
SECOND SUBSTITUTE SENATE BILL 5127

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Ways & Means (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 03/10/97.

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.
2 Disbursements shall be made by the department subject to legislative
3 appropriation. Expenditures may be made only for the purposes of the
4 state trauma care system under this chapter, including emergency
5 medical services, trauma care services, rehabilitative services, and
6 the planning and development of related services under this chapter.

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

9 Upon the retail sale or lease of any new or used motor vehicle by
10 a vehicle dealer, the dealer shall collect from the consumer an
11 emergency medical services fee of ten dollars and an administrative fee
12 of five dollars. The ten-dollar fee shall be forwarded with the
13 required title application and all other fees to the department of
14 licensing, or any of its authorized agents. The additional ten-dollar
15 fee collected in this section shall be deposited in the emergency
16 medical services and trauma care system trust account created in RCW
17 70.168.040. The administrative fee charged by a dealer shall not be
18 considered a violation of RCW 46.70.180(2).

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

21 If a fee is not imposed under section 3 of this act, there is
22 hereby imposed a fee of ten dollars at the time of application for (1)
23 an original title or transfer of title issued on any motor vehicle
24 pursuant to this chapter or chapter 46.09 RCW, or (2) an original
25 transaction or transfer of ownership transaction of a vehicle under
26 chapter 46.10 RCW. The department of licensing or any of its
27 authorized agents shall collect the fee when processing these
28 transactions. The fee shall be transmitted to the emergency medical
29 services and trauma care system trust account created in RCW
30 70.168.040.

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

33 In this chapter, unless the context otherwise requires:

34 (1) "Goods" means all chattels personal when purchased primarily
35 for personal, family, or household use and not for commercial or
36 business use, but not including money or, except as provided in the

1 next sentence, things in action. The term includes but is not limited
2 to merchandise certificates or coupons, issued by a retail seller, to
3 be used in their face amount in lieu of cash in exchange for goods or
4 services sold by such a seller and goods which, at the time of sale or
5 subsequently, are to be so affixed to real property as to become a part
6 thereof, whether or not severable therefrom;

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

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

22 (4) "Financial institution" means any bank or trust company, mutual
23 savings bank, credit union, or savings and loan association organized
24 pursuant to the laws of any one of the United States of America or the
25 United States of America, or the laws of a foreign country if also
26 qualified to conduct business in any one of the United States of
27 America or pursuant to the laws of the United States of America;

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

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

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

6 (8) "Retail installment transaction" means any transaction in which
7 a retail buyer purchases goods or services from a retail seller
8 pursuant to a retail installment contract, a retail charge agreement,
9 or a lender credit card agreement, as defined in this section, which
10 provides for a service charge, as defined in this section, and under
11 which the buyer agrees to pay the unpaid balance in one or more
12 installments or which provides for no service charge and under which
13 the buyer agrees to pay the unpaid balance in more than four
14 installments;

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

35 (10) "Retail charge agreement," "revolving charge agreement," or
36 "charge agreement" means an agreement between a retail buyer and a
37 retail seller that is entered into or performed in this state and that
38 prescribes the terms of retail installment transactions with one or
39 more sellers which may be made thereunder from time to time and under

1 the terms of which a service charge, as defined in this section, is to
2 be computed in relation to the buyer's unpaid balance from time to
3 time;

4 (11) "Service charge" however denominated or expressed, means the
5 amount which is paid or payable for the privilege of purchasing goods
6 or services to be paid for by the buyer in installments over a period
7 of time. It does not include the amount, if any, charged for insurance
8 premiums, delinquency charges, attorneys' fees, court costs, any
9 vehicle dealer administrative fee under section 3 of this act, or
10 official fees;

11 (12) "Sale price" means the price for which the seller would have
12 sold or furnished to the buyer, and the buyer would have bought or
13 obtained from the seller, the goods or services which are the subject
14 matter of a retail installment transaction. The sale price may include
15 any taxes, registration and license fees, any vehicle dealer
16 administrative fee and charges for transferring vehicle titles,
17 delivery, installation, servicing, repairs, alterations, or
18 improvements;

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

24 (14) "Time balance" means the principal balance plus the service
25 charge;

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

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

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

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

1 The service charge shall be inclusive of all charges incident to
2 investigating and making the retail installment contract or charge
3 agreement and for the privilege of making the installment payments
4 thereunder and no other fee, expense or charge whatsoever shall be
5 taken, received, reserved or contracted therefor from the buyer, except
6 for any vehicle dealer administrative fee under section 3 of this act.

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

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

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

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