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HOUSE BILL 2056

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Conway and Wood

Read first time 02/16/2005. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to recreational vehicle shows; amending RCW  
2 46.70.011; and adding a new section to chapter 46.70 RCW.

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

4            **Sec. 1.** RCW 46.70.011 and 2001 c 272 s 2 are each amended to read  
5 as follows:

6            As used in this chapter:

7            (1) "Vehicle" means and includes every device capable of being  
8 moved upon a public highway and in, upon, or by which any persons or  
9 property is or may be transported or drawn upon a public highway,  
10 excepting devices moved by human or animal power or used exclusively  
11 upon stationary rails or tracks.

12            (2) "Motor vehicle" means every vehicle which is self-propelled and  
13 every vehicle which is propelled by electric power obtained from  
14 overhead trolley wires, but not operated upon rails, and which is  
15 required to be registered and titled under Title 46 RCW, Motor  
16 Vehicles.

17            (3) "Recreational vehicle" means a travel trailer, motor home,  
18 truck camper, or camping trailer that is primarily designed and used as  
19 temporary living quarters, is either self-propelled or mounted on or

1 drawn by another vehicle, is transient, is not occupied as a primary  
2 residence, and is not immobilized or permanently affixed to a mobile  
3 home lot.

4 (4) "Vehicle dealer" means any person, firm, association,  
5 corporation, or trust, not excluded by subsection (~~((4))~~) (5) of this  
6 section, engaged in the business of buying, selling, listing,  
7 exchanging, offering, brokering, leasing with an option to purchase,  
8 auctioning, soliciting, or advertising the sale of new or used  
9 vehicles, or arranging or offering or attempting to solicit or  
10 negotiate on behalf of others, a sale, purchase, or exchange of an  
11 interest in new or used motor vehicles, irrespective of whether the  
12 motor vehicles are owned by that person. Vehicle dealers shall be  
13 classified as follows:

14 (a) A "motor vehicle dealer" is a vehicle dealer that deals in new  
15 or used motor vehicles, or both;

16 (b) A "mobile home and travel trailer dealer" is a vehicle dealer  
17 that deals in mobile homes, park trailers, or travel trailers, or more  
18 than one type of these vehicles;

19 (c) A "miscellaneous vehicle dealer" is a vehicle dealer that deals  
20 in motorcycles or vehicles other than motor vehicles or mobile homes  
21 and travel trailers or any combination of such vehicles.

22 (~~((4))~~) (5) The term "vehicle dealer" does not include, nor do the  
23 licensing requirements of RCW 46.70.021 apply to, the following  
24 persons, firms, associations, or corporations:

25 (a) Receivers, trustees, administrators, executors, guardians, or  
26 other persons appointed by, or acting under a judgment or order of, any  
27 court; or

28 (b) Public officers while performing their official duties; or

29 (c) Employees of vehicle dealers who are engaged in the specific  
30 performance of their duties as such employees; or

31 (d) Any person engaged in an isolated sale of a vehicle in which  
32 that person is the registered or legal owner, or both, thereof; or

33 (e) Any person, firm, association, corporation, or trust, engaged  
34 in the selling of equipment other than vehicles, subject to  
35 registration, used for agricultural or industrial purposes; or

36 (f) A real estate broker licensed under chapter 18.85 RCW, or an  
37 affiliated licensee, who, on behalf of another negotiates the purchase,  
38 sale, lease, or exchange of a manufactured or mobile home in

1 conjunction with the purchase, sale, exchange, rental, or lease of the  
2 land upon which the manufactured or mobile home is, or will be,  
3 located; or

4 (g) Owners who are also operators of the special highway  
5 construction equipment or of the highway construction equipment for  
6 which a vehicle license and display vehicle license number plate is  
7 required as defined in RCW 46.16.010; or

8 (h) Any bank, trust company, savings bank, mutual savings bank,  
9 savings and loan association, credit union, and any parent, subsidiary,  
10 or affiliate thereof, authorized to do business in this state under  
11 state or federal law with respect to the sale or other disposition of  
12 a motor vehicle owned and used in their business; or with respect to  
13 the acquisition and sale or other disposition of a motor vehicle in  
14 which the entity has acquired an interest as a lessor, lessee, or  
15 secured party; or

16 (i) Any person who is regularly engaged in the business of  
17 acquiring leases or installment contracts by assignment, with respect  
18 to the acquisition and sale or other disposition of a motor vehicle in  
19 which the person has acquired an interest as a result of the business.

20 ~~((+5))~~ (6) "Vehicle salesperson" means any person who for any form  
21 of compensation sells, auctions, leases with an option to purchase, or  
22 offers to sell or to so lease vehicles on behalf of a vehicle dealer.

23 ~~((+6))~~ (7) "Department" means the department of licensing, which  
24 shall administer and enforce the provisions of this chapter.

25 ~~((+7))~~ (8) "Director" means the director of licensing.

26 ~~((+8))~~ (9) "Manufacturer" means any person, firm, association,  
27 corporation, or trust, resident or nonresident, who manufactures or  
28 assembles new and unused vehicles or remanufactures vehicles in whole  
29 or in part and further includes the terms:

30 (a) "Distributor," which means any person, firm, association,  
31 corporation, or trust, resident or nonresident, who in whole or in part  
32 offers for sale, sells, or distributes any new and unused vehicle to  
33 vehicle dealers or who maintains factory representatives.

34 (b) "Factory branch," which means a branch office maintained by a  
35 manufacturer for the purpose of selling or offering for sale, vehicles  
36 to a distributor, wholesaler, or vehicle dealer, or for directing or  
37 supervising in whole or in part factory or distributor representatives,  
38 and further includes any sales promotion organization, whether a

1 person, firm, or corporation, which is engaged in promoting the sale of  
2 new and unused vehicles in this state of a particular brand or make to  
3 vehicle dealers.

4 (c) "Factory representative," which means a representative employed  
5 by a manufacturer, distributor, or factory branch for the purpose of  
6 making or promoting for the sale of their vehicles or for supervising  
7 or contracting with their dealers or prospective dealers.

8 ~~((9))~~ (10) "Established place of business" means a location  
9 meeting the requirements of RCW 46.70.023(1) at which a vehicle dealer  
10 conducts business in this state.

11 ~~((10))~~ (11) "Principal place of business" means that dealer  
12 firm's business location in the state, which place the dealer  
13 designates as their principal place of business.

14 ~~((11))~~ (12) "Subagency" means any place of business of a vehicle  
15 dealer within the state, which place is physically and geographically  
16 separated from the principal place of business of the firm or any place  
17 of business of a vehicle dealer within the state, at which place the  
18 firm does business using a name other than the principal name of the  
19 firm, or both.

20 ~~((12))~~ (13) "Temporary subagency" means a location other than the  
21 principal place of business or subagency within the state where a  
22 licensed vehicle dealer may secure a license to conduct the business  
23 and is licensed for a period of time not to exceed ten days for a  
24 specific purpose such as auto shows, shopping center promotions, tent  
25 sales, exhibitions, or similar merchandising ventures. No more than  
26 ~~((six))~~ two temporary subagency licenses may be issued to a  
27 ~~((licensee))~~ dealer in any twelve-month period for events with three or  
28 less dealers participating, and up to four temporary subagency licenses  
29 may be issued to a dealer in any twelve-month period for events  
30 including four or more dealers.

31 ~~((13))~~ (14) "Wholesale vehicle dealer" means a vehicle dealer who  
32 buys and sells other than at retail.

33 ~~((14))~~ (15) "Retail vehicle dealer" means a vehicle dealer who  
34 may buy and sell at both wholesale and retail.

35 ~~((15))~~ (16) "Listing dealer" means a used mobile home dealer who  
36 makes contracts with sellers who will compensate the dealer for  
37 obtaining a willing purchaser for the seller's mobile home.

1       (~~(16)~~) (17) "Auction" means a transaction conducted by means of  
2 exchanges between an auctioneer and the members of the audience,  
3 constituting a series of oral invitations for offers for the purchase  
4 of vehicles made by the auctioneer, offers to purchase by members of  
5 the audience, and the acceptance of the highest or most favorable offer  
6 to purchase.

7       (~~(17)~~) (18) "Auction company" means a sole proprietorship,  
8 partnership, corporation, or other legal or commercial entity licensed  
9 under chapter 18.11 RCW that only sells or offers to sell vehicles at  
10 auction or only arranges or sponsors auctions.

11       (~~(18)~~) (19) "Buyer's agent" means any person, firm, partnership,  
12 association, limited liability company, limited liability partnership,  
13 or corporation retained or employed by a consumer to arrange for or to  
14 negotiate, or both, the purchase or lease of a new motor vehicle on  
15 behalf of the consumer, and who is paid a fee or receives other  
16 compensation from the consumer for its services.

17       (~~(19)~~) (20) "New motor vehicle" means any motor vehicle that is  
18 self-propelled and is required to be registered and titled under Title  
19 46 RCW, has not been previously titled to a retail purchaser or lessee,  
20 and is not a "used vehicle" as defined under RCW 46.04.660.

21       NEW SECTION. **Sec. 2.** A new section is added to chapter 46.70 RCW  
22 to read as follows:

23       (1)(a) Before the department may issue a temporary subagency  
24 license to a dealer engaged in offering new or new and used  
25 recreational vehicles for sale at a recreational vehicle show, a dealer  
26 of new recreational vehicles shall submit to the department a  
27 manufacturer's written authorization for the sale and specifying the  
28 dates of the show, the location of the show, and the identity of the  
29 manufacturer's brand or model names of the new recreational vehicles.

30       (b) The department may issue a temporary subagency license only if  
31 the location of the show is within fifty miles of the dealer's  
32 established place of business or permanent location, or is within the  
33 factory designated sales territory for each brand of new recreational  
34 vehicle to be offered for sale, and only those specific brands of new  
35 recreational vehicles may be offered for sale under the terms of the  
36 temporary subagency license.

1 (2) Whenever three or fewer dealers participate in a show under a  
2 temporary subagency license issued under this section, each dealer  
3 shall conspicuously include all of the following information in all  
4 advertising and promotional materials designed to attract the public to  
5 attend the show:

6 (a) Each dealer's business name and the location of the dealer's  
7 established place of business must be printed in a size equivalent to  
8 the second largest type used in the advertisement and must be placed at  
9 the top of the advertisement; and

10 (b) The manufacturer's brand or model names of those new  
11 recreational vehicles being offered for sale; and

12 (c) If the recreational vehicles being offered for sale are used,  
13 the word "used" must immediately precede the identification of the  
14 brand name of the model or be immediately adjacent to the depiction of  
15 used vehicles.

16 (3) The legislature finds that the practices covered by this  
17 section are matters vitally affecting the public interest for the  
18 purpose of applying the consumer protection act, chapter 19.86 RCW.  
19 Violations of this section are not reasonable in relation to the  
20 development and preservation of business. A violation of this section  
21 is an unfair or deceptive act in trade or commerce and an unfair method  
22 of competition for the purpose of applying the consumer protection act,  
23 chapter 19.86 RCW.

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