

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2056

59th Legislature
2006 Regular Session

Passed by the House February 14, 2006
Yeas 94 Nays 3

Speaker of the House of Representatives

Passed by the Senate March 2, 2006
Yeas 45 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2056** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2056

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Commerce & Labor (originally sponsored by
Representatives Conway and Wood)

READ FIRST TIME 03/07/05.

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 (d) A "recreational vehicle dealer" is a vehicle dealer that deals
23 in travel trailers, motor homes, truck campers, or camping trailers
24 that are primarily designed and used as temporary living quarters, are
25 either self-propelled or mounted on or drawn by another vehicle, are
26 transient, are not occupied as a primary residence, and are not
27 immobilized or permanently affixed to a mobile home lot.

28 ((+4)) (5) The term "vehicle dealer" does not include, nor do the
29 licensing requirements of RCW 46.70.021 apply to, the following
30 persons, firms, associations, or corporations:

31 (a) Receivers, trustees, administrators, executors, guardians, or
32 other persons appointed by, or acting under a judgment or order of, any
33 court; or

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

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

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

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

4 (f) A real estate broker licensed under chapter 18.85 RCW, or an
5 affiliated licensee, who, on behalf of another negotiates the purchase,
6 sale, lease, or exchange of a manufactured or mobile home in
7 conjunction with the purchase, sale, exchange, rental, or lease of the
8 land upon which the manufactured or mobile home is, or will be,
9 located; or

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

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

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

26 ~~((+5))~~ (6) "Vehicle salesperson" means any person who for any form
27 of compensation sells, auctions, leases with an option to purchase, or
28 offers to sell or to so lease vehicles on behalf of a vehicle dealer.

29 ~~((+6))~~ (7) "Department" means the department of licensing, which
30 shall administer and enforce the provisions of this chapter.

31 ~~((+7))~~ (8) "Director" means the director of licensing.

32 ~~((+8))~~ (9) "Manufacturer" means any person, firm, association,
33 corporation, or trust, resident or nonresident, who manufactures or
34 assembles new and unused vehicles or remanufactures vehicles in whole
35 or in part and further includes the terms:

36 (a) "Distributor," which means any person, firm, association,
37 corporation, or trust, resident or nonresident, who in whole or in part

1 offers for sale, sells, or distributes any new and unused vehicle to
2 vehicle dealers or who maintains factory representatives.

3 (b) "Factory branch," which means a branch office maintained by a
4 manufacturer for the purpose of selling or offering for sale, vehicles
5 to a distributor, wholesaler, or vehicle dealer, or for directing or
6 supervising in whole or in part factory or distributor representatives,
7 and further includes any sales promotion organization, whether a
8 person, firm, or corporation, which is engaged in promoting the sale of
9 new and unused vehicles in this state of a particular brand or make to
10 vehicle dealers.

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

15 (~~(9)~~) (10) "Established place of business" means a location
16 meeting the requirements of RCW 46.70.023(1) at which a vehicle dealer
17 conducts business in this state.

18 (~~(10)~~) (11) "Principal place of business" means that dealer
19 firm's business location in the state, which place the dealer
20 designates as their principal place of business.

21 (~~(11)~~) (12) "Subagency" means any place of business of a vehicle
22 dealer within the state, which place is physically and geographically
23 separated from the principal place of business of the firm or any place
24 of business of a vehicle dealer within the state, at which place the
25 firm does business using a name other than the principal name of the
26 firm, or both.

27 (~~(12)~~) (13) "Temporary subagency" means a location other than the
28 principal place of business or subagency within the state where a
29 licensed vehicle dealer may secure a license to conduct the business
30 and is licensed for a period of time not to exceed ten days for a
31 specific purpose such as auto shows, shopping center promotions, tent
32 sales, exhibitions, or similar merchandising ventures. No more than
33 six temporary subagency licenses may be issued to a licensee in any
34 twelve-month period.

35 (~~(13)~~) (14) "Wholesale vehicle dealer" means a vehicle dealer who
36 buys and sells other than at retail.

37 (~~(14)~~) (15) "Retail vehicle dealer" means a vehicle dealer who
38 may buy and sell at both wholesale and retail.

1 (~~(15)~~) (16) "Listing dealer" means a used mobile home dealer who
2 makes contracts with sellers who will compensate the dealer for
3 obtaining a willing purchaser for the seller's mobile home.

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

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

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

20 (~~(19)~~) (20) "New motor vehicle" means any motor vehicle that is
21 self-propelled and is required to be registered and titled under Title
22 46 RCW, has not been previously titled to a retail purchaser or lessee,
23 and is not a "used vehicle" as defined under RCW 46.04.660.

24 NEW SECTION. Sec. 2. A new section is added to chapter 46.70 RCW
25 to read as follows:

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

34 (b) The department may issue a temporary subagency license if the
35 location of the show is within fifty miles of the recreational vehicle
36 dealer's established place of business or permanent location. The
37 department may issue a temporary subagency license for a show outside

1 fifty miles of the recreational vehicle dealer's established place of
2 business or permanent location only if the product represented is new
3 and is within the factory designated sales territory for each brand of
4 new recreational vehicles to be offered for sale, and only those
5 specific brands of new recreational vehicles may be offered for sale
6 under the terms of the temporary subagency license.

7 (2) Whenever three or fewer recreational vehicle dealers
8 participate in a show under a temporary subagency license issued under
9 this section, each recreational vehicle dealer shall conspicuously
10 include all of the following information in all advertising and
11 promotional materials designed to attract the public to attend the
12 show:

13 (a) Each recreational vehicle dealer's business name and the
14 location of the recreational vehicle dealer's established place of
15 business must be printed in a size equivalent to the second largest
16 type used in the advertisement and must be placed at the top of the
17 advertisement; and

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

20 (c) If the recreational vehicles being offered for sale are used,
21 the word "used" must immediately precede the identification of the
22 brand name of the model or be immediately adjacent to the depiction of
23 used vehicles.

24 (3) Notwithstanding other provisions of this chapter, no more than
25 two temporary subagency licenses may be issued to a recreational
26 vehicle dealer engaged in offering new or new and used recreational
27 vehicles for sale for events with three or fewer recreational vehicle
28 dealers participating, and no more than six temporary subagency
29 licenses may be issued to a recreational vehicle dealer in any twelve-
30 month period for events including four or more recreational vehicle
31 dealers.

32 (4) The legislature finds that the practices covered by this
33 section are matters vitally affecting the public interest for the
34 purpose of applying the consumer protection act, chapter 19.86 RCW.
35 Violations of this section are not reasonable in relation to the
36 development and preservation of business. A violation of this section
37 is an unfair or deceptive act in trade or commerce and an unfair method

1 of competition for the purpose of applying the consumer protection act,
2 chapter 19.86 RCW.

--- END ---