

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

ATTORNEY GENERAL'S OFFICE

(Agency name)

Administrative Order No. 87-1

(1) I, Kenneth O. Eikenberry, ~~Director of~~

Washington State Attorney General

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

WAC 44-10-090 Arbitration Fee provisions for collection of a five dollar arbitration fee pursuant to Section 9 of Senate Bill 5502, commonly known as the Lemon Law, signed into law on May 13, 1987.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. _____ filed with the code reviser on _____. These rules shall take effect:
 thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).
 at a later date, such date being _____

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, Kenneth O. Eikenberry, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:
The legislature, in enacting SB 5502, provided that the funding mechanism for the arbitration program would be collection of a five dollar arbitration fee from new motor vehicle transactions. Delay in implementation would result in a loss of revenue for the state and would be contrary to the public interest.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026¹ that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

(a) This rule is promulgated pursuant to RCW _____ and is intended to administratively implement that statute.

~~RCW~~ (b) This rule is promulgated pursuant to RCW SB 5502, Section 6(7) which directs that the

Attorney General (agency)

has authority to implement the provisions of SB 5502, commonly known as the Lemon Law, signed into law 5-13-87 (name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW _____

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED October 1, 1987

STATE OF WASHINGTON FILED

By Kenneth O. Eikenberry Washington State Attorney General

OCT 1 1987

Title

CODE REVISER'S OFFICE WSR 87-00-046

[Form CR-7: Rev. 7/23/82]

NEW SECTION. WAC 44-10-090 ARBITRATION FEE. (1) A five dollar arbitration fee shall be collected by the new motor vehicle dealer from the consumer at completion of the sale, except that such fee shall not be collected in the following instances:

(a) where the consumer is a business purchasing the new motor vehicle as part of a fleet of ten or more vehicles from the same new motor vehicle dealer at the same time for the direct use by the consumer in the consumer's business;

(b) where the new motor vehicle is a moped, a motorcycle or a truck with nineteen thousand pounds or more gross weight;

(c) where the sale is between a new motor vehicle dealer and another new motor vehicle dealer both of which have valid written service agreements with the same manufacturer.

(2) Upon collection of the arbitration fee by the new motor vehicle dealer, the arbitration fee shall be forwarded to the Department of Licensing with the assigned certificate of ownership and application for title.

(3) For purposes of this rule:

(a) "consumer" shall include any person, association, company, corporation or business entity.

(b) "fleet" shall not include ten or more vehicles purchased by a consumer who has executed a lease agreement as lessor or intends to solicit a lease agreement as lessor of any such vehicles.

(c) "lease agreement" shall not include a rental agreement executed in the normal course of of the consumer's business.