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HOUSE BILL 2534

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State of Washington

63rd Legislature

2014 Regular Session

By Representative Kirby; by request of Department of Licensing

Read first time 01/20/14. Referred to Committee on Business & Financial Services.

1 AN ACT Relating to fingerprint-based background checks for  
2 licensing of vehicle dealers and security guards; and amending RCW  
3 18.170.130 and 46.70.041.

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

5 **Sec. 1.** RCW 18.170.130 and 1995 c 277 s 10 are each amended to  
6 read as follows:

7 (1) Applications for licenses required under this chapter shall be  
8 filed with the director on a form provided by the director. The  
9 director may require any information and documentation that reasonably  
10 relates to the need to determine whether the applicant meets the  
11 criteria.

12 (2) After receipt of an application for a license, the director  
13 shall conduct an investigation to determine whether the facts set forth  
14 in the application are true and shall request that the Washington state  
15 patrol compare the fingerprints submitted with the application to  
16 fingerprint records available to the Washington state patrol. The  
17 Washington state patrol shall forward the fingerprints of applicants  
18 for (~~an armed~~) any private security guard license to the federal  
19 bureau of investigation for a national criminal history records check.

1 The director may require that fingerprint cards of licensees be  
2 periodically reprocessed to identify criminal convictions subsequent to  
3 registration.

4 (3) The director shall solicit comments from the chief law  
5 enforcement officer of the county and city or town in which the  
6 applicant's employer is located on issuance of a permanent private  
7 security guard license.

8 (4) A summary of the information acquired under this section, to  
9 the extent that it is public information, shall be forwarded by the  
10 department to the applicant's employer.

11 **Sec. 2.** RCW 46.70.041 and 2001 c 272 s 3 are each amended to read  
12 as follows:

13 (1) Every application for a vehicle dealer license shall contain  
14 the following information to the extent it applies to the applicant:

15 (a) Proof as the department may require concerning the applicant's  
16 identity, including but not limited to his or her fingerprints, the  
17 honesty, truthfulness, and good reputation of the applicant for the  
18 license, or of the officers of a corporation making the application;

19 (b) The applicant's form and place of organization including if the  
20 applicant is a corporation, proof that the corporation is licensed to  
21 do business in this state;

22 (c) The qualification and business history of the applicant and any  
23 partner, officer, or director;

24 (d) The applicant's financial condition or history including a bank  
25 reference and whether the applicant or any partner, officer, or  
26 director has ever been adjudged bankrupt or has any unsatisfied  
27 judgment in any federal or state court;

28 (e) Whether the applicant has been adjudged guilty of a crime which  
29 directly relates to the business for which the license is sought and  
30 the time elapsed since the conviction is less than ten years, or has  
31 suffered any judgment within the preceding five years in any civil  
32 action involving fraud, misrepresentation, or conversion and in the  
33 case of a corporation or partnership, all directors, officers, or  
34 partners;

35 (f) A business telephone with a listing in the local directory;

36 (g) The name or names of new vehicles the vehicle dealer wishes to  
37 sell;

1 (h) The names and addresses of each manufacturer from whom the  
2 applicant has received a franchise;

3 (i) A certificate by a representative of the department, that the  
4 applicant's principal place of business and each subagency business  
5 location in the state of Washington meets the location requirements as  
6 required by this chapter. The certificate shall include proof of the  
7 applicant's ownership or lease of the real property where the  
8 applicant's principal place of business is established;

9 (j) A copy of a current service agreement with a manufacturer, or  
10 distributor for a foreign manufacturer, requiring the applicant, upon  
11 demand of any customer receiving a new vehicle warranty to perform or  
12 arrange for, within a reasonable distance of his or her established  
13 place of business, the service repair and replacement work required of  
14 the manufacturer or distributor by such vehicle warranty. This  
15 requirement applies only to applicants seeking to sell, to exchange, to  
16 offer, to auction, to solicit, to advertise, or to broker new or  
17 current-model vehicles with factory or distributor warranties;

18 (k) The class of vehicles the vehicle dealer will be buying,  
19 selling, listing, exchanging, offering, brokering, leasing, auctioning,  
20 soliciting, or advertising, and which classification or classifications  
21 the dealer wishes to be designated as;

22 (l) Effective July 1, 2002, a certificate from the provider of each  
23 education program or test showing that the applicant has completed the  
24 education programs and passed the test required under RCW 46.70.079 if  
25 the applicant is a dealer subject to the education and test  
26 requirements;

27 (m) Any other information the department may reasonably require.

28 (2) If the applicant is a manufacturer the application shall  
29 contain the following information to the extent it is applicable to the  
30 applicant:

31 (a) The name and address of the principal place of business of the  
32 applicant and, if different, the name and address of the Washington  
33 state representative of the applicant;

34 (b) The name or names under which the applicant will do business in  
35 the state of Washington;

36 (c) Evidence that the applicant is authorized to do business in the  
37 state of Washington;

1 (d) The name or names of the vehicles that the licensee  
2 manufactures;

3 (e) The name or names and address or addresses of each and every  
4 distributor, factory branch, and factory representative;

5 (f) The name or names and address or addresses of resident  
6 employees or agents to provide service or repairs to vehicles located  
7 in the state of Washington only under the terms of any warranty  
8 attached to new or unused vehicles manufactured, unless such  
9 manufacturer requires warranty service to be performed by all of its  
10 dealers pursuant to a current service agreement on file with the  
11 department;

12 (g) Any other information the department may reasonably require.

13 (3) Effective January 1, 2015, (a)(i) applicants for an original  
14 license under this chapter are required to have fingerprint-based  
15 background checks through the Washington state patrol criminal  
16 identification system and through the federal bureau of investigation;  
17 (ii) the director may require all current licensees under this chapter  
18 to have a fingerprint-based background check through the Washington  
19 state patrol criminal identification system and through the federal  
20 bureau of investigation at the time of the first application for a  
21 renewal license after that date. The director may require all current  
22 licensees to submit with their renewal application proof as the  
23 department may require concerning the applicant's identity, including,  
24 but not limited to, his or her fingerprints. The director may require  
25 that licensees have their background rechecked periodically under this  
26 subsection.

27 (b) The applicant is required to pay the current federal and state  
28 fees for fingerprint-based criminal history background checks.

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