

2 **ESSB 5610** - H AMD 0183 ADOPTED 04/13/99

3 By Representative

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5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 46.70.115 and 1986 c 241 s 15 are each amended to  
8 read as follows:

9 (1) If it appears to the director that a person has engaged or is  
10 about to engage in an act or practice constituting a violation of this  
11 chapter, or a rule adopted or an order issued under this chapter, the  
12 director may issue an order directing the person to cease and desist  
13 from continuing the act or practice. Reasonable notice of and  
14 opportunity for a hearing shall be given. The director may issue a  
15 temporary order pending a hearing. The temporary order shall remain in  
16 effect until ten days after the hearing is held and shall become final  
17 if the person to whom the notice is addressed does not request a  
18 hearing within fifteen days after receipt of the notice.

19 (2) The director may levy and collect a civil penalty, in an amount  
20 not to exceed one thousand dollars for each violation, against a person  
21 found by the director to be curbstoning, as that term is defined in  
22 subsection (3) of this section. A person against whom a civil penalty  
23 has been imposed must receive reasonable notice and an opportunity for  
24 a hearing on the issue. The civil penalty is due ten days after  
25 receipt of the notice, or if a hearing is requested, within ten days  
26 after an order is entered upon a final adjudication of the issue.

27 (3) For the purposes of subsection (2) of this section,  
28 "curbstoning" means a person or firm engaged in buying and offering for  
29 sale, or buying and selling, five or more vehicles in a twelve-month  
30 period without holding a vehicle dealer license. For the purpose of  
31 subsections (1) and (2) of this section, "curbstoning" does not include  
32 the sale of equipment or vehicles used in farming as defined in RCW  
33 46.04.183 and sold by a farmer as defined in RCW 46.04.182. An  
34 independent motor vehicle leasing company not otherwise doing business  
35 in the state or a motor vehicle dealer licensed by and located in any  
36 other state, either of which sells used motor vehicles at wholesale

1 auctions to dealers licensed under this chapter or to dealers licensed  
2 by any other state, is not subject to taxes levied under chapter 82.04  
3 RCW. "

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