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**SUBSTITUTE SENATE BILL 5610**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senate Committee on Transportation (originally sponsored by Senators Prentice, Finkbeiner, T. Sheldon and Costa)

Read first time 03/08/99.

1 AN ACT Relating to civil penalties levied by the department of  
2 licensing for unlawful sale of used motor vehicles by unlicensed  
3 parties; amending RCW 46.70.115; and prescribing penalties.

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

5 **Sec. 1.** RCW 46.70.115 and 1986 c 241 s 15 are each amended to read  
6 as follows:

7 (1) If it appears to the director that a person has engaged or is  
8 about to engage in an act or practice constituting a violation of this  
9 chapter, or a rule adopted or an order issued under this chapter, the  
10 director may issue an order directing the person to cease and desist  
11 from continuing the act or practice. Reasonable notice of and  
12 opportunity for a hearing shall be given. The director may issue a  
13 temporary order pending a hearing. The temporary order shall remain in  
14 effect until ten days after the hearing is held and shall become final  
15 if the person to whom the notice is addressed does not request a  
16 hearing within fifteen days after receipt of the notice.

17 (2) The director may levy and collect a civil penalty, in an amount  
18 not to exceed one thousand dollars for each violation, against a person  
19 found by the director to be curbstoning, as that term is defined in

1 subsection (3) of this section. A person against whom a civil penalty  
2 has been imposed must receive reasonable notice and an opportunity for  
3 a hearing on the issue. The civil penalty is due ten days after  
4 receipt of the notice, or if a hearing is requested, within ten days  
5 after an order is entered upon a final adjudication of the issue.

6 (3) For the purposes of subsection (2) of this section,  
7 "curbstoning" means a person or firm engaged in buying and offering for  
8 sale, or buying and selling, five or more vehicles in a twelve-month  
9 period without holding a vehicle dealer license.

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