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HOUSE BILL 1923

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State of Washington                      57th Legislature                      2001 Regular Session

By Representatives Roach, Crouse and Veloria

Read first time 02/08/2001. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to auctioneers; and amending RCW 18.11.070,  
2 18.11.085, and 18.11.180.

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

4            **Sec. 1.** RCW 18.11.070 and 1999 c 398 s 1 are each amended to read  
5 as follows:

6            (1) It is unlawful for any person to act as an auctioneer or for an  
7 auction company to engage in any business in this state without a  
8 license.

9            (2) This chapter does not apply to:

10            (a) An auction of goods conducted by an individual who personally  
11 owns those goods and who did not acquire those goods for resale;

12            (b) An auction conducted by or under the direction of a public  
13 authority;

14            (c) An auction held under judicial order in the settlement of a  
15 decedent's estate;

16            (d) An auction which is required by law to be at auction;

17            (e) An auction conducted by or on behalf of a political  
18 organization or a charitable corporation or association if the person  
19 conducting the sale receives no compensation;

1 (f) An auction of livestock or agricultural products which is  
2 conducted under chapter 16.65 or 20.01 RCW. Auctions not regulated  
3 under chapter 16.65 or 20.01 RCW shall be fully subject to the  
4 provisions of this chapter;

5 (g) An auction held under chapter 19.150 RCW;

6 (h) An auction of an abandoned vehicle under chapter 46.55 RCW;

7 ~~((e))~~

8 (i) An auction of fur pelts conducted by any cooperative  
9 association organized under chapter 23.86 RCW or its wholly owned  
10 subsidiary. In order to qualify for this exemption, the fur pelts must  
11 be from members of the association. However, the association, without  
12 loss of the exemption, may auction pelts that it purchased from  
13 nonmembers for the purpose of completing lots or orders, so long as the  
14 purchased pelts do not exceed fifteen percent of the total pelts  
15 auctioned; or

16 (j) A real estate broker, licensed under chapter 18.85 RCW, when  
17 the broker is auctioning real property.

18 **Sec. 2.** RCW 18.11.085 and 1987 c 336 s 1 are each amended to read  
19 as follows:

20 (1) Every individual, before acting as an auctioneer, shall obtain  
21 an auctioneer certificate of registration. To be licensed as an  
22 auctioneer, an individual shall meet all of the following requirements:

23 ~~((+1))~~ (a) Be at least eighteen years of age or sponsored by a  
24 licensed auctioneer.

25 ~~((+2))~~ (b) File with the department a completed application on a  
26 form prescribed by the director.

27 ~~((+3))~~ (c) Show that the proper tax registration certificate  
28 required by RCW 82.32.030 has been obtained from the department of  
29 revenue.

30 ~~((+4))~~ (d) Pay the auctioneer registration fee required under the  
31 agency rules adopted pursuant to this chapter.

32 ~~((+5))~~ (e) Except as otherwise provided under RCW 18.11.121, file  
33 with the department an auctioneer surety bond in the amount and form  
34 required by RCW 18.11.121 and the agency rules adopted pursuant to this  
35 chapter.

36 ~~((+6))~~ (f) Have no disqualifications under RCW 18.11.160.

1       (2) A person may act as an auctioneer without an auctioneer license  
2 if the person is either employed by, or is a contractor with, an  
3 auction company licensed under RCW 18.11.095.

4       **Sec. 3.** RCW 18.11.180 and 1986 c 324 s 14 are each amended to read  
5 as follows:

6       (1) It shall be unlawful for a licensed auctioneer or licensed  
7 auction company to pay compensation in money or otherwise to anyone not  
8 licensed under this chapter to render any service or to do any act  
9 forbidden under this chapter to be rendered or performed except by  
10 licensees. However, a licensed auction company may pay compensation to  
11 an employee or contractor acting in compliance with RCW 18.11.085(2).

12       (2) The department shall fine any person who violates this section  
13 five hundred dollars for the first offense and one thousand dollars for  
14 the second or subsequent offense. Furthermore, the violation of this  
15 section by any licensee shall be, in the discretion of the department,  
16 sufficient cause for license suspension or revocation.

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