CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1664

Chapter 232, Laws of 2009

61st Legislature
2009 Regular Session

MOTORSPORTS FRANCHISE AGREEMENTS--TERMINATION, CANCELLATION, NONRENEWAL

EFFECTIVE DATE: 07/26/09

Passed by the House March 5, 2009
Yeas 97  Nays 0

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate April 15, 2009
Yeas 43  Nays 0

BRAD OWEN
President of the Senate

Approved April 25, 2009, 11:49 a.m.

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE HOUSE BILL 1664 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER
Chief Clerk

CHRISTINE GREGOIRE
Governor of the State of Washington

COSTELLO

FILED
April 27, 2009

Secretary of State
State of Washington
AN ACT Relating to termination, cancellation, or nonrenewal of motorsports manufacturer and dealer franchise agreements; and amending RCW 46.93.080.

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

Sec. 1. RCW 46.93.080 and 2003 c 354 s 8 are each amended to read as follows:

(1) Upon the termination, cancellation, or nonrenewal of a franchise (by the manufacturer under this chapter), the manufacturer shall pay the dealer, at a minimum:

(a) Dealer cost, less all allowances paid or credited to the dealer by the manufacturer, of unused, undamaged, and unsold new motorsports vehicles in the dealer's inventory that were acquired from the manufacturer or another dealer of the same line make in the ordinary course of business;

(b) Dealer cost for all unused, undamaged, and unsold supplies, parts, and accessories in original packaging, except that in the case of sheet metal, a comparable substitute for original packaging may be used, if the supply, part, or accessory was acquired from the manufacturer or from another dealer ceasing operations as a part of the
dealer's initial inventory, as long as the supplies, parts, and
accessories appear in the manufacturer's current parts catalog, list,
or current offering;

(c) Dealer cost for all unused, undamaged, and unsold inventory,
whether vehicles, parts, or accessories, the purchase of which was
required by the manufacturer;

(d) The fair market value of each undamaged sign owned by the
dealer that bears a common name, trade name, or trademark of the
manufacturer, if acquisition of the sign was recommended or required by
the manufacturer and the sign is in good and usable condition less
reasonable wear and tear, and has not been depreciated by the dealer
more than fifty percent of the value of the sign; and

(e) The fair market value of all special tools owned or leased by
the dealer that were acquired from the manufacturer or persons approved
by the manufacturer, and that were required by the manufacturer, and
are in good and usable condition, less reasonable wear and tear.
However, if the tools are leased by the dealer, the manufacturer shall
pay the dealer such amounts that are required by the lessor to
terminate the lease under the terms of the lease agreement.

(2) To the extent the franchise agreement provides for payment or
reimbursement to the dealer in excess of that specified in this
section, the provisions of the franchise agreement will control.

(3) The manufacturer shall pay the dealer the sums specified in
subsection (1) of this section within ninety days after the ((tender of
the property)) termination, cancellation, or nonrenewal of the
franchise, if the dealer has clear title to the property or can provide
clear title to the property upon payment by the manufacturer and is in
a position to convey that title to the manufacturer.

Passed by the House March 5, 2009.
Passed by the Senate April 15, 2009.
Approved by the Governor April 25, 2009.
Filed in Office of Secretary of State April 27, 2009.