



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

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STATE OF WASHINGTON
FILED

DATE: November 24, 2020

TIME: 12:49 PM

WSR 20-24-067

Agency: Department of Revenue

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: The department is amending WAC 458-02-200 to incorporate 2020 legislation, Substitute Senate Bill 6632. This legislation changed the maximum amount of handling fees that may be charged by the Department to process business license applications and business license renewal applications. Language was also added to this rule to address Engrossed Senate Bill 5402, which also passed during the 2020 legislative session. This legislation allowed the Department to waive or cancel the business license delinquency fee if the licensee failed to renew timely and it was due to an undisputable error or failure by the Department.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 458-02-200 Business licensing service-Applications, licenses, renewals-Fees-Posting
- Suspended:

Statutory authority for adoption: RCW 19.02.030(3)

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 20-19-041 on September 10, 2020 (date).
Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Web site:
- Other: A preliminary cost-benefit analysis was not prepared.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	<u>1</u>	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	1	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	1	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: November 24, 2020

Name: Atif Aziz

Title: Rules Coordinator

Signature:



AMENDATORY SECTION (Amending WSR 14-08-010, filed 3/20/14, effective 4/20/14)

WAC 458-02-200 Business licensing service—Applications, licenses, renewals—Fees ~~((—Posting))~~. (1) **Introduction.** This rule provides information about business license application handling fees, renewal application handling fees, and late filing delinquency fees as described in chapter 19.02 RCW. Information about ~~((the))~~ individual licenses ~~((that))~~ may be obtained from the business licensing service (BLS) of the department of revenue ~~((the))~~ department) and is available online at ~~((: http://bls.dor.wa.gov/))~~ dor.wa.gov.

(2) **Definitions.** The definitions in RCW 19.02.020 apply to this rule.

~~((3))~~ (3) **What fee do I need to pay when applying for or renewing a license?** Individual license fees vary depending on the license(s) for which you are applying or renewing. The fee payable is the total amount of all applicable individual license fees, business license application handling fees, renewal application handling fees, late filing delinquency fees, and other penalty fees ~~((, and handling fees, and))~~. The method of payment may ~~((include))~~ result in additional ~~((fees charged to cover))~~ charges for credit or debit card processing ~~((. Licensing fees vary depending on the license(s) for which you are applying or renewing)).~~

~~((3))~~ (4) **What does the department do with the fees?** The department will distribute the fees received for individual licenses to the respective regulatory agencies. The application and renewal handling fees and the late filing delinquency fees support the operation of the BLS. Credit or debit card payment processing fees are charged and retained by a third-party payment processor.

~~((4))~~ (5) **When do I get my business license?** ~~((The))~~ A business license will not be issued until the total fees ~~((payable is))~~ due are collected and all required information has been submitted. Some individual licenses require review and approval by the regulating authorities, and the business license will not be issued until the regulating authorities have approved them.

~~((5))~~ (6) **Can I get a refund?** The business license application handling fee and renewal application handling fee ~~((s))~~ collected under RCW 19.02.075 are not refundable. The late filing delinquency fee under RCW 19.02.085 may not be waived or refunded unless the department determines that the licensee failed to renew a license by the business license expiration date due to an undisputable error or failure by the department that caused the late filing. When a license is denied or when an applicant withdraws an application, a refund of any other refundable portion of the total payment will be made in accordance with the applicable licensing laws.

~~((6))~~ (7) **What are the ~~((handling))~~ fees?** The business license application handling fee, renewal application handling fee, late renewal filing delinquency fee, and individual license fee amounts are as follows:

Type of ((handling)) fee:	Fee amount:
Business license application ((filing)) handling fee to open the first business location of a new business, or to reopen a closed business:	\$(19.00) 90.00

Type of ((handling)) fee:	Fee amount:
<u>Business license application handling fee for an existing business adding a new business location or requesting a city's license endorsement for a nonresident business:</u>	<u>\$0</u>
<u>Business license application handling fee for any other purpose(s):</u>	<u>\$19.00</u>
<u>Business license renewal application ((filing)) handling fee:</u>	<u>\$((11.00)) 10.00</u>
<u>Late renewal filing delinquency fee:</u>	<u>Up to \$150.00 per business location. See subsection (9)(b) of this rule.</u>
<u>Individual license fee:</u>	<u>Varies depending on type of license.</u>

~~((7))~~ (8) What should I do with my business license? The business license document must be displayed in a conspicuous place at the business location for which the license is issued.

~~((8))~~ (9) Do I need to renew my business license?

(a) The various licenses endorsed and displayed on the business license may each have a requirement to be renewed periodically. The department ~~((will))~~ may prorate the terms of individual licenses ~~((issuance))~~ and associated fees as ~~((appropriate))~~ needed so that all requested licenses ~~((are renewed))~~ on the account are due for renewal at the same time.

(b) Licenses requiring renewal must be renewed by the expiration date or the department will assess a delinquency fee. The delinquency fee is calculated according to RCW 19.02.085 and must be paid by the licensee before a business license is renewed. Other regulatory agencies may also assess delinquency fees and/or penalties for late renewal, and may cancel the individual licenses for nonrenewal. Reissuance of individual licenses canceled for nonrenewal may require the filing of a new business license application.