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**SUBSTITUTE SENATE BILL 5127**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Wojahn, Deccio, Thibaudeau, Wood, Oke, Loveland, Sellar, Snyder, Fairley, Spanel, Sheldon, McCaslin, West, Bauer, Winsley, Goings and Schow)

Read first time 02/19/97.

1 AN ACT Relating to funding trauma care services; amending RCW  
2 70.168.040, 63.14.010, and 63.14.130; adding a new section to chapter  
3 70.168 RCW; adding a new section to chapter 46.70 RCW; adding a new  
4 section to chapter 46.12 RCW; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.168 RCW  
7 to read as follows:

8 The department shall establish by rule a grant program for  
9 designated trauma care services. The grants shall be made from the  
10 emergency medical services and trauma care system trust account and  
11 shall require regional matching funds. The trust account funds and  
12 regional match will be in a seventy-five to twenty-five percent ratio.

13 **Sec. 2.** RCW 70.168.040 and 1990 c 269 s 17 are each amended to  
14 read as follows:

15 The emergency medical services and trauma care system trust account  
16 is hereby created in the state treasury. Moneys shall be transferred  
17 to the emergency medical services and trauma care system trust account  
18 from the public safety education account or other sources as

1 appropriated, and as collected under sections 3 and 4 of this act and  
2 RCW 46.16.060. Disbursements shall be made by the department subject  
3 to legislative appropriation.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.70 RCW  
5 to read as follows:

6 Upon the retail sale or lease of any new or used motor vehicle by  
7 a vehicle dealer, the dealer shall collect from the consumer an  
8 emergency medical services fee of ten dollars and an administrative fee  
9 of five dollars. The ten-dollar fee shall be forwarded with the  
10 required title application and all other fees to the department of  
11 licensing, or any of its authorized agents. The additional ten-dollar  
12 fee collected in this section shall be deposited in the emergency  
13 medical services and trauma care system trust account created in RCW  
14 70.168.040. The administrative fee charged by a dealer shall not be  
15 considered a violation of RCW 46.70.180(2).

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.12 RCW  
17 to read as follows:

18 There is hereby imposed a fee of ten dollars at the time of  
19 application for an original title or transfer of title issued on any  
20 motor vehicle pursuant to this chapter and chapters 46.09 and 46.10  
21 RCW. The department of licensing or any of its authorized agents shall  
22 collect the fee when processing these title requests. The fee shall be  
23 transmitted to the emergency medical services and trauma care system  
24 trust account created in RCW 70.168.040.

25 **Sec. 5.** RCW 63.14.010 and 1993 sp.s. c 5 s 1 are each amended to  
26 read as follows:

27 In this chapter, unless the context otherwise requires:

28 (1) "Goods" means all chattels personal when purchased primarily  
29 for personal, family, or household use and not for commercial or  
30 business use, but not including money or, except as provided in the  
31 next sentence, things in action. The term includes but is not limited  
32 to merchandise certificates or coupons, issued by a retail seller, to  
33 be used in their face amount in lieu of cash in exchange for goods or  
34 services sold by such a seller and goods which, at the time of sale or  
35 subsequently, are to be so affixed to real property as to become a part  
36 thereof, whether or not severable therefrom;

1 (2) "Lender credit card" means a card or device under a lender  
2 credit card agreement pursuant to which the issuer gives to a  
3 cardholder residing in this state the privilege of obtaining credit  
4 from the issuer or other persons in purchasing or leasing property or  
5 services, obtaining loans, or otherwise, and the issuer of which is  
6 not: (a) Principally engaged in the business of selling goods; or (b)  
7 a financial institution;

8 (3) "Lender credit card agreement" means an agreement entered into  
9 or performed in this state prescribing the terms of retail installment  
10 transactions pursuant to which the issuer may, with the buyer's  
11 consent, purchase or acquire one or more retail sellers' indebtedness  
12 of the buyer under a sales slip or memorandum evidencing the purchase,  
13 lease, loan, or otherwise to be paid in accordance with the agreement.  
14 The issuer of a lender credit card agreement shall not be principally  
15 engaged in the business of selling goods or be a financial institution;

16 (4) "Financial institution" means any bank or trust company, mutual  
17 savings bank, credit union, or savings and loan association organized  
18 pursuant to the laws of any one of the United States of America or the  
19 United States of America, or the laws of a foreign country if also  
20 qualified to conduct business in any one of the United States of  
21 America or pursuant to the laws of the United States of America;

22 (5) "Services" means work, labor, or services of any kind when  
23 purchased primarily for personal, family, or household use and not for  
24 commercial or business use whether or not furnished in connection with  
25 the delivery, installation, servicing, repair, or improvement of goods  
26 and includes repairs, alterations, or improvements upon or in  
27 connection with real property, but does not include services for which  
28 the price charged is required by law to be determined or approved by or  
29 to be filed, subject to approval or disapproval, with the United States  
30 or any state, or any department, division, agency, officer, or official  
31 of either as in the case of transportation services;

32 (6) "Retail buyer" or "buyer" means a person who buys or agrees to  
33 buy goods or obtain services or agrees to have services rendered or  
34 furnished, from a retail seller;

35 (7) "Retail seller" or "seller" means a person engaged in the  
36 business of selling goods or services to retail buyers;

37 (8) "Retail installment transaction" means any transaction in which  
38 a retail buyer purchases goods or services from a retail seller  
39 pursuant to a retail installment contract, a retail charge agreement,

1 or a lender credit card agreement, as defined in this section, which  
2 provides for a service charge, as defined in this section, and under  
3 which the buyer agrees to pay the unpaid balance in one or more  
4 installments or which provides for no service charge and under which  
5 the buyer agrees to pay the unpaid balance in more than four  
6 installments;

7 (9) "Retail installment contract" or "contract" means a contract,  
8 other than a retail charge agreement, a lender credit card agreement,  
9 or an instrument reflecting a sale made pursuant thereto, entered into  
10 or performed in this state for a retail installment transaction. The  
11 term "retail installment contract" may include a chattel mortgage, a  
12 conditional sale contract, and a contract in the form of a bailment or  
13 a lease if the bailee or lessee contracts to pay as compensation for  
14 their use a sum substantially equivalent to or in excess of the value  
15 of the goods sold and if it is agreed that the bailee or lessee is  
16 bound to become, or for no other or a merely nominal consideration, has  
17 the option of becoming the owner of the goods upon full compliance with  
18 the provisions of the bailment or lease. The term "retail installment  
19 contract" does not include: (a) A "consumer lease," heretofore or  
20 hereafter entered into, as defined in RCW 63.10.020; (b) a lease which  
21 would constitute such "consumer lease" but for the fact that: (i) It  
22 was entered into before April 29, 1983; (ii) the lessee was not a  
23 natural person; (iii) the lease was not primarily for personal, family,  
24 or household purposes; or (iv) the total contractual obligations  
25 exceeded twenty-five thousand dollars; or (c) a lease-purchase  
26 agreement under chapter 63.19 RCW;

27 (10) "Retail charge agreement," "revolving charge agreement," or  
28 "charge agreement" means an agreement between a retail buyer and a  
29 retail seller that is entered into or performed in this state and that  
30 prescribes the terms of retail installment transactions with one or  
31 more sellers which may be made thereunder from time to time and under  
32 the terms of which a service charge, as defined in this section, is to  
33 be computed in relation to the buyer's unpaid balance from time to  
34 time;

35 (11) "Service charge" however denominated or expressed, means the  
36 amount which is paid or payable for the privilege of purchasing goods  
37 or services to be paid for by the buyer in installments over a period  
38 of time. It does not include the amount, if any, charged for insurance

1 premiums, delinquency charges, attorneys' fees, court costs, any  
2 vehicle dealer administrative fee, or official fees;

3 (12) "Sale price" means the price for which the seller would have  
4 sold or furnished to the buyer, and the buyer would have bought or  
5 obtained from the seller, the goods or services which are the subject  
6 matter of a retail installment transaction. The sale price may include  
7 any taxes, registration and license fees, any vehicle dealer  
8 administrative fee and charges for transferring vehicle titles,  
9 delivery, installation, servicing, repairs, alterations, or  
10 improvements;

11 (13) "Official fees" means the amount of the fees prescribed by law  
12 and payable to the state, county, or other governmental agency for  
13 filing, recording, or otherwise perfecting, and releasing or  
14 satisfying, a retained title, lien, or other security interest created  
15 by a retail installment transaction;

16 (14) "Time balance" means the principal balance plus the service  
17 charge;

18 (15) "Principal balance" means the sale price of the goods or  
19 services which are the subject matter of a retail installment contract  
20 less the amount of the buyer's down payment in money or goods or both,  
21 plus the amounts, if any, included therein, if a separate identified  
22 charge is made therefor and stated in the contract, for insurance, any  
23 vehicle dealer administrative fee, and official fees;

24 (16) "Person" means an individual, partnership, joint venture,  
25 corporation, association, or any other group, however organized;

26 (17) "Rate" means the percentage which, when multiplied times the  
27 outstanding balance for each month or other installment period, yields  
28 the amount of the service charge for such month or period.

29 **Sec. 6.** RCW 63.14.130 and 1992 c 193 s 1 are each amended to read  
30 as follows:

31 The service charge shall be inclusive of all charges incident to  
32 investigating and making the retail installment contract or charge  
33 agreement and for the privilege of making the installment payments  
34 thereunder and no other fee, expense or charge whatsoever shall be  
35 taken, received, reserved or contracted therefor from the buyer, except  
36 for any vehicle dealer administrative fee.

1 (1) The service charge, in a retail installment contract, shall not  
2 exceed the dollar amount or rate agreed to by contract and disclosed  
3 under RCW 63.14.040(1)(7)(g).

4 (2) The service charge in a retail charge agreement, revolving  
5 charge agreement, lender credit card agreement, or charge agreement,  
6 shall not exceed the schedule or rate agreed to by contract and  
7 disclosed under RCW 63.14.120(1). If the service charge so computed is  
8 less than one dollar for any month, then one dollar may be charged.

9 NEW SECTION. **Sec. 7.** This act takes effect January 1, 1998.

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