

Chapter 15.13 RCW
HORTICULTURAL PLANTS, CHRISTMAS TREES, AND FACILITIES—INSPECTION AND LICENSING

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Prior law: 1961 c 11 ss 15.12.010 through 15.12.110; 1961 c 221 ss 1 through 23 (codified as RCW 15.13.010 through 15.13.210, 15.13.900, and 15.13.910).

RCW 15.13.250 Definitions. (Effective until July 1, 2030.) For the purpose of this chapter:

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

(2) "Certificate" or "certificate of inspection" means an official document certifying compliance with the requirements of this chapter. The term "certificate" includes labels, rubber stamp imprints, tags, permits, written statements, or any other form of certification document that accompanies the movement of inspected and certified plant material, including Christmas trees.

(3) "Christmas tree" means a cut evergreen tree:

(a) Of a marketable species;

(b) Managed to produce trees meeting United States number 2 or better standards for Christmas trees as specified by the United States department of agriculture; and

(c) Evidencing periodic maintenance practices of shearing or culturing, or both; weed and brush control; and one or more of the following practices: Basal pruning, fertilization, insect and disease control, stump culture, soil cultivation, and irrigation.

(4) "Christmas tree grower" means any person who grows Christmas trees for sale.

(5) "Compliance agreement" means a written agreement between the department and a person engaged in growing, handling, or moving articles, plants, or plant products regulated under this chapter or title, in which the person agrees to comply with stipulated requirements.

(6) "Consignor" means the person named in the invoice, bill, or other shipping document accompanying a horticultural plant as the person from whom the horticultural plant has been received for shipment.

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

(8) "Director" means the director of the department or the director's duly authorized representative.

(9) "Horticultural facilities" means, but is not limited to, the premises where horticultural plants or Christmas trees are grown, stored, handled or delivered for sale or transportation, or where records required under this chapter are stored or kept, and all

vehicles and equipment used to transport horticultural plants or Christmas trees.

(10) "Horticultural plant" includes, but is not limited to, any horticultural, floricultural, or viticultural plant, or turf, for planting, propagation or ornamentation growing or otherwise. The term does not apply to potato, garlic, or onion planting stock or to cut plant material, except plant parts used for propagative purposes.

(11) "Inspection and/or certification" means, but is not limited to, the inspection by the director of horticultural plants or Christmas trees at any time prior to, during, or subsequent to harvest or sale and the issuance by the director of a written certificate stating if the horticultural plants or Christmas trees are in compliance with the provisions of this chapter and rules adopted under this chapter. Inspection may include, but is not limited to, examination of horticultural plants or Christmas trees, taking samples, destructive testing, conducting interviews, taking photographs, and examining records.

(12) "Nursery dealer" means any person who sells horticultural plants or plants, grows, receives, or handles horticultural plants for the purpose of selling or planting for another person.

(13) "Person" means any individual, firm, partnership, corporation, company, society and association, and every officer, agent or employee thereof.

(14) "Plant pests" means, but is not limited to, a living stage of insect, mite, or other arthropod; nematode; slug, snail, or other mollusk; protozoa or other invertebrate animals; bacteria; fungus; virus; viroid; phytoplasma; weed or parasitic plant; or any organisms similar to or allied with any of the plant pests listed in this section; or any infectious substance; which can directly or indirectly injure or cause disease or damage to any plant or plant product or that threatens the diversity or abundance of native species.

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

(16) "This chapter" means this chapter and the rules adopted under this chapter.

(17) "Turf" means field-cultivated turf grass sod consisting of grass varieties, or blends of grass varieties, and dichondra or use in residential and commercial landscapes. [2013 c 144 s 2; (2013 c 144 s 1 expired July 1, 2014); 2007 c 335 s 1; 2000 c 144 s 1; 1993 c 120 s 1; 1990 c 261 s 1; 1985 c 36 s 1; 1982 c 182 s 19; 1971 ex.s. c 33 s 1.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Effective date—2013 c 144 s 2: "Section 2 of this act takes effect July 1, 2014." [2013 c 144 s 57.]

Expiration date—2013 c 144 s 1: "Section 1 of this act expires July 1, 2014." [2013 c 144 s 58.]

Expiration date—2019 c 206; 2013 c 72; 2007 c 335: "This act expires July 1, 2030." [2019 c 206 s 1; 2013 c 72 s 1; 2007 c 335 s 19.]

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

(2) "Certificate" or "certificate of inspection" means an official document certifying compliance with the requirements of this chapter. The term "certificate" includes labels, rubber stamp imprints, tags, permits, written statements, or any other form of certification document that accompanies the movement of inspected and certified plant material.

(3) "Compliance agreement" means a written agreement between the department and a person engaged in growing, handling, or moving articles, plants, or plant products regulated under this chapter or title, in which the person agrees to comply with stipulated requirements.

(4) "Consignor" means the person named in the invoice, bill, or other shipping document accompanying a horticultural plant as the person from whom the horticultural plant has been received for shipment.

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

(6) "Director" means the director of the department or the director's duly authorized representative.

(7) "Horticultural facilities" means, but is not limited to, the premises where horticultural plants are grown, stored, handled or delivered for sale or transportation, or where records required under this chapter are stored or kept, and all vehicles and equipment used to transport horticultural plants.

(8) "Horticultural plant" includes, but is not limited to, any horticultural, floricultural, or viticultural plant, or turf, for planting, propagation or ornamentation growing or otherwise. The term does not apply to potato, garlic, or onion planting stock or to cut plant material, except plant parts used for propagative purposes.

(9) "Inspection and/or certification" means, but is not limited to, the inspection by the director of horticultural plants at any time prior to, during, or subsequent to harvest or sale and the issuance by the director of a written certificate stating if the horticultural plants are in compliance with the provisions of this chapter and rules adopted under this chapter. Inspection may include, but is not limited to, examination of horticultural plants, taking samples, destructive testing, conducting interviews, taking photographs, and examining records.

(10) "Nursery dealer" means any person who sells horticultural plants or plants, grows, receives, or handles horticultural plants for the purpose of selling or planting for another person.

(11) "Person" means any individual, firm, partnership, corporation, company, society and association, and every officer, agent or employee thereof.

(12) "Plant pests" means, but is not limited to, a living stage of insect, mite, or other arthropod; nematode; slug, snail, or other mollusk; protozoa or other invertebrate animals; bacteria; fungus; virus; viroid; phytoplasma; weed or parasitic plant; or any organisms similar to or allied with any of the plant pests listed in this section; or any infectious substance; which can directly or indirectly

injure or cause disease or damage to any plant or plant product or that threatens the diversity or abundance of native species.

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

(14) "This chapter" means this chapter and the rules adopted under this chapter.

(15) "Turf" means field-cultivated turf grass sod consisting of grass varieties, or blends of grass varieties, and dichondra for use in residential and commercial landscapes. [2013 c 144 s 2; 2000 c 144 s 1; 1993 c 120 s 1; 1990 c 261 s 1; 1985 c 36 s 1; 1982 c 182 s 19; 1971 ex.s. c 33 s 1.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Effective date—2013 c 144 s 2: "Section 2 of this act takes effect July 1, 2014." [2013 c 144 s 57.]

RCW 15.13.260 Enforcement—Rules—Scope. (Effective until July 1, 2030.) The director shall enforce the provisions of this chapter and may adopt any rule necessary to carry out its purpose and provisions including but not limited to the following:

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

(2) The director shall adopt rules for labeling or tagging horticultural plants.

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

(4) The director may adopt rules for the inspection and/or certification of any Christmas tree as to freedom from infestation by plant pests.

(5) The director shall adopt rules establishing fees for nursery dealer licenses and for inspection of horticultural plants and methods of fee collection.

(6) The director may adopt rules prescribing minimum informational requirements for advertising for the sale of horticultural plants within the state.

(7) The director may adopt rules establishing categories of sales and fees for permits established in RCW 15.13.270.

(8) The director may adopt rules establishing fees for Christmas tree grower licenses and for inspection of Christmas trees and methods of fee collection. [2007 c 335 s 2; 2000 c 144 s 2; 1993 c 120 s 2; 1990 c 261 s 2; 1985 c 36 s 2; 1971 ex.s. c 33 s 2.]

Expiration date—2019 c 206; 2013 c 72; 2007 c 335: See note following RCW 15.13.250.

RCW 15.13.260 Enforcement—Rules—Scope. (Effective July 1, 2030.) The director shall enforce the provisions of this chapter and may adopt any rule necessary to carry out its purpose and provisions including but not limited to the following:

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

(2) The director shall adopt rules for labeling or tagging horticultural plants.

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

(4) The director shall adopt rules establishing fees for nursery dealer licenses and for inspection of horticultural plants and methods of fee collection.

(5) The director may adopt rules prescribing minimum informational requirements for advertising for the sale of horticultural plants within the state.

(6) The director may adopt rules establishing categories of sales and fees for permits established in RCW 15.13.270. [2000 c 144 s 2; 1993 c 120 s 2; 1990 c 261 s 2; 1985 c 36 s 2; 1971 ex.s. c 33 s 2.]

RCW 15.13.262 Application of administrative procedure act.

Chapter 34.05 RCW governs the rights, remedies, and procedures respecting the administration of this chapter, including rule making, assessment of civil penalties, emergency actions, and license suspension, revocation, or denial. [2000 c 144 s 3.]

RCW 15.13.265 Enforcement—Access to nursery dealer premises—

Inspection. (Effective until July 1, 2030.) (1) The director may enter and inspect the horticultural facilities of a nursery dealer at reasonable times for the purpose of carrying out the provisions of this chapter.

(2) If the director is denied access, the director may apply to a court of competent jurisdiction for a search warrant authorizing access to the premises. The court may upon such application issue the search warrant for the purposes requested. The warrant shall be issued on probable cause. It is sufficient probable cause to show (a) the inspection is pursuant to a general administrative practice to determine compliance with this chapter or (b) the director has reason to believe that a violation of this chapter has occurred, is occurring, or may occur.

(3) Denial of access to the director to perform inspections may subject a nursery dealer or Christmas tree grower to license revocation. [2007 c 335 s 3; 2000 c 144 s 4; 1993 c 120 s 7.]

Expiration date—2019 c 206; 2013 c 72; 2007 c 335: See note following RCW 15.13.250.

RCW 15.13.265 Enforcement—Access to nursery dealer premises—

Inspection. (Effective July 1, 2030.) (1) The director may enter and inspect the horticultural facilities of a nursery dealer at reasonable times for the purpose of carrying out the provisions of this chapter.

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to believe that a violation of this chapter has occurred, is occurring, or may occur.

(3) Denial of access to the director to perform inspections may subject a nursery dealer to revocation of the nursery license. [2000 c 144 s 4; 1993 c 120 s 7.]

RCW 15.13.270 Nursery dealer licensing exemptions—Permits for clubs, conservation districts, nonprofit associations, educational organizations. (Effective until July 1, 2030.) (1) The provisions of this chapter relating to nursery dealer licensing do not apply to: (a) Persons making casual or isolated sales that do not exceed one hundred dollars annually; (b) any garden club, conservation district, or charitable nonprofit association conducting not more than three sales per year for not more than four consecutive days each of horticultural plants which are grown by or donated to its members; (c) educational organizations associated with private or public secondary schools; and (d) the production of cannabis and persons who are licensed as cannabis producers under RCW 69.50.325 with respect to the operations under such license. For the purposes of this subsection, the terms "cannabis" and "cannabis producer" have the same meanings as provided in RCW 69.50.101. However, such a club, conservation district, association, or organization must apply to the director for a permit to conduct such sales.

(2) All horticultural plants sold under such a permit must be in compliance with the provisions of this chapter. [2022 c 16 s 10; 2014 c 140 s 32; (2014 c 140 s 31 expired July 1, 2020); 2007 c 335 s 4; 2000 c 144 s 5; 1993 c 120 s 3; 1990 c 261 s 3; 1985 c 36 s 3; 1983 1st ex.s. c 73 s 2; 1971 ex.s. c 33 s 3.]

Expiration date—2022 c 16 s 10: "Section 10 of this act expires July 1, 2030." [2022 c 16 s 175.]

Intent—Finding—2022 c 16: See note following RCW 69.50.101.

Effective date—2014 c 140 s 32: "Section 32 of this act takes effect July 1, 2020." [2014 c 140 s 42.]

Expiration date—2014 c 140 s 31: "Section 31 of this act expires July 1, 2020." [2014 c 140 s 41.]

Expiration date—2019 c 206; 2013 c 72; 2007 c 335: See note following RCW 15.13.250.

RCW 15.13.270 Licensing exemptions—Permits for clubs, conservation districts, nonprofit associations, educational organizations. (Effective July 1, 2030.) (1) The provisions of this chapter relating to licensing do not apply to: (a) Persons making casual or isolated sales that do not exceed one hundred dollars annually; (b) any garden club, conservation district, or charitable nonprofit association conducting not more than three sales per year for not more than four consecutive days each of horticultural plants which are grown by or donated to its members; (c) educational organizations associated with private or public secondary schools; and (d) the production of cannabis and persons who are licensed as

cannabis producers under RCW 69.50.325 with respect to the operations under such license. For the purposes of this subsection, the terms "cannabis" and "cannabis producer" have the same meanings as provided in RCW 69.50.101. However, such a club, conservation district, association, or organization must apply to the director for a permit to conduct such sales.

(2) All horticultural plants sold under such a permit must be in compliance with the provisions of this chapter. [2022 c 16 s 11; 2014 c 140 s 32; 2000 c 144 s 5; 1993 c 120 s 3; 1990 c 261 s 3; 1985 c 36 s 3; 1983 1st ex.s. c 73 s 2; 1971 ex.s. c 33 s 3.]

Effective date—2022 c 16 s 11: "Section 11 of this act takes effect July 1, 2030." [2022 c 16 s 176.]

Intent—Finding—2022 c 16: See note following RCW 69.50.101.

Effective date—2014 c 140 s 32: "Section 32 of this act takes effect July 1, 2020." [2014 c 140 s 42.]

RCW 15.13.280 Nursery dealer licenses—Farmers markets—Application—Fees—Expiration—Posting—Audit. (1) No person may act as a nursery dealer without a license for each place of business where horticultural plants are sold except as provided in RCW 15.13.270. Any person applying for such a license must apply through the business licensing system. The application must be accompanied by the appropriate fee. The director must establish a schedule of fees for retail and wholesale nursery dealer licenses based upon the person's gross annual sales of horticultural plants at each place of business. The schedule for retail licenses must include separate fees for at least the following two categories:

(a) A person whose gross annual sales of horticultural plants do not exceed two thousand five hundred dollars; and

(b) A person whose gross annual sales of horticultural plants exceed two thousand five hundred dollars.

(2) A person conducting both retail and wholesale sales of horticultural plants at the same place of business must secure one of the following:

(a) A retail nursery dealer license if retail sales of the horticultural plants exceed such wholesale sales; or

(b) A wholesale nursery dealer license if wholesale sales of the horticultural plants exceed such retail sales.

(3) The director may issue a wholesale nursery dealer license to a person operating as a farmers market at which individual producers are selling directly to consumers. The license must be at the appropriate level to cover all persons selling horticultural plants at each site at which the person operates a market.

(4) The licensing fee that must accompany an application for a new license must be based upon the applicant's estimated gross sales of horticultural plants for the ensuing licensing year. The fee for renewing a license must be based upon the licensee's gross sales of these products during the preceding licensing year.

(5) The license expires on the business license expiration date unless it has been revoked or suspended prior to the expiration date by the director for cause. Each license must be posted in a

conspicuous place open to the public in the location for which it was issued.

(6) The department may audit licensees during normal business hours to determine that appropriate fees have been paid. [2013 c 144 s 3; 2000 c 144 s 6; 1993 c 120 s 4; 1987 c 35 s 1; 1985 c 36 s 4; 1983 1st ex.s. c 73 s 3; 1982 c 182 s 20; 1971 ex.s. c 33 s 4.]

Business licensing

expiration date: RCW 19.02.090.

system

generally: RCW 15.13.250.

to include additional licenses: RCW 19.02.110.

RCW 15.13.285 Nursery dealer licenses—Fee surcharge. The director may, with the advice of the nursery advisory committee, establish by rule a surcharge to the fee for a nursery dealer license. The surcharge shall not exceed twenty percent of the license fee and shall be paid at the same time that the license fee is paid. Moneys collected from the surcharge shall be deposited in the agricultural local fund and shall be used solely to support research projects which are of general benefit to the nursery industry and are recommended by the nursery advisory committee. [2000 c 144 s 7; 1992 c 23 s 1.]

Effective date—1992 c 23: "This act shall take effect on July 1, 1992." [1992 c 23 s 2.]

RCW 15.13.290 Nursery dealer licenses—Additional charge for late renewal. If any application for renewal of a nursery dealer license is not filed prior to the business license expiration date, the business license delinquency fee must be assessed under chapter 19.02 RCW and must be paid by the applicant before the renewal license is issued. [2013 c 144 s 4; 2000 c 144 s 8; 1982 c 182 s 21; 1971 ex.s. c 33 s 5.]

Business licensing

delinquency fee—Rate—Disposition: RCW 19.02.085.

expiration date: RCW 19.02.090.

RCW 15.13.300 Nursery dealer licenses—Application—Contents. Application for a license shall include:

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

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

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

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

(5) Any other necessary information prescribed by the director. [2000 c 144 s 9; 1982 c 182 s 22; 1971 ex.s. c 33 s 6.]

RCW 15.13.310 Assessment on gross sale price of wholesale market value of certain horticultural plants—Method for determining—Due date—Gross sale period—Audit. (1) An annual assessment shall be levied on the gross sale price of the wholesale market value for all horticultural plants of the genera *Chaenomeles*, *Cydonia*, *Crataegus*, *Malus*, *Prunus*, *Pyrus*, *Sorbus*, and *Vitis* produced in Washington, and sold within the state or shipped from the state by any licensed nursery dealer during any license period. This annual assessment is based on the first sale price of such nursery stock except for rootstocks which are replanted and/or grafted or budded and planted for growing-on in the nursery. The director shall by rule determine the rate of an assessment needed to carry out the grapevine and fruit tree certification and nursery improvement programs set forth in RCW 15.13.470 and chapter 15.14 RCW.

The wholesale market price may be determined by the wholesale catalogue price of the seller of the horticultural plants assessed under this section or of the shipper moving such nursery stock out of the state. If the seller or shipper does not have a catalogue, then the wholesale market price may be based on the actual selling price or an average wholesale market price. The director in determining the average wholesale market price may use catalogues of various businesses licensed under the provisions of this chapter or any other reasonable method.

(2) The assessment is due and payable on the first day of July of each year.

(3) The gross sale period shall be from July 1 to June 30 of the previous year.

(4) The department may audit the records of licensees during normal business hours to determine that the appropriate assessment has been paid. [2002 c 215 s 1; 2000 c 144 s 10; 1993 c 120 s 5; 1990 c 261 s 4; 1987 c 35 s 2; 1983 1st ex.s. c 73 s 4; 1971 ex.s. c 33 s 7.]

RCW 15.13.311 Christmas tree grower exemptions—License—Fees. (Expires July 1, 2030.) (1) Any Christmas tree grower owning Christmas trees, whose business consists solely of retail sales to the ultimate consumer, is exempt from the requirements of this section if:

- (a) The grower has less than one acre of Christmas trees; or
- (b) The grower harvests, by u-cut or otherwise, fewer than four hundred Christmas trees per year.

(2) Licensed nursery dealers who furnish live plants for planting to Christmas tree growers are exempt from the requirements of this section.

(3) No person may operate as a Christmas tree grower without first obtaining a license from the department.

(a) The application must be accompanied by an annual fee, as established by the director in rule. The annual fee must not exceed forty dollars as a basic charge and a maximum of four dollars per acre as an acreage assessment. The annual Christmas tree grower license fee for any person may not exceed five thousand dollars.

(b) The department may audit licensees during normal business hours to determine that appropriate fees have been paid. [2007 c 335 s 5.]

Expiration date—2019 c 206; 2013 c 72; 2007 c 335: See note following RCW 15.13.250.

RCW 15.13.312 Christmas tree grower license—Application.
(Expires July 1, 2030.) Application for a Christmas tree grower license shall include:

(1) The full name of the person applying for the license, whether the applicant is an individual, receiver, trustee, firm, partnership, association, or corporation, and if the applicant is a firm or partnership the full name of each member of the firm or partnership, and if the applicant is an association or corporation the names of the officers of the association or corporation;

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

(3) The address and acreage of Christmas trees for each location included in the application;

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

(5) Any other information prescribed by the director. [2007 c 335 s 6.]

Expiration date—2019 c 206; 2013 c 72; 2007 c 335: See note following RCW 15.13.250.

RCW 15.13.314 Christmas tree program—Advisory committee.
(Expires July 1, 2030.) (1) An advisory committee is established to advise the director in the administration of the Christmas tree program.

(2) When appointing this committee, the director shall consider names submitted by Christmas tree growers and by established Christmas tree grower associations having members in the state.

(3) The committee consists of no fewer than five members, representing the interests of licensed Christmas tree growers and the Christmas tree industry, and the director or the director's designee.

(4) The terms of the members of the committee shall be staggered and the members shall serve a term of three years or until their successor has been appointed.

(5) In the event a committee member resigns, is disqualified, or vacates a position on the committee for any other reason, the vacancy shall be filled by the director under the provisions of this section governing appointments. [2007 c 335 s 8.]

Expiration date—2019 c 206; 2013 c 72; 2007 c 335: See note following RCW 15.13.250.

RCW 15.13.315 Grapevine certification and nursery improvement program—Advisory committee. An advisory committee is established to advise the director in the administration of the grapevine certification and nursery improvement program.

(1) The committee consists of two grapevine nursery dealers; three grape growers, at least two of whom grow wine grapes; one winery representative; a university researcher; and the director.

(2) When appointing this committee, the director shall consider names submitted by the Washington association of wine grape growers and the Washington state grape society.

(3) The terms of the members of the committee shall be staggered and the members shall serve a term of three years and until their successor has been appointed. [2002 c 215 s 2.]

RCW 15.13.320 Fruit tree certification and nursery improvement program—Advisory committee. An advisory committee is hereby established to advise the director in the administration of the fruit tree certification and nursery improvement program.

(1) The committee shall consist of five fruit tree nursery dealers and the director or the director's designated appointee.

(2) When appointing this committee, the director shall consider names submitted by the Washington state nursery and landscape association.

(3) The terms of the members of the committee shall be staggered and the members shall serve a term of three years and until their successor has been appointed.

In the event a committee member resigns, is disqualified, or vacates a position on the committee for any other reason the vacancy shall be filled by the director under the provisions of this section governing appointments. [2000 c 144 s 11; 1993 c 120 s 6; 1990 c 261 s 5; 1983 1st ex.s. c 73 s 5; 1971 ex.s. c 33 s 8.]

RCW 15.13.335 Nursery advisory committee—Members—Terms. A nursery advisory committee is hereby established to advise the director in the administration of this chapter.

(1) The committee shall consist of not less than four members, representing the interests of licensed nursery dealers and the nursery industry, appointed by the director in consultation with the following persons: The president of (a) the Washington state floricultural association, (b) the Washington state bulb association, and (c) the Washington state nursery and landscape association; and the director or the director's designated appointee.

(2) The terms of the members of the committee shall be staggered and the members shall serve a term of three years and until their successors have been appointed.

In the event a committee member resigns, is disqualified, or vacates a position on the committee for any other reason, the vacancy shall be filled by the director under the provisions of this section governing appointments. [2000 c 144 s 12; 1990 c 261 s 6; 1983 1st ex.s. c 73 s 6.]

RCW 15.13.340 Late fee on delinquent assessments. (Effective until July 1, 2030.) (1) A late fee of twenty percent of the amount due shall be levied on all delinquent assessments for each license period the assessment is delinquent.

(2) The director shall not issue a nursery dealer license or Christmas tree grower license to any applicant who has failed to pay any assessment due under the provisions of this chapter. [2007 c 335 s 9; 2000 c 144 s 13; 1971 ex.s. c 33 s 10.]

Expiration date—2019 c 206; 2013 c 72; 2007 c 335: See note following RCW 15.13.250.

RCW 15.13.340 Late fee on delinquent assessments. (Effective July 1, 2030.) (1) A late fee of twenty percent of the amount due shall be levied on all delinquent assessments for each license period the assessment is delinquent.

(2) The director shall not issue a nursery dealer license to any applicant who has failed to pay any assessment due under the provisions of this chapter. [2000 c 144 s 13; 1971 ex.s. c 33 s 10.]

RCW 15.13.360 Hearings—Subpoenas. The director may issue subpoenas to compel the attendance of witnesses and/or production of books, documents, and records for purposes of investigating compliance with this chapter or for any hearing under this chapter. [2000 c 144 s 14; 1971 ex.s. c 33 s 12.]

RCW 15.13.370 Request by licensee for inspector's services during shipping season—Certificate of inspection—Other requests for inspection and/or certification services—Fees. (Effective until July 1, 2030.)

(1) Any person licensed under the provisions of this chapter may request the services of a department inspector at the licensee's place of business or point of shipment during the shipping season. Subsequent to inspection the inspector shall issue to the licensee a certificate of inspection signed by the inspector covering any horticultural plants or Christmas trees which the inspector finds to be in compliance with the provisions of this chapter.

(2) Any person financially interested in any horticultural plants or Christmas trees may request inspection and/or certification services provided for horticultural plants or Christmas trees under this chapter.

(3) To facilitate the marketing of agricultural commodities and other plant products, the director may provide, if requested, special inspections or certifications not otherwise authorized under this chapter and shall prescribe a fee for that service. [2007 c 335 s 10; 2002 c 215 s 3; 2000 c 144 s 15; 1993 c 120 s 8; 1990 c 261 s 8; 1971 ex.s. c 33 s 13.]

Expiration date—2019 c 206; 2013 c 72; 2007 c 335: See note following RCW 15.13.250.

RCW 15.13.370 Request by licensee for inspector's services during shipping season—Certificate of inspection—Other requests for inspection and/or certification services—Fees. (Effective July 1, 2030.)

(1) Any person licensed under the provisions of this chapter may request the services of a department inspector at the licensee's place of business or point of shipment during the shipping season. Subsequent to inspection the inspector shall issue to the licensee a certificate of inspection signed by the inspector covering any horticultural plants which the inspector finds to be in compliance with the provisions of this chapter.

(2) Any person financially interested in any horticultural plants may request inspection and/or certification services provided for horticultural plants under this chapter.

(3) To facilitate the marketing of agricultural commodities and other plant products, the director may provide, if requested, special inspections or certifications not otherwise authorized under this chapter and shall prescribe a fee for that service. [2002 c 215 s 3; 2000 c 144 s 15; 1993 c 120 s 8; 1990 c 261 s 8; 1971 ex.s. c 33 s 13.]

RCW 15.13.380 Inspection fees—When due and payable—Arrears.

(1) The inspection fees provided for in this chapter shall become due and payable upon billing by the department.

(2) A late charge of one and one-half percent per month shall be assessed on the unpaid balance against persons more than thirty days in arrears.

(3) In addition to any other penalties, the director may refuse to perform any inspection or certification service for any person who is in arrears or who fails to pay any assessment due under the provisions of this chapter or assessments required by law to any agricultural commodity commission unless the person makes payment in full prior to such inspection or certification service. [2000 c 144 s 16; 1990 c 261 s 9; 1971 ex.s. c 33 s 14.]

RCW 15.13.390 Unlawful selling, shipment, or transport of horticultural plants or Christmas trees within state, when. (Effective until July 1, 2030.) It is unlawful for any person to sell, ship, or transport any horticultural plant or Christmas tree in this state unless it meets standards established in rule for freedom from infestation by plant pests and the other requirements of this chapter. [2007 c 335 s 11; 2000 c 144 s 17; 1993 c 120 s 9; 1971 ex.s. c 33 s 15.]

Expiration date—2019 c 206; 2013 c 72; 2007 c 335: See note following RCW 15.13.250.

RCW 15.13.390 Unlawful selling, shipment, or transport of plants within state, when. (Effective July 1, 2030.) It is unlawful for any person to sell, ship, or transport any horticultural plant in this state unless it meets standards established in rule for freedom from infestation by plant pests and the other requirements of this chapter. [2000 c 144 s 17; 1993 c 120 s 9; 1971 ex.s. c 33 s 15.]

RCW 15.13.400 Unlawful shipment or delivery of horticultural plants into state, when—Certificate and inspection requirements—Christmas trees—Rules—Hearing. (Effective until July 1, 2030.) (1) It is unlawful for any person to ship or deliver any horticultural plant into this state unless it is accompanied by an inspection certificate from the state or country of origin stating that the horticultural plant meets the requirements of this chapter. The director may require the shipper or receiver to file a copy of the manifest of nursery cargo or shipment of horticultural plants into

this state with the director on or before the date the horticultural plants enter into the state.

(2) The director may by rule require that any or all horticultural plants or Christmas trees delivered or shipped into the state be inspected for conformance with the requirements of this chapter prior to release by the person delivering or transporting such horticultural plants or Christmas trees even though accompanied by acceptable inspection certificates issued by the state or country of origin.

(3) Any shipment found not to be in compliance with the requirements of this chapter may be returned to the consignor at the consignor's expense. The consignor may subsequently request a hearing which shall be held in conformance with RCW 34.05.479 or other applicable provision of chapter 34.05 RCW. [2007 c 335 s 12; 2000 c 144 s 18; 1993 c 120 s 10; 1971 ex.s. c 33 s 16.]

Expiration date—2019 c 206; 2013 c 72; 2007 c 335: See note following RCW 15.13.250.

RCW 15.13.400 Unlawful shipment or delivery of plants into state, when—Certificate and inspection requirements—Rules—Hearing. (Effective July 1, 2030.) (1) It is unlawful for any person to ship or deliver any horticultural plant into this state unless it is accompanied by an inspection certificate from the state or country of origin stating that the horticultural plant meets the requirements of this chapter. The director may require the shipper or receiver to file a copy of the manifest of nursery cargo or shipment of horticultural plants into this state with the director on or before the date the horticultural plants enter into the state.

(2) The director may by rule require that any or all such horticultural plants delivered or shipped into the state be inspected for conformance with the requirements of this chapter prior to release by the person delivering or transporting such horticultural plants even though accompanied by acceptable inspection certificates issued by the state or country of origin.

(3) Any shipment found not to be in compliance with the requirements of this chapter may be returned to the consignor at the consignor's expense. The consignor may subsequently request a hearing which shall be held in conformance with RCW 34.05.479 or other applicable provision of chapter 34.05 RCW. [2000 c 144 s 18; 1993 c 120 s 10; 1971 ex.s. c 33 s 16.]

RCW 15.13.410 Shipments into state to be marked or tagged. Each shipment of horticultural plants transported or shipped into the state and/or offered for retail sale within the state shall be legibly marked or tagged in a conspicuous manner.

The director may, whenever the director finds that any horticultural plant is not properly marked, order it off sale until it is properly marked, or order that it be returned to the consignor for proper marking. [2000 c 144 s 19; 1993 c 120 s 11; 1990 c 261 s 10; 1971 ex.s. c 33 s 17.]

RCW 15.13.420 Unlawful acts enumerated. (Effective until July 1, 2030.) It is unlawful for any person:

(1) To falsely claim to be an agent or representative of any nursery dealer in horticultural plants or Christmas tree grower;

(2) To sell or distribute horticultural plants by any method which has the capacity and tendency or effect of deceiving any purchaser or prospective purchaser as to the quantity, size, grade, kind, species, age, method of propagation, maturity, condition, vigor, hardiness, number of times transplanted, growth ability, growth characteristics, rate of growth or time required before flowering or fruiting, price, origin or place where grown, or in any other material respect;

(3) To alter an official certificate or other official inspection document for plant materials, including Christmas trees, covered by this chapter or to falsely represent a document as an official certificate;

(4) To substitute any horticultural plant, Christmas tree, or agricultural commodity for a horticultural plant, Christmas tree, or agricultural commodity covered by an inspection certificate. [2007 c 335 s 13; 2000 c 144 s 20; 1993 c 120 s 12; 1990 c 261 s 11; 1971 ex.s. c 33 s 18.]

Expiration date—2019 c 206; 2013 c 72; 2007 c 335: See note following RCW 15.13.250.

RCW 15.13.420 Unlawful acts enumerated. (Effective July 1, 2030.) It is unlawful for any person:

(1) To falsely claim to be an agent or representative of any nursery dealer in horticultural plants;

(2) To sell or distribute horticultural plants by any method which has the capacity and tendency or effect of deceiving any purchaser or prospective purchaser as to the quantity, size, grade, kind, species, age, method of propagation, maturity, condition, vigor, hardiness, number of times transplanted, growth ability, growth characteristics, rate of growth or time required before flowering or fruiting, price, origin or place where grown, or in any other material respect;

(3) To alter an official certificate or other official inspection document for plant materials covered by this chapter or to falsely represent a document as an official certificate;

(4) To substitute any horticultural plant or agricultural commodity for a horticultural plant or agricultural commodity covered by an inspection certificate. [2000 c 144 s 20; 1993 c 120 s 12; 1990 c 261 s 11; 1971 ex.s. c 33 s 18.]

RCW 15.13.425 False advertisements. No publisher, radio and television broadcast licensee, advertising agency, or agency or medium for the dissemination of an advertisement, except the grower, packer, distributor, or seller of the article to which the advertisement relates, shall be subject to the penalties of RCW 15.13.490(2) by reason of dissemination of any false advertisement, unless the person has refused on the request of the director to furnish the name and address of the grower, packer, distributor, seller, or advertising

agency in the state of Washington, who caused dissemination of the false advertisement. [2000 c 144 s 21; 1993 c 120 s 13.]

RCW 15.13.430 Hold order on damaged, infested, or infected horticultural plants or Christmas trees—Selling or moving unlawful. (Effective until July 1, 2030.) When the director has cause to believe that any horticultural plants or Christmas trees are damaged or are infested or infected by any plant pest, the director may issue a hold order on such horticultural plants or Christmas trees. A hold order may prescribe conditions under which the damaged, infested, or infected material must be held to prevent spread of the infestation or infection. Treatment or other corrective measures shall be the sole responsibility of the persons holding the material for sale. It is unlawful to sell or move such plants until released in writing by the director. [2007 c 335 s 14; 2000 c 144 s 22; 1993 c 120 s 14; 1971 ex.s. c 33 s 19.]

Expiration date—2019 c 206; 2013 c 72; 2007 c 335: See note following RCW 15.13.250.

RCW 15.13.430 Hold order on damaged, infested, or infected plants—Selling or moving unlawful. (Effective July 1, 2030.) When the director has cause to believe that any horticultural plants are damaged or are infested or infected by any plant pest, the director may issue a hold order on such horticultural plants. A hold order may prescribe conditions under which plants must be held to prevent spread of the infestation or infection. Treatment or other corrective measures shall be the sole responsibility of the persons holding the plant material for sale. It is unlawful to sell or move such plants until released in writing by the director. [2000 c 144 s 22; 1993 c 120 s 14; 1971 ex.s. c 33 s 19.]

RCW 15.13.440 Order of condemnation—Grounds for issuance. (Effective until July 1, 2030.) The director shall condemn any horticultural plants shipped or sold when such horticultural plants are found to be dead, in a dying condition, seriously broken, diseased or infested to the extent that treatment is not practical, damaged, frozen, or abnormally potbound. The director shall condemn any Christmas trees shipped or sold if they are found to be diseased, infected, or infested to the extent that treatment is not practical. The director shall order such horticultural plants or Christmas trees to be destroyed or returned at shipper's option. [2007 c 335 s 15; 2000 c 144 s 23; 1993 c 120 s 15; 1990 c 261 s 12; 1971 ex.s. c 33 s 20.]

Expiration date—2019 c 206; 2013 c 72; 2007 c 335: See note following RCW 15.13.250.

RCW 15.13.440 Order of condemnation—Grounds for issuance. (Effective July 1, 2030.) The director shall condemn any horticultural plants shipped or sold when such horticultural plants are found to be dead, in a dying condition, seriously broken, diseased

or infested to the extent that treatment is not practical, damaged, frozen, or abnormally potbound. The director shall order such horticultural plants to be destroyed or returned at shipper's option. [2000 c 144 s 23; 1993 c 120 s 15; 1990 c 261 s 12; 1971 ex.s. c 33 s 20.]

RCW 15.13.445 Order or action of director—Hearing opportunity.

Upon issuance of an order or upon action by the director under RCW 15.13.400, 15.13.410, 15.13.430, or 15.13.440, the consignor of the plant material may request a hearing under chapter 34.05 RCW. [2000 c 144 s 24; 1993 c 120 s 16.]

RCW 15.13.447 Prohibition on recovery of damages.

No state court shall allow the recovery of damages from administrative action, hold order, or condemnation order if the court finds there was probable cause for the action. [2000 c 144 s 25.]

RCW 15.13.450 Injunction to prevent violations.

The director may bring an action to enjoin the violation of any provision of this chapter or any rule adopted under this chapter in the superior court in Thurston county or the county in which the violation occurs, notwithstanding the existence of other remedies at law. [2000 c 144 s 26; 1971 ex.s. c 33 s 21.]

RCW 15.13.455 Injunction to restrain operation as nursery dealer or Christmas tree grower without valid license—Costs, attorneys' fees, and expenses. (Effective until July 1, 2030.) (1) The director may apply to the superior court of Thurston county for a prompt hearing on, and the court shall have jurisdiction upon, and for cause shown the court shall, without proof that an adequate remedy at law does not exist, grant an injunction restraining any person from operating as a nursery dealer or Christmas tree grower without a valid license.

(2) An order restraining any person from operating as a nursery dealer or Christmas tree grower without a valid license shall contain such provision for the payment of pertinent court costs and reasonable attorneys' fees and administrative expenses as is equitable and the court deems appropriate in the circumstances. [2007 c 335 s 16; 2000 c 144 s 27; 1983 1st ex.s. c 73 s 7.]

Expiration date—2019 c 206; 2013 c 72; 2007 c 335: See note following RCW 15.13.250.

RCW 15.13.455 Injunction to restrain operation as nursery dealer without valid license—Costs, attorneys' fees, and expenses.

(Effective July 1, 2030.) (1) The director may apply to the superior court of Thurston county for a prompt hearing on, and the court shall have jurisdiction upon, and for cause shown the court shall, without proof that an adequate remedy at law does not exist, grant an injunction restraining any person from operating as a nursery dealer without a valid license.

(2) An order restraining any person from operating as a nursery dealer without a valid license shall contain such provision for the payment of pertinent court costs and reasonable attorneys' fees and administrative expenses as is equitable and the court deems appropriate in the circumstances. [2000 c 144 s 27; 1983 1st ex.s. c 73 s 7.]

RCW 15.13.470 Disposition of moneys collected under chapter—Expenditure. (Effective until July 1, 2030.) (1) Except as provided in RCW 15.13.285 and in subsections (2), (3), and (4) of this section, all moneys collected under this chapter shall be paid to the director, deposited in an account within the agricultural local fund, and used solely for carrying out this chapter. No appropriation is required for the disbursement of moneys from the account by the director.

(2) All fees collected under RCW 15.13.310 shall be deposited in the planting stock certification account within the agricultural local fund to be used only for the Washington grapevine and fruit tree certification and nursery improvement programs as set forth in this chapter and chapter 15.14 RCW.

(3) All fees collected under RCW 15.13.311 shall be deposited in the Christmas tree account within the agricultural local fund to be used only for the Washington Christmas tree program as established under this chapter, which may include market surveys and research related to Christmas trees.

(4) All moneys collected for civil penalties under this chapter shall be deposited in the nursery research account within the agricultural local fund. [2007 c 335 s 17; 2002 c 215 s 4; 2000 c 144 s 28; 1999 c 144 s 16; 1993 c 120 s 17; 1990 c 261 s 13; 1987 c 35 s 3; 1985 c 36 s 5; 1975 1st ex.s. c 257 s 1; 1971 ex.s. c 33 s 25.]

Expiration date—2019 c 206; 2013 c 72; 2007 c 335: See note following RCW 15.13.250.

Effective date—1975 1st ex.s. c 257: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect on July 1, 1975." [1975 1st ex.s. c 257 s 13.]

RCW 15.13.470 Disposition of moneys collected under chapter—Expenditure. (Effective July 1, 2030.) (1) Except as provided in RCW 15.13.285 and in subsections (2) and (3) of this section, all moneys collected under this chapter shall be paid to the director, deposited in an account within the agricultural local fund, and used solely for carrying out this chapter. No appropriation is required for the disbursement of moneys from the account by the director.

(2) All fees collected under RCW 15.13.310 shall be deposited in the planting stock certification account within the agricultural local fund to be used only for the Washington grapevine and fruit tree certification and nursery improvement programs as set forth in this chapter and chapter 15.14 RCW.

(3) All moneys collected for civil penalties under this chapter shall be deposited in the nursery research account within the agricultural local fund. [2002 c 215 s 4; 2000 c 144 s 28; 1999 c 144

s 16; 1993 c 120 s 17; 1990 c 261 s 13; 1987 c 35 s 3; 1985 c 36 s 5; 1975 1st ex.s. c 257 s 1; 1971 ex.s. c 33 s 25.]

Effective date—1975 1st ex.s. c 257: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect on July 1, 1975." [1975 1st ex.s. c 257 s 13.]

RCW 15.13.477 Compliance agreements. The director may enter into compliance agreements with any person for the purpose of carrying out the provisions of this chapter. [2000 c 144 s 29.]

RCW 15.13.480 Cooperative contracts or agreements to further chapter—Agreements to facilitate export. The director may cooperate with and enter into contracts or agreements with governmental agencies of this state and other states, agencies of the federal government, and any other organization in order to carry out the purpose and provisions of this chapter.

The director may enter into agreements with the United States department of agriculture for the purpose of issuing phytosanitary certificates and other inspection documents, according to federal procedures, to facilitate the export of products from the state. [2000 c 144 s 30; 1993 c 120 s 18; 1971 ex.s. c 33 s 26.]

RCW 15.13.490 Compliance with chapter—Violation—Penalties. (Effective until July 1, 2030.) Any person who fails to comply with this chapter may be subject to:

(1) Denial, revocation, or suspension of the person's nursery dealer license or Christmas tree grower license; and/or

(2) A civil penalty in an amount of not more than one thousand dollars for each violation. Each violation shall be a separate and distinct offense. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated this section and may be subject to the civil penalty provided in this section. [2007 c 335 s 18; 2000 c 144 s 31; 1990 c 261 s 14; 1985 c 36 s 6; 1971 ex.s. c 33 s 27.]

Expiration date—2019 c 206; 2013 c 72; 2007 c 335: See note following RCW 15.13.250.

RCW 15.13.490 Compliance with chapter—Violation—Penalties. (Effective July 1, 2030.) Any person who fails to comply with this chapter may be subject to:

(1) Denial, revocation, or suspension of the person's nursery dealer license; and/or

(2) A civil penalty in an amount of not more than one thousand dollars for each violation. Each violation shall be a separate and distinct offense. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated this section and may be subject to the

civil penalty provided in this section. [2000 c 144 s 31; 1990 c 261 s 14; 1985 c 36 s 6; 1971 ex.s. c 33 s 27.]

RCW 15.13.500 Suspension of license—Reissuance. (*Expires July 1, 2030.*) The department shall immediately suspend any license issued under this chapter if the holder of the license has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for licensure during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. [2007 c 335 s 7.]

Expiration date—2019 c 206; 2013 c 72; 2007 c 335: See note following RCW 15.13.250.

RCW 15.13.920 Chapter cumulative and nonexclusive. The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other remedy. [1971 ex.s. c 33 s 22.]