

CERTIFICATION OF ENROLLMENT
SECOND ENGROSSED SUBSTITUTE SENATE BILL 5610

56th Legislature
2000 Regular Session

Passed by the Senate March 6, 2000
YEAS 42 NAYS 1

President of the Senate

Passed by the House March 1, 2000
YEAS 90 NAYS 8

**Speaker of the
House of Representatives**

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND ENGROSSED SUBSTITUTE SENATE BILL 5610** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SECOND ENGROSSED SUBSTITUTE SENATE BILL 5610

AS AMENDED BY THE HOUSE

Passed Legislature - 2000 Regular Session

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 46.70.028; creating a new section;
4 and prescribing penalties.

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

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

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

18 (2) The director may levy and collect a civil penalty, in an amount
19 not to exceed one thousand dollars for each violation, against a person

1 found by the director to be curbstoning, as that term is defined in
2 subsection (3) of this section. A person against whom a civil penalty
3 has been imposed must receive reasonable notice and an opportunity for
4 a hearing on the issue. The civil penalty is due ten days after
5 issuance of a final order.

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 that are each less
9 than thirty years old in a twelve-month period without holding a
10 vehicle dealer license. For the purpose of subsections (1) and (2) of
11 this section, "curbstoning" does not include the sale of equipment or
12 vehicles used in farming as defined in RCW 46.04.183 and sold by a
13 farmer as defined in RCW 46.04.182.

14 **Sec. 2.** RCW 46.70.028 and 1989 c 337 s 13 are each amended to read
15 as follows:

16 Dealers who transact dealer business by consignment shall obtain a
17 consignment contract for sale and shall comply with applicable
18 provisions of chapter 46.70 RCW. The dealer shall place all funds
19 received from the sale of the consigned vehicle in a trust account
20 until the sale is completed, except that the dealer shall pay any
21 outstanding liens against the vehicle from these funds. Where title
22 has been delivered to the purchaser, the dealer shall pay the amount
23 due a consignor within ten days after the sale. However, in the case
24 of a consignment from a licensed vehicle dealer from any state, the
25 wholesale auto auction shall pay the consignor within twenty days.

26 NEW SECTION. **Sec. 3.** If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

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