

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1041

54th Legislature
1995 Regular Session

Passed by the House February 17, 1995
Yeas 93 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate April 4, 1995
Yeas 40 Nays 7

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1041** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1041

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

By Representatives Quall, Schoesler, Robertson and Sheldon

Prefiled 1/6/95. Read first time 01/09/95. Referred to Committee on
Commerce & Labor.

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 building code, zoning, and other
15 land-use regulatory ordinances. This subsection does not apply to
16 auction companies that do not own vehicle inventory or sell vehicles
17 from an auction yard.

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

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

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

1 (5) All vehicle dealers shall maintain ownership or leasehold
2 throughout the license year of the real property from which they do
3 business. The dealer shall provide the department with evidence of
4 ownership or leasehold whenever the ownership changes or the lease is
5 terminated.

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

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

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

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

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

34 (11) A subagency license is not required for a mobile home dealer
35 to display an on-site display model, a consigned mobile home not
36 relocated from its site, or a repossessed mobile home if sales are
37 handled from a principal place of business or subagency. A mobile home
38 dealer shall identify on-site display models, repossessed mobile homes,

1 and those consigned at their sites with a sign that includes the
2 dealer's name and telephone number.

3 (12) Every vehicle dealer shall advise the department of the
4 location of each and every place of business of the firm and the name
5 or names under which the firm is doing business at such location or
6 locations. If any name or location is changed, the dealer shall notify
7 the department of such change within ten days. The license issued by
8 the department shall reflect the name and location of the firm and
9 shall be posted in a conspicuous place at that location by the dealer.

10 (13) A vehicle dealer's license shall upon the death or incapacity
11 of an individual vehicle dealer authorize the personal representative
12 of such dealer, subject to payment of license fees, to continue the
13 business for a period of six months from the date of the death or
14 incapacity.

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