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HOUSE BILL 2108

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State of Washington                      53rd Legislature                      1993 Regular Session

By Representatives Shin, Brumsickle, Zellinsky, Sheldon and Flemming

Read first time 03/24/93. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to unlawful vehicle sales; amending RCW 46.70.021;  
2 and prescribing penalties.

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

4            **Sec. 1.** RCW 46.70.021 and 1988 c 287 s 2 are each amended to read  
5 as follows:

6            It is unlawful for any person, firm, or association to act as a  
7 vehicle dealer or vehicle manufacturer, to engage in business as such,  
8 serve in the capacity of such, advertise himself, herself, or  
9 themselves as such, solicit sales as such, or distribute or transfer  
10 vehicles for resale in this state, without first obtaining and holding  
11 a current license as provided in this chapter, unless the title of the  
12 vehicle is in the name of the seller. It is unlawful for any person  
13 other than a licensed vehicle dealer to display a vehicle for sale  
14 unless the registered owner or legal owner is the displayer or holds a  
15 notarized power of attorney. A person or firm engaged in buying and  
16 offering for sale, or buying and selling five or more vehicles in a  
17 twelve-month period, or in any other way engaged in dealer activity  
18 without holding a vehicle dealer license, is guilty of a gross  
19 misdemeanor, and upon conviction is subject to a fine of up to ((one))

1 five thousand dollars for each violation and up to one year in jail.  
2 A second offense is a class C felony punishable under chapter 9A.20  
3 RCW. A violation of this section is also a per se violation of chapter  
4 19.86 RCW and is considered a deceptive practice. In conjunction with  
5 the issuance of a final cease and desist order under RCW 46.70.115, the  
6 director may assess a civil monetary penalty of up to one thousand  
7 dollars per violation against a person or firm found in violation of  
8 this section. The department of licensing, the Washington state  
9 patrol, the attorney general's office, and the department of revenue  
10 shall cooperate in the enforcement of this section. A distributor,  
11 factory branch, or factory representative shall not be required to have  
12 a vehicle manufacturer license so long as the vehicle manufacturer so  
13 represented is properly licensed pursuant to this chapter. Nothing in  
14 this chapter prohibits financial institutions from cooperating with  
15 vehicle dealers licensed under this chapter in dealer sales or leases.  
16 However, financial institutions shall not broker vehicles and  
17 cooperation is limited to organizing, promoting, and financing of such  
18 dealer sales or leases.

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