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SENATE BILL 5615

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State of Washington

52nd Legislature

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By Senators Matson, Bauer, Hayner, Sutherland, Saling, McCaslin, West, Vognild, Jesernig and L. Smith.

Read first time February 11, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to vehicle dealer licensing; and amending RCW  
2 46.70.041.

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

4 **Sec. 1.** RCW 46.70.041 and 1990 c 250 s 64 are each amended to read  
5 as follows:

6 (1) Every application for a vehicle dealer license shall contain  
7 the following information to the extent it applies to the applicant:

8 (a) Proof as the department may require concerning the applicant's  
9 identity, including but not limited to his or her fingerprints, the  
10 honesty, truthfulness, and good reputation of the applicant for the  
11 license, or of the officers of a corporation making the application;

12 (b) The applicant's form and place of organization including if the  
13 applicant is a corporation, proof that the corporation is licensed to  
14 do business in this state;

1 (c) The qualification and business history of the applicant and any  
2 partner, officer, or director;

3 (d) The applicant's financial condition or history including a bank  
4 reference and whether the applicant or any partner, officer, or  
5 director has ever been adjudged bankrupt or has any unsatisfied  
6 judgment in any federal or state court;

7 (e) Whether the applicant has been adjudged guilty of a crime which  
8 directly relates to the business for which the license is sought and  
9 the time elapsed since the conviction is less than ten years, or has  
10 suffered any judgment within the preceding five years in any civil  
11 action involving fraud, misrepresentation, or conversion and in the  
12 case of a corporation or partnership, all directors, officers, or  
13 partners;

14 (f) A business telephone with a listing in the local directory;

15 (g) The name or names of new vehicles the vehicle dealer wishes to  
16 sell;

17 (h) The names and addresses of each manufacturer from whom the  
18 applicant has received a franchise;

19 (i) Whether the applicant intends to sell used vehicles, and if so,  
20 whether he or she has space available for servicing and repairs;

21 (j) A certificate by a representative of the department, that the  
22 applicant's principal place of business and each subagency business  
23 location in the state of Washington meets the location requirements as  
24 required by this chapter. The certificate shall include proof of the  
25 applicant's ownership or lease of the real property where the  
26 applicant's principal place of business is established;

27 (k) A copy of a current service agreement with a manufacturer, or  
28 distributor for a foreign manufacturer, requiring the applicant, upon  
29 demand of any customer receiving a new vehicle warranty to perform or  
30 arrange for, within a reasonable distance of his or her established

1 place of business, the service repair and replacement work required of  
2 the manufacturer or distributor by such vehicle warranty. This  
3 requirement applies ~~((only))~~ to applicants seeking to sell, to  
4 exchange, to list, to offer, to broker, to auction, ~~((to solicit, or))~~  
5 to advertise, or to solicit or otherwise negotiate or arrange for the  
6 sale of new or current-model vehicles with factory or distributor  
7 warranties;

8 (1) The class of vehicles the vehicle dealer will be buying,  
9 selling, listing, exchanging, offering, brokering, leasing with an  
10 option to purchase, auctioning, soliciting, or advertising, or for  
11 which the dealer will be providing or licensing for use facilities or  
12 services for compensation of any kind that bring together potential  
13 buyers and sellers, and which classification or classifications the  
14 dealer wishes to be designated as;

15 (m) Any other information the department may reasonably require.

16 (2) If the applicant is a manufacturer the application shall  
17 contain the following information to the extent it is applicable to the  
18 applicant:

19 (a) The name and address of the principal place of business of the  
20 applicant and, if different, the name and address of the Washington  
21 state representative of the applicant;

22 (b) The name or names under which the applicant will do business in  
23 the state of Washington;

24 (c) Evidence that the applicant is authorized to do business in the  
25 state of Washington;

26 (d) The name or names of the vehicles that the licensee  
27 manufactures;

28 (e) The name or names and address or addresses of each and every  
29 distributor, factory branch, and factory representative;

1       (f) The name or names and address or addresses of resident  
2 employees or agents to provide service or repairs to vehicles located  
3 in the state of Washington only under the terms of any warranty  
4 attached to new or unused vehicles manufactured, unless such  
5 manufacturer requires warranty service to be performed by all of its  
6 dealers pursuant to a current service agreement on file with the  
7 department;

8       (g) Any other information the department may reasonably require.