

SENATE BILL REPORT

SB 6326

As of February 3, 2016

Title: An act relating to the retention and maintenance of auto dealer and repair facility records.

Brief Description: Concerning the retention and maintenance of auto dealer and repair facility records.

Sponsors: Senators King, Hobbs and Fain.

Brief History:

Committee Activity: Transportation: 1/26/16.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Kellee Keegan (786-7429)

Background: A vehicle dealer must maintain records of the purchase and sale or lease of all vehicles for five years. The first two years, the copies must be available in hard copy at their place of business. Records older than two years may be kept at another location as long as they are accessible for inspection within three calendar days, exclusive of Saturday, Sunday, or a legal holiday.

Records must consist of the following:

- the license and title numbers of the state in which the last license was issued;
- a vehicle description;
- the name and address of the person from whom the vehicle was purchased;
- the name of the legal owner, if any;
- the name and address of the purchaser or lessee;
- if purchased from a dealer, the name, business address, dealer license number, and resale tax number of the dealer;
- the price paid for the vehicle and the method of payment;
- the vehicle odometer disclosure statement given by the seller to the dealer, and the vehicle odometer disclosure statement given by the dealer to the purchaser or lessee;
- the written agreement to allow a dealer to sell between the dealer and the consignor, or the listing dealer and the seller;
- trust account records of receipts, deposits, and withdrawals;
- all sale documents, which must show the full name of dealer employees involved in the sale or lease; and

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- any additional information the Department of Licensing (DOL) may require. However, the DOL may not require a dealer to collect or retain the hardback copy of a temporary license permit after the permanent license plates for a vehicle have been provided to the purchaser or lessee, if the dealer maintains some other copy of the temporary license permit together with a log of the permits issued.

Automotive repair facilities must retain written price estimates and invoices for at least one year after the date in which the repairs were performed.

Summary of Bill: A vehicle dealer must keep records in paper form for at least one year. After a year, records may be kept solely as electronic records and not as hard copies as long as the electronic records can be accessed by computer at the dealer's place of business during normal business hours for the remainder of the five-year retention period. Records that originate as electronic records may be retained as electronic records with no paper form and must be accessible by computer at the dealer's place of business for at least five years.

The Director of Licensing may adopt rules necessary to implement electronic records retention.

True copies of written price estimates and invoices required to be retained by automotive repair facilities may be maintained as electronic records as long as the repair facility is capable of printing the records in hard copy upon request of the customer or the customer's authorized representative.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Dealers would like to store records electronically as it opens floor space and improves security. This is a well-worked bill and keeping the records in hard copy one-year after purchase is good as that is when most complaints come in.

Persons Testifying: PRO: Scott Hazlegrove, WA State Auto Dealers Association; Tony Sermonti, Dept of Licensing.

Persons Signed In To Testify But Not Testifying: No one.