
SENATE BILL 5668

State of Washington

61st Legislature

2009 Regular Session

By Senators Berkey, Schoesler, McCaslin, Benton, and Marr

Read first time 01/28/09. Referred to Committee on Financial Institutions, Housing & Insurance.

1 AN ACT Relating to the sale of used manufactured/mobile homes;
2 adding a new section to chapter 46.70 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that restricting the
5 use of consignment contract sales of manufactured/mobile homes in favor
6 of listing contract sales by agents, brokers, or dealers is necessary
7 to protect the interests of homeowners, especially those who are
8 elderly. Although a manufactured/mobile home is considered a vehicle,
9 it is also a home, and those manufactured/mobile homes that are used as
10 homes should not be sold strictly as a vehicle in the care of a dealer.
11 The department of licensing by rule recognizes that a
12 manufactured/mobile home is not simply a vehicle but a home.

13 The legislature also finds that a consignment contract is not
14 transparent to the parties involved. The agent or dealer can easily
15 hide or disguise terms of sale that can be detrimental to both the
16 buyer and the seller and beneficial to the agent or dealer.

17 Therefore, the legislature intends this act to require the use of
18 a listing contract for the sale of a used manufactured/mobile home to
19 ensure a transparent transaction between the parties.

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

3 (1) As used in this section:

4 (a) "Consignment" means an arrangement where a vehicle dealer
5 accepts delivery or entrustment of a vehicle and agrees to sell the
6 vehicle on behalf of another.

7 (b) "Listing contract" means a contract between a seller of a used
8 manufactured/mobile home and a listing dealer to locate a willing buyer
9 for the used manufactured/mobile home.

10 (2)(a) If a professional agent, dealer, or broker of
11 manufactured/mobile homes acts on behalf of a seller for the sale and
12 transfer of a used manufactured/mobile home, the professional agent,
13 dealer, or broker shall use a listing contract only and is prohibited
14 from entering into a consignment contract if the used
15 manufactured/mobile home:

16 (i) Exists as a finished home certified for occupancy and located
17 in a manufactured/mobile home community or on private land; and

18 (ii) Is intended to remain at its location as a home, or will be
19 moved to another manufactured/mobile home community or private land as
20 a home, upon the sale and transfer of ownership.

21 (b) The listing contract used under this subsection must state the
22 amount of compensation to be paid to the professional agent, dealer, or
23 broker for the sale of the used manufactured/mobile home, which may be
24 expressed as a fixed dollar amount, a percentage of the sales price, or
25 another means of compensation.

26 (3) The listing agent or dealer shall negotiate the agreement
27 between the seller and buyer of the used manufactured/mobile home,
28 which must include the following procedure:

29 (a) All written purchase offers bearing the buyer's signature must
30 be presented to the seller for acceptance or refusal. A copy of the
31 purchase agreement must be delivered to the seller immediately
32 following the buyer signing the offer.

33 (b) The seller accepts the purchase agreement by signing the offer.
34 A copy of the purchase agreement must be delivered to the buyer
35 immediately following the seller signing and accepting the offer.

36 (c) A copy of the purchase agreement that bears the seller's
37 signature must be delivered to the buyer as proof that the buyer's
38 offer was accepted.

1 (d) Any counteroffers or amendments to the purchase agreement must
2 also bear the signatures of both the buyer and seller, and copies of
3 the counteroffers or amendments must be delivered to each party.

4 (4) The listing agent or dealer must follow all other requirements
5 under WAC 308-66-157 and RCW 46.70.122.

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