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HOUSE BILL NO. 3164

Offered January 19, 2007

A *BILL to amend the Code of Virginia by adding in Article 3 of Chapter 2 of Title 2.2 a section numbered 2.2-207.1, relating to the creation of a one-stop small business permitting program in the Office of the Secretary of Commerce and Trade.*

Patrons—Moran and Tyler

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 3 of Chapter 2 of Title 2.2 a section numbered 2.2-207.1 as follows:

§ 2.2-207.1. *One-stop small business permitting program.*

A. *As used in this section:*

"Business Permitting Center" means the business registration and permitting center established by this section and located in and under the administrative control of the Office.

"Permit" means the whole or part of any state agency permit, license, certificate, approval, registration, charter, or any form or permission required by law, to engage in any activity.

"Permit information packet" means a collection of information about permitting requirements and application procedures custom-assembled for each request.

"Master application" means a document incorporating pertinent data from existing applications for permits covered under this part.

"Master permit" means the single document designed for public display issued by the Business Permitting Center that certifies state agency permit approval and that incorporates the endorsements for individual permits included in the master permitting program.

"Master permitting program" means the mechanism by which master permits are issued and renewed, permit and regulatory information is disseminated, and account data is exchanged by state agencies.

"Office" means the Office of the Secretary of Commerce and Trade.

"Regulatory" means all permitting and other governmental or statutory requirements pertaining to business or professional activities.

"Regulatory agency" means any state agency, board, commission, or division that regulates one or more professions, occupations, industries, businesses, or activities.

"Renewal application" means a document used to collect pertinent data for renewal of permits covered under this part.

"Secretary" means the Secretary of Commerce and Trade.

"Small business" means a business entity that has, or is expected to have, not more than 100 full-time employees.

B. *There is created within the Office the master permitting program. The Internet website of the Secretary of Commerce and Trade shall provide access to information regarding the master permitting program. The duties of the Office with respect to the master permitting program shall include, but not be limited to, all of the following:*

1. *Creating a master application that will allow the owner of a small business, or agents for a small business, to create accounts that will allow them to register the small business with the Commonwealth. The master application shall:*

a. *Allow the business owner to choose a business type and to provide common information, such as name, address, and telephone number, on the front page, eliminating the need to repeatedly provide common information on each permit application;*

b. *Allow the business owner to preview and answer questions related to the operation of the business;*

c. *Provide business owners with a customized to-do agency checklist, which checklist shall provide the permit applications pertinent to each business type and provides the rules, regulations and general laws applicable to each business type as well as local licensing information;*

d. *Allow the business owner to submit permit applications online and sign them electronically;*

e. *Allow the business owner to check on the status of applications online and to receive information from the permitting agencies electronically;*

f. *Allow a business owner to submit electronic payment for application or permitting fees for applications that have been accepted by the permitting agency.*

2. *Developing and administering a computerized system program capable of storing, retrieving, and*

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59 exchanging permit information, while protecting the confidentiality of information submitted to the
60 Office, and issuing and renewing master permits in an efficient manner.

61 3. Providing for master permit renewal.

62 4. Identifying types of permits appropriate for inclusion in the master permitting program.

63 5. Incorporating permits into the master permitting program.

64 C. The Business Permitting Center shall compile information regarding the regulatory programs
65 associated with each of the permits obtainable under the master business permitting system. This
66 information shall include, at a minimum, a listing of the statutes and administrative rules requiring the
67 permits and pertaining to the regulatory programs that are directly related to the licensure. The Center
68 shall provide information governed by this section to any person requesting it. Materials used by the
69 Center to describe the services provided by the Center shall indicate that this information is available
70 upon request.

71 D. Each state agency shall cooperate and provide reasonable assistance to the Office in the
72 implementation of this section.

73 E. Any person requiring permits that have been incorporated into the master permitting program
74 shall submit a master application to the Office requesting the issuance of the permits. The master
75 application form shall contain in consolidated form information necessary for the issuance of the
76 permits.

77 F. The applicant shall include with the application the sum of all fees and deposits required for the
78 requested individual permits, as well as the handling fee established by the Office.

79 G. The authority for approving the issuance and renewal of any requested permit that requires an
80 investigation, inspection, testing, or other judgmental review by the regulatory agency otherwise legally
81 authorized to issue the permit shall remain with that agency. The Center may issue those permits for
82 which proper fee payment and a completed application form have been received and for which no
83 approval action is required by the regulatory agency.

84 H. Upon receipt of the application and proper fee payment for any permit for which issuance is
85 subject to regulatory agency action under subsection G, the Office shall immediately notify the
86 regulatory agency with authority to approve of the permit issuance or renewal requested by the
87 applicant. Each regulatory agency shall advise the Office within a reasonable time after receiving the
88 notice of one of the following:

89 1. That the regulatory agency approves the issuance of the requested permit and will advise the
90 applicant of any specific conditions required for issuing the permit.

91 2. That the regulatory agency denies the issuance of the permit and gives the applicant reasons for
92 the denial.

93 3. That the application is pending.

94 I. The Office shall issue a master permit endorsed for all the approved permits to the applicant and
95 advise the applicant of the status of other requested permits. The applicant shall be responsible for
96 contesting any decision regarding conditions imposed or permits denied through the normal process
97 established by statute or by the regulatory agency with the authority for approving issuance of the
98 permit.

99 J. Regulatory agencies shall be provided information from the master application for their permitting
100 and regulatory functions.

101 K. All fees collected under the master permitting program, including any master permit application
102 or renewal fees and the fees of the regulatory agencies, shall be deposited into the Master Permitting
103 Fund (the Fund), which is hereby created in the general fund. All fees collected under the master
104 permitting program shall be deposited into the Fund. Moneys in the Fund derived from master permit
105 fees shall be expended upon appropriation only to administer the master permitting program. Upon
106 issuance or renewal of the master permit or supplemental permits, the fees shall be credited or
107 transferred to the accounts of the appropriate regulatory agencies.

108 L. The Office shall assign an expiration date for each master permit. All renewable permits endorsed
109 on that master permit shall expire on that date. Permit fees shall be prorated to accommodate the
110 staggering of expiration dates.

111 M. All renewable permits endorsed on a master permit shall be renewed by the Office under
112 conditions originally imposed unless a regulatory agency advises the Office of conditions or denials to
113 be imposed before the endorsement is renewed.

114 N. The Office shall not issue or renew a master permit to any person under any of the following
115 circumstances:

116 1. The person does not have a valid tax registration, if required.

117 2. The person is a corporation delinquent in the payment of fees or penalties owing to the State
118 Corporation Commission or is not validly registered under law that gives corporate or business
119 registration responsibilities to the clerk of the State Corporation Commission.

120 3. The person has not submitted the sum of all fees and deposits required for the requested

121 *individual permit endorsements, any outstanding master permit delinquency fee, or other fees and*
122 *penalties to be collected through the master permitting program.*
123 *O. The Secretary may adopt regulations as may be necessary to carry out the purposes of this*
124 *section.*

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