

2 **HB 1198** - S AMD - 282

3 By Senators Wojahn, Schow, Snyder, Deccio, McCaslin and Bauer

4 WITHDRAWN 4/10/97

5 On page 7, after line 23, insert the following:

6 "NEW SECTION. **Sec. 2.** A new section is added to chapter 70.168
7 RCW to read as follows:

8 The department shall establish by rule a grant program for
9 designated trauma care services. The grants shall be made from the
10 emergency medical services and trauma care system trust account and
11 shall require regional matching funds. The trust account funds and
12 regional match will be in a seventy-five to twenty-five percent ratio.

13 **Sec. 3.** RCW 70.168.040 and 1990 c 269 s 17 are each amended to
14 read as follows:

15 The emergency medical services and trauma care system trust account
16 is hereby created in the state treasury. Moneys shall be transferred
17 to the emergency medical services and trauma care system trust account
18 from the public safety education account or other sources as
19 appropriated, and as collected under section 4 of this act.
20 Disbursements shall be made by the department subject to legislative
21 appropriation. Expenditures may be made only for the purposes of the
22 state trauma care system under this chapter, including emergency
23 medical services, trauma care services, rehabilitative services, and
24 the planning and development of related services under this chapter.

25 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.12 RCW
26 to read as follows:

27 (1) Upon the retail sale or lease of any new or used motor vehicle
28 by a vehicle dealer, the dealer shall collect from the consumer an
29 emergency medical services fee of ten dollars and an administrative fee
30 of five dollars. The ten-dollar fee shall be forwarded with the
31 required title application and all other fees to the department of
32 licensing, or any of its authorized agents. The additional ten-dollar
33 fee collected in this section shall be deposited in the emergency
34 medical services and trauma care system trust account created in RCW

1 70.168.040. The administrative fee charged by a dealer shall not be
2 considered a violation of RCW 46.70.180(2).

3 (2) If a fee is not imposed under subsection (1) of this section,
4 there is hereby imposed a fee of ten dollars at the time of application
5 for (a) an original title or transfer of title issued on any motor
6 vehicle pursuant to this chapter or chapter 46.09 RCW, or (b) an
7 original transaction or transfer of ownership transaction of a vehicle
8 under chapter 46.10 RCW. The department of licensing or any of its
9 authorized agents shall collect the fee when processing these
10 transactions. The fee shall be transmitted to the emergency medical
11 services and trauma care system trust account created in RCW
12 70.168.040.

13 (3) This section does not apply to a motor vehicle that has been
14 declared a total loss by an insurer or self-insurer unless an
15 application for certificate of ownership or license registration is
16 made to the department of licensing after the declaration of total
17 loss.

18 **Sec. 5.** RCW 63.14.010 and 1993 sp.s. c 5 s 1 are each amended to
19 read as follows:

20 In this chapter, unless the context otherwise requires:

21 (1) "Goods" means all chattels personal when purchased primarily
22 for personal, family, or household use and not for commercial or
23 business use, but not including money or, except as provided in the
24 next sentence, things in action. The term includes but is not limited
25 to merchandise certificates or coupons, issued by a retail seller, to
26 be used in their face amount in lieu of cash in exchange for goods or
27 services sold by such a seller and goods which, at the time of sale or
28 subsequently, are to be so affixed to real property as to become a part
29 thereof, whether or not severable therefrom;

30 (2) "Lender credit card" means a card or device under a lender
31 credit card agreement pursuant to which the issuer gives to a
32 cardholder residing in this state the privilege of obtaining credit
33 from the issuer or other persons in purchasing or leasing property or
34 services, obtaining loans, or otherwise, and the issuer of which is
35 not: (a) Principally engaged in the business of selling goods; or (b)
36 a financial institution;

37 (3) "Lender credit card agreement" means an agreement entered into
38 or performed in this state prescribing the terms of retail installment

1 transactions pursuant to which the issuer may, with the buyer's
2 consent, purchase or acquire one or more retail sellers' indebtedness
3 of the buyer under a sales slip or memorandum evidencing the purchase,
4 lease, loan, or otherwise to be paid in accordance with the agreement.
5 The issuer of a lender credit card agreement shall not be principally
6 engaged in the business of selling goods or be a financial institution;

7 (4) "Financial institution" means any bank or trust company, mutual
8 savings bank, credit union, or savings and loan association organized
9 pursuant to the laws of any one of the United States of America or the
10 United States of America, or the laws of a foreign country if also
11 qualified to conduct business in any one of the United States of
12 America or pursuant to the laws of the United States of America;

13 (5) "Services" means work, labor, or services of any kind when
14 purchased primarily for personal, family, or household use and not for
15 commercial or business use whether or not furnished in connection with
16 the delivery, installation, servicing, repair, or improvement of goods
17 and includes repairs, alterations, or improvements upon or in
18 connection with real property, but does not include services for which
19 the price charged is required by law to be determined or approved by or
20 to be filed, subject to approval or disapproval, with the United States
21 or any state, or any department, division, agency, officer, or official
22 of either as in the case of transportation services;

23 (6) "Retail buyer" or "buyer" means a person who buys or agrees to
24 buy goods or obtain services or agrees to have services rendered or
25 furnished, from a retail seller;

26 (7) "Retail seller" or "seller" means a person engaged in the
27 business of selling goods or services to retail buyers;

28 (8) "Retail installment transaction" means any transaction in which
29 a retail buyer purchases goods or services from a retail seller
30 pursuant to a retail installment contract, a retail charge agreement,
31 or a lender credit card agreement, as defined in this section, which
32 provides for a service charge, as defined in this section, and under
33 which the buyer agrees to pay the unpaid balance in one or more
34 installments or which provides for no service charge and under which
35 the buyer agrees to pay the unpaid balance in more than four
36 installments;

37 (9) "Retail installment contract" or "contract" means a contract,
38 other than a retail charge agreement, a lender credit card agreement,
39 or an instrument reflecting a sale made pursuant thereto, entered into

1 or performed in this state for a retail installment transaction. The
2 term "retail installment contract" may include a chattel mortgage, a
3 conditional sale contract, and a contract in the form of a bailment or
4 a lease if the bailee or lessee contracts to pay as compensation for
5 their use a sum substantially equivalent to or in excess of the value
6 of the goods sold and if it is agreed that the bailee or lessee is
7 bound to become, or for no other or a merely nominal consideration, has
8 the option of becoming the owner of the goods upon full compliance with
9 the provisions of the bailment or lease. The term "retail installment
10 contract" does not include: (a) A "consumer lease," heretofore or
11 hereafter entered into, as defined in RCW 63.10.020; (b) a lease which
12 would constitute such "consumer lease" but for the fact that: (i) It
13 was entered into before April 29, 1983; (ii) the lessee was not a
14 natural person; (iii) the lease was not primarily for personal, family,
15 or household purposes; or (iv) the total contractual obligations
16 exceeded twenty-five thousand dollars; or (c) a lease-purchase
17 agreement under chapter 63.19 RCW;

18 (10) "Retail charge agreement," "revolving charge agreement," or
19 "charge agreement" means an agreement between a retail buyer and a
20 retail seller that is entered into or performed in this state and that
21 prescribes the terms of retail installment transactions with one or
22 more sellers which may be made thereunder from time to time and under
23 the terms of which a service charge, as defined in this section, is to
24 be computed in relation to the buyer's unpaid balance from time to
25 time;

26 (11) "Service charge" however denominated or expressed, means the
27 amount which is paid or payable for the privilege of purchasing goods
28 or services to be paid for by the buyer in installments over a period
29 of time. It does not include the amount, if any, charged for insurance
30 premiums, delinquency charges, attorneys' fees, court costs, any
31 vehicle dealer administrative fee under section 4 of this act, or
32 official fees;

33 (12) "Sale price" means the price for which the seller would have
34 sold or furnished to the buyer, and the buyer would have bought or
35 obtained from the seller, the goods or services which are the subject
36 matter of a retail installment transaction. The sale price may include
37 any taxes, registration and license fees, any vehicle dealer
38 administrative fee and charges for transferring vehicle titles,

1 delivery, installation, servicing, repairs, alterations, or
2 improvements;

3 (13) "Official fees" means the amount of the fees prescribed by law
4 and payable to the state, county, or other governmental agency for
5 filing, recording, or otherwise perfecting, and releasing or
6 satisfying, a retained title, lien, or other security interest created
7 by a retail installment transaction;

8 (14) "Time balance" means the principal balance plus the service
9 charge;

10 (15) "Principal balance" means the sale price of the goods or
11 services which are the subject matter of a retail installment contract
12 less the amount of the buyer's down payment in money or goods or both,
13 plus the amounts, if any, included therein, if a separate identified
14 charge is made therefor and stated in the contract, for insurance, any
15 vehicle dealer administrative fee, and official fees;

16 (16) "Person" means an individual, partnership, joint venture,
17 corporation, association, or any other group, however organized;

18 (17) "Rate" means the percentage which, when multiplied times the
19 outstanding balance for each month or other installment period, yields
20 the amount of the service charge for such month or period.

21 **Sec. 6.** RCW 63.14.130 and 1992 c 193 s 1 are each amended to read
22 as follows:

23 The service charge shall be inclusive of all charges incident to
24 investigating and making the retail installment contract or charge
25 agreement and for the privilege of making the installment payments
26 thereunder and no other fee, expense or charge whatsoever shall be
27 taken, received, reserved or contracted therefor from the buyer, except
28 for any vehicle dealer administrative fee under section 4 of this act.

29 (1) The service charge, in a retail installment contract, shall not
30 exceed the dollar amount or rate agreed to by contract and disclosed
31 under RCW 63.14.040(1)(7)(g).

32 (2) The service charge in a retail charge agreement, revolving
33 charge agreement, lender credit card agreement, or charge agreement,
34 shall not exceed the schedule or rate agreed to by contract and
35 disclosed under RCW 63.14.120(1). If the service charge so computed is
36 less than one dollar for any month, then one dollar may be charged.

