
HOUSE BILL 2214

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Kremen, H. Myers, Chandler, Basich, Zellinsky,
Campbell and Van Luven

Read first time 01/11/94. Referred to Committee on Transportation.

1 AN ACT Relating to manufactured housing dealers; and amending RCW
2 46.70.023.

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

4 **Sec. 1.** RCW 46.70.023 and 1993 c 307 s 5 are each amended to read
5 as follows:

6 (1) An "established place of business" requires a permanent,
7 enclosed commercial building located within the state of Washington
8 easily accessible at all reasonable times. An established place of
9 business shall have an improved display area of not less than three
10 thousand square feet in or immediately adjoining the building, or a
11 display area large enough to display six or more vehicles of the type
12 the dealer is licensed to sell, whichever area is larger. The business
13 of a vehicle dealer, including the display of vehicles, may be lawfully
14 carried on at an established place of business in accordance with the
15 terms of all applicable building code, zoning, and other land-use
16 regulatory ordinances. The dealer shall keep the building open to the
17 public so that they may contact the vehicle dealer or the dealer's
18 salespersons at all reasonable times. The books, records, and files
19 necessary to conduct the business shall be kept and maintained at that

1 place. The established place of business shall display an exterior
2 sign with the business name and nature of the business, such as auto
3 sales, permanently affixed to the land or building, with letters
4 clearly visible to the major avenue of traffic. In no event may a room
5 or rooms in a hotel, rooming house, or apartment house building or part
6 of a single or multiple-unit dwelling house be considered an
7 "established place of business" unless the ground floor of such a
8 dwelling is devoted principally to and occupied for commercial purposes
9 and the dealer offices are located on the ground floor. A mobile
10 office or mobile home may be used as an office if it is connected to
11 utilities and is set up in accordance with state law. A state-wide
12 trade association representing manufactured housing dealers shall be
13 permitted to use a manufactured home as an office if the office
14 complies with all other applicable local development regulations. This
15 subsection does not apply to auction companies that do not own vehicle
16 inventory or sell vehicles from an auction yard.

17 (2) An auction company shall have office facilities within the
18 state. The books, records, and files necessary to conduct the business
19 shall be maintained at the office facilities. All storage facilities
20 for inventory shall be listed with the department, and shall meet local
21 zoning and land use ordinances. An auction company shall maintain a
22 telecommunications system.

23 (3) Auction companies shall post their vehicle dealer license at
24 each auction where vehicles are offered, and shall provide the
25 department with the address of the auction at least three days before
26 the auction.

27 (4) If a dealer maintains a place of business at more than one
28 location or under more than one name in this state, he or she shall
29 designate one location as the principal place of business of the firm,
30 one name as the principal name of the firm, and all other locations or
31 names as subagencies. A subagency license is required for each and
32 every subagency: PROVIDED, That the department may grant an exception
33 to the subagency requirement in the specific instance where a licensed
34 dealer is unable to locate their used vehicle sales facilities adjacent
35 to or at the established place of business. This exception shall be
36 granted and defined under the promulgation of rules consistent with the
37 Administrative Procedure Act.

38 (5) All vehicle dealers shall maintain ownership or leasehold
39 throughout the license year of the real property from which they do

1 business. The dealer shall provide the department with evidence of
2 ownership or leasehold whenever the ownership changes or the lease is
3 terminated.

4 (6) A subagency shall comply with all requirements of an
5 established place of business, except that auction companies shall
6 comply with the requirements in subsection (2) of this section.

7 (7) A temporary subagency shall meet all local zoning and building
8 codes for the type of merchandising being conducted. The dealer
9 license certificate shall be posted at the location. No other
10 requirements of an established place of business apply to a temporary
11 subagency. Auction companies are not required to obtain a temporary
12 subagency license.

13 (8) A wholesale vehicle dealer shall have office facilities in a
14 commercial building within this state, and all storage facilities for
15 inventory shall be listed with the department, and shall meet local
16 zoning and land use ordinances. A wholesale vehicle dealer shall
17 maintain a telecommunications system. An exterior sign visible from
18 the nearest street shall identify the business name and the nature of
19 business. A wholesale dealer need not maintain a display area as
20 required in this section. When two or more vehicle dealer businesses
21 share a location, all records, office facilities, and inventory, if
22 any, must be physically segregated and clearly identified.

23 (9) A retail vehicle dealer shall be open during normal business
24 hours, maintain office and display facilities in a commercially zoned
25 location or in a location complying with all applicable building and
26 land use ordinances, and maintain a business telephone listing in the
27 local directory. When two or more vehicle dealer businesses share a
28 location, all records, office facilities, and inventory shall be
29 physically segregated and clearly identified.

30 (10) A listing dealer need not have a display area if the dealer
31 does not physically maintain any vehicles for display.

32 (11) A subagency license is not required for a mobile home dealer
33 to display an on-site display model, a consigned mobile home not
34 relocated from its site, or a repossessed mobile home if sales are
35 handled from a principal place of business or subagency. A mobile home
36 dealer shall identify on-site display models, repossessed mobile homes,
37 and those consigned at their sites with a sign that includes the
38 dealer's name and telephone number.

1 (12) Every vehicle dealer shall advise the department of the
2 location of each and every place of business of the firm and the name
3 or names under which the firm is doing business at such location or
4 locations. If any name or location is changed, the dealer shall notify
5 the department of such change within ten days. The license issued by
6 the department shall reflect the name and location of the firm and
7 shall be posted in a conspicuous place at that location by the dealer.
8 (13) A vehicle dealer's license shall upon the death or incapacity
9 of an individual vehicle dealer authorize the personal representative
10 of such dealer, subject to payment of license fees, to continue the
11 business for a period of six months from the date of the death or
12 incapacity.

--- END ---