
HOUSE BILL 2709

State of Washington 54th Legislature 1996 Regular Session

By Representatives Cairnes and Romero

Read first time 01/17/96. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to recreational vehicle shows; amending RCW
2 46.70.011; adding a new section to chapter 46.70 RCW; and prescribing
3 penalties.

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

5 **Sec. 1.** RCW 46.70.011 and 1993 c 175 s 1 are each amended to read
6 as follows:

7 As used in this chapter:

8 (1) "Vehicle" means and includes every device capable of being
9 moved upon a public highway and in, upon, or by which any persons or
10 property is or may be transported or drawn upon a public highway,
11 excepting devices moved by human or animal power or used exclusively
12 upon stationary rails or tracks.

13 (2) "Motor vehicle" means every vehicle which is self-propelled and
14 every vehicle which is propelled by electric power obtained from
15 overhead trolley wires, but not operated upon rails, and which is
16 required to be registered and titled under Title 46 RCW, Motor
17 Vehicles.

18 (3) "Recreational vehicle" means a travel trailer, motor home,
19 truck camper, or camping trailer that is primarily designed and used as

1 temporary living quarters, is either self-propelled or mounted on or
2 drawn by another vehicle, is transient, is not occupied as a primary
3 residence, and is not immobilized or permanently affixed to a mobile
4 home lot;

5 (4) "Vehicle dealer" means any person, firm, association,
6 corporation, or trust, not excluded by subsection (4) of this section,
7 engaged in the business of buying, selling, listing, exchanging,
8 offering, brokering, leasing with an option to purchase, auctioning,
9 soliciting, or advertising the sale of new or used vehicles, or
10 arranging or offering or attempting to solicit or negotiate on behalf
11 of others, a sale, purchase, or exchange of an interest in new or used
12 motor vehicles, irrespective of whether the motor vehicles are owned by
13 that person. Vehicle dealers shall be 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 ~~((4))~~ (5) The term "vehicle dealer" does not include, nor do the
23 licensing requirements of RCW 46.70.021 apply to, the following
24 persons, firms, associations, or corporations:

25 (a) Receivers, trustees, administrators, executors, guardians, or
26 other persons appointed by, or acting under a judgment or order of, any
27 court; or

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

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

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

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

36 (f) A real estate broker licensed under chapter 18.85 RCW, or his
37 authorized representative, who, on behalf of the legal or registered
38 owner of a used mobile home negotiates the purchase, sale, or exchange
39 of the used mobile home in conjunction with the purchase, sale,

1 exchange, rental, or lease of the land upon which the used mobile home
2 is located and the real estate broker is not acting as an agent,
3 subagent, or representative of a vehicle dealer licensed under this
4 chapter; or

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

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

17 (~~(5)~~) (6) "Vehicle salesperson" means any person who for any form
18 of compensation sells, auctions, leases with an option to purchase, or
19 offers to sell or to so lease vehicles on behalf of a vehicle dealer.

20 (~~(6)~~) (7) "Department" means the department of licensing, which
21 shall administer and enforce the provisions of this chapter.

22 (~~(7)~~) (8) "Director" means the director of licensing.

23 (~~(8)~~) (9) "Manufacturer" means any person, firm, association,
24 corporation, or trust, resident or nonresident, who manufactures or
25 assembles new and unused vehicles or remanufactures vehicles in whole
26 or in part and further includes the terms:

27 (a) "Distributor," which means any person, firm, association,
28 corporation, or trust, resident or nonresident, who in whole or in part
29 offers for sale, sells, or distributes any new and unused vehicle to
30 vehicle dealers or who maintains factory representatives.

31 (b) "Factory branch," which means a branch office maintained by a
32 manufacturer for the purpose of selling or offering for sale, vehicles
33 to a distributor, wholesaler, or vehicle dealer, or for directing or
34 supervising in whole or in part factory or distributor representatives,
35 and further includes any sales promotion organization, whether a
36 person, firm, or corporation, which is engaged in promoting the sale of
37 new and unused vehicles in this state of a particular brand or make to
38 vehicle dealers.

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

5 (~~(9)~~) (10) "Established place of business" means a location
6 meeting the requirements of RCW 46.70.023(1) at which a vehicle dealer
7 conducts business in this state.

8 (~~(10)~~) (11) "Principal place of business" means that dealer
9 firm's business location in the state, which place the dealer
10 designates as their principal place of business.

11 (~~(11)~~) (12) "Subagency" means any place of business of a vehicle
12 dealer within the state, which place is physically and geographically
13 separated from the principal place of business of the firm or any place
14 of business of a vehicle dealer within the state, at which place the
15 firm does business using a name other than the principal name of the
16 firm, or both.

17 (~~(12)~~) (13) "Temporary subagency" means a location other than the
18 principal place of business or subagency within the state where a
19 licensed vehicle dealer may secure a license to conduct the business
20 and is licensed for a period of time not to exceed ten days for a
21 specific purpose such as auto shows, shopping center promotions, tent
22 sales, exhibitions, or similar merchandising ventures. No more than
23 six temporary subagency licenses may be issued to a licensee in any
24 twelve-month period.

25 (~~(13)~~) (14) "Wholesale vehicle dealer" means a vehicle dealer who
26 buys and sells other than at retail.

27 (~~(14)~~) (15) "Retail vehicle dealer" means a vehicle dealer who
28 may buy and sell at both wholesale and retail.

29 (~~(15)~~) (16) "Listing dealer" means a used mobile home dealer who
30 makes contracts with sellers who will compensate the dealer for
31 obtaining a willing purchaser for the seller's mobile home.

32 (~~(16)~~) (17) "Auction" means a transaction conducted by means of
33 exchanges between an auctioneer and the members of the audience,
34 constituting a series of oral invitations for offers for the purchase
35 of vehicles made by the auctioneer, offers to purchase by members of
36 the audience, and the acceptance of the highest or most favorable offer
37 to purchase.

38 (~~(17)~~) (18) "Auction company" means a sole proprietorship,
39 partnership, corporation, or other legal or commercial entity licensed

1 under chapter 18.11 RCW that only sells or offers to sell vehicles at
2 auction or only arranges or sponsors auctions.

3 (~~((18))~~) (19) "Buyer's agent" means any person, firm, partnership,
4 association, or corporation retained or employed by a consumer to
5 arrange for or to negotiate, or both, the purchase of a new motor
6 vehicle on behalf of the consumer, and who is paid a fee or receives
7 other compensation from the consumer for the services.

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

10 (1)(a) Before the department may issue a temporary subagency
11 license to a dealer engaged in offering new or new and used
12 recreational vehicles for sale at a recreational vehicle show, a dealer
13 of new recreational vehicles shall submit to the department a
14 manufacturer's written authorization for the sale and specifying the
15 dates of the show, the location of the show, and the identity of the
16 manufacturer's brand or model names of the new recreational vehicles.

17 (b) The department may issue a temporary subagency license only if
18 the location of the show is within fifty miles of the dealer's
19 established place of business or permanent location, or is within the
20 factory designated sales territory for each brand of new recreational
21 vehicle to be offered for sale, and only those specific brands of new
22 recreational vehicles may be offered for sale under the terms of the
23 temporary subagency license.

24 (2) Whenever three or fewer dealers participate in a show under a
25 temporary subagency license issued under this section, all of the
26 following apply:

27 (a) Each dealer shall conspicuously include all of the following
28 information in all advertising and promotional materials designed to
29 attract the public to attend the show:

30 (i) Each dealer's business name and the location of the dealer's
31 established place of business must be printed in a size equivalent to
32 the second largest type used in the advertisement and must be placed at
33 the top of the advertisement;

34 (ii) The manufacturer's brand or model names of those new
35 recreational vehicles being offered for sale;

36 (iii) If the recreational vehicles being offered for sale are used,
37 the word "used" must immediately precede the identification of the

1 brand name of the model or be immediately adjacent to the depiction of
2 used vehicles.

3 (3) The legislature finds that the practices covered by this
4 section are matters vitally affecting the public interest for the
5 purpose of applying the Consumer Protection Act, chapter 19.86 RCW.
6 Violations of this section are not reasonable in relation to the
7 development and preservation of business. A violation of this section
8 is an unfair or deceptive act in trade or commerce and an unfair method
9 of competition for the purpose of applying the Consumer Protection Act,
10 chapter 19.86 RCW.

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