person feeling aggrieved by any
18 action taken against the person by the department in the administration
19 of chapters 19.02, 19.80, and 59.30 RCW to request a review of the
20 department's action. Such review may be conducted as a brief
21 adjudicative proceeding under RCW 34.05.485 through 34.05.494.

22 **Sec. 37.** RCW 82.02.010 and 1979 c 107 s 9 are each amended to read
23 as follows:

24 For the purpose of this title, unless (~~otherwise required by the~~
25 ~~context~~) the context clearly requires otherwise:

26 (1) "Department" means the department of revenue of the state of
27 Washington;

28 (2) (~~The word~~) "Director" means the director of the department of
29 revenue of the state of Washington;

30 (3) (~~The word~~) "Taxpayer" includes any individual, group of
31 individuals, corporation, or association liable for any tax or the
32 collection of any tax hereunder, or who engages in any business or
33 performs any act for which a tax is imposed by this title. "Taxpayer"
34 also includes any person liable for any fee or other charge collected
35 by the department under any provision of law, including registration
36 assessments and delinquency fees imposed under RCW 59.30.050; and

1 (4) Words in the singular number (~~shall~~) include the plural and
2 the plural (~~shall~~) include the singular. Words in one gender
3 (~~shall~~) include all other genders.

4 **Sec. 38.** RCW 82.32.030 and 2007 c 6 s 202 are each amended to read
5 as follows:

6 (1) Except as provided in subsections (2) and (3) of this section,
7 if any person engages in any business or performs any act upon which a
8 tax is imposed by the preceding chapters, he or she (~~shall~~) must,
9 under such rules as the department (~~of revenue shall~~) prescribes,
10 apply for and obtain from the department a registration certificate.
11 Such registration certificate (~~shall be~~) is personal and
12 nontransferable and (~~shall be~~) is valid as long as the taxpayer
13 continues in business and pays the tax accrued to the state. In case
14 business is transacted at two or more separate places by one taxpayer,
15 a separate registration certificate for each place at which business is
16 transacted with the public (~~shall be~~) is required. Each certificate
17 (~~shall~~) must be numbered and (~~shall~~) must show the name, residence,
18 and place and character of business of the taxpayer and such other
19 information as the department of revenue deems necessary and (~~shall~~)
20 must be posted in a conspicuous place at the place of business for
21 which it is issued. Where a place of business of the taxpayer is
22 changed, the taxpayer must return to the department the existing
23 certificate, and a new certificate will be issued for the new place of
24 business. No person required to be registered under this section
25 (~~shall~~) may engage in any business taxable hereunder without first
26 being so registered. The department, by rule, may provide for the
27 issuance of certificates of registration to temporary places of
28 business.

29 (2) Unless the person is a dealer as defined in RCW 9.41.010,
30 registration under this section is not required if the following
31 conditions are met:

32 (a) A person's value of products, gross proceeds of sales, or gross
33 income of the business, from all business activities taxable under
34 chapter 82.04 RCW, is less than twelve thousand dollars per year;

35 (b) The person's gross income of the business from all activities
36 taxable under chapter 82.16 RCW is less than twelve thousand dollars
37 per year;

1 (c) The person is not required to collect or pay to the department
2 of revenue any other tax or fee which the department is authorized to
3 collect; and

4 (d) The person is not otherwise required to obtain a license
5 subject to the master application procedure provided in chapter 19.02
6 RCW.

7 (3) All persons who agree to collect and remit sales and use tax to
8 the department under the agreement must register through the central
9 registration system authorized under the agreement. Persons required
10 to register under subsection (1) of this section are not relieved of
11 that requirement because of registration under this subsection (3).

12 (4) Persons registered under subsection (3) of this section who are
13 not required to register under subsection (1) of this section and who
14 are not otherwise subject to the requirements of chapter 19.02 RCW are
15 not subject to the fees imposed by the department under the authority
16 of RCW 19.02.075.

17 **Sec. 39.** RCW 90.76.010 and 2007 c 147 s 2 are each amended to read
18 as follows:

19 (~~(1)~~) ~~(Unless the context clearly requires otherwise,)~~ (1) The
20 definitions in this section apply throughout this chapter unless the
21 context clearly requires otherwise.

22 ~~(1)~~ (a) "Department" means the department of ecology.

23 ~~(2)~~ (b) "Director" means the director of the department.

24 ~~(3)~~ (c) "Facility compliance tag" means a marker, constructed
25 of metal, plastic, or other durable material, that clearly identifies
26 all qualifying underground storage tanks on the particular site for
27 which it is issued.

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

30 ~~(5)~~ (e) "Federal regulations" means the underground storage
31 tanks regulations (40 C.F.R. Secs. 280 and 281) adopted by the United
32 States environmental protection agency under the federal act.

33 ~~(6)~~ (f) "License" means the master business license underground
34 storage tank endorsement issued by the department of ~~(licensing)~~
35 revenue.

36 ~~(7)~~ (g) "Underground storage tank compliance act of 2005" means

1 Title XV and subtitle B of P.L. 109-58 (42 U.S.C. Sec. 15801 et seq.)
2 which have amended the federal resource conservation and recovery act's
3 subtitle I.

4 ((+8)) (h) "Underground storage tank system" means an underground
5 storage tank, connected underground piping, underground ancillary
6 equipment, and containment system, if any.

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

10 **Sec. 40.** RCW 90.76.020 and 2007 c 147 s 3 are each amended to read
11 as follows:

12 (1) The department ((shall)) must adopt rules establishing
13 requirements for all underground storage tanks that are regulated under
14 the federal act, taking into account the various classes or categories
15 of tanks to be regulated. The rules must be consistent with and no
16 less stringent than the federal regulations and the underground storage
17 tank compliance act of 2005 and consist of requirements for the
18 following:

- 19 (a) New underground storage tank system design, construction,
20 installation, and notification;
- 21 (b) Upgrading existing underground storage tank systems;
- 22 (c) General operating requirements;
- 23 (d) Release detection;
- 24 (e) Release reporting;
- 25 (f) Out-of-service underground storage tank systems and closure;
- 26 (g) Financial responsibility for underground storage tanks
27 containing regulated substances; and
- 28 (h) Groundwater protection measures, including secondary
29 containment and monitoring for installation or replacement of all
30 underground storage tank systems or components, such as tanks and
31 piping, installed after July 1, 2007, and under dispenser spill
32 containment for installation or replacement of all dispenser systems
33 installed after July 1, 2007.

34 (2) The department ((shall)) must adopt rules:

- 35 (a) Establishing physical site criteria to be used in designating
36 local environmentally sensitive areas;

1 (b) Establishing procedures for local government application for
2 this designation; and

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

6 (3) The department (~~shall~~) must establish by rule an
7 administrative and enforcement program that is consistent with and no
8 less stringent than the program required under the federal regulations
9 in the areas of:

10 (a) Compliance monitoring, including procedures for recordkeeping
11 and a program for systematic inspections;

12 (b) Enforcement;

13 (c) Public participation;

14 (d) Information sharing;

15 (e) Owner and operator training; and

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

19 (4) The department (~~shall~~) must establish a program that provides
20 for the annual licensing of underground storage tanks. The license
21 (~~shall~~) must take the form of a tank endorsement on the facility's
22 annual master business license issued by the department of
23 (~~licensing~~) revenue. A tank is not eligible for a license unless the
24 owner or operator can demonstrate compliance with the requirements of
25 this chapter and the annual tank fees have been remitted. The
26 department may revoke a tank license if a facility is not in compliance
27 with this chapter, or any rules adopted under this chapter. The master
28 business license (~~shall~~) must be displayed by the tank owner or
29 operator in a location clearly identifiable.

30 (5)(a) The department (~~shall~~) must issue a one-time "facility
31 compliance tag" to underground storage tank facilities that have
32 installed the equipment required to meet corrosion protection, spill
33 prevention, overfill prevention, leak detection standards, have
34 demonstrated financial responsibility, and have paid annual tank fees.
35 The facility (~~shall~~) must continue to maintain compliance with
36 corrosion protection, spill prevention, overfill prevention(~~{,}~~), and
37 leak detection standards, financial responsibility, and have remitted
38 annual tank fees to display a facility compliance tag. The facility

1 compliance tag (~~shall~~) must be displayed on or near the fire
2 emergency shutoff device, or in the absence of such a device in close
3 proximity to the fill pipes and clearly identifiable to persons
4 delivering regulated substance to underground storage tanks.

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

8 (6) The department may place a red tag on a tank at a facility if
9 the department determines that the owner or operator is not in
10 compliance with this chapter or the rules adopted under this chapter
11 regarding the compliance requirements related to that tank. Removal of
12 a red tag without authorization from the department is a violation of
13 this chapter.

14 (7) The department may establish programs to certify persons who
15 install or decommission underground storage tank systems or conduct
16 inspections, testing, closure, cathodic protection, interior tank
17 lining, corrective action, site assessments, or other activities
18 required under this chapter. Certification programs (~~shall~~) must be
19 designed to ensure that each certification will be effective in all
20 jurisdictions of the state.

21 (8) When adopting rules under this chapter, the department
22 (~~shall~~) must consult with the state building code council to ensure
23 coordination with the building and fire codes adopted under chapter
24 19.27 RCW.

25 NEW SECTION. **Sec. 41.** RCW 19.02.901 and 19.02.910 are each
26 decodified.

27 NEW SECTION. **Sec. 42.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 43.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of the
33 state government and its existing public institutions, and takes effect

1 July 1, 2011.

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