



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Office of the Attorney General

Permanent Rule
 Emergency Rule

(1) Date of adoption: May 1, 1990

(2) Purpose: To provide for the collection of the five dollar arbitration fee at the time of sale or lease of motorcycles having engine displacements of 750 or more cubic centimeters.

(3) Citation of existing rules affected by this order:
Repealed:
Amended: 44-10-090
Suspended:

(4) Authority for adoption:
Statute: RCW 19.118.080 and 19.118.090
Other Authority:

(5.1) **PERMANENT RULE ONLY**
Pursuant to notice filed as WSR _____ on _____ (date).
Describe any changes other than editing from proposed to adopted version:

(5.2) **EMERGENCY RULE ONLY**
Pursuant to RCW 34.05.350 the agency for good cause finds:
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
Reasons for this finding: Emergency enactment is necessary to conform the rule to amendments to RCW 19.118 which become effective June 7, 1990.

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
 Yes No If yes, explain:

(6) Effective date of rule:
Permanent Rules
 31 days after filing
 Other (specify) _____ *
Emergency Rules
 Immediately
 Later (specify) June 7, 1990
*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY
CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED
MAY 10 1990
TIME: 10:48 AM
WSR 90-11-033

NAME (TYPE OR PRINT)
KENNETH O. EIKENBERRY
SIGNATURE
Kenneth O. Eikenberry
TITLE
ATTORNEY GENERAL
DATE
5/10/90

AMENDATORY SECTION (Amending Order 87-02, filed 11/13/87)

WAC 44-10-090 ARBITRATION FEE. (1) A five dollar arbitration fee shall be collected by the new motor vehicle dealer from the consumer at completion of the sale, except that such fee shall not be collected in the following instances:

(a) Where the consumer is a business purchasing the new motor vehicle as part of a fleet of ten or more vehicles from the same new motor vehicle dealer at the same time for the direct use by the consumer in the consumer's business;

(b) Where the new motor vehicle is a moped((7-a)) motorcycle which has an engine displacement of less than 750 cubic centimeters or a truck with nineteen thousand pounds or more gross weight;

(c) Where the sale is between a new motor vehicle dealer and another new motor vehicle dealer both of which have valid written agreements for the sale and service of vehicles with the same manufacturer.

(2) Upon collection of the arbitration fee by the new motor vehicle dealer, the arbitration fee shall be forwarded to the department of licensing with the assigned certificate of ownership and application for title.

(3) For purposes of this rule:

(a) "Consumer" shall include any person, association, company, corporation or business entity.

(b) "Fleet" shall not include ten or more vehicles purchased by a consumer who has executed a lease agreement as lessor or intends to solicit a lease agreement as lessor of any such vehicles.

(c) "Lease agreement" shall not include a rental agreement executed in the normal course of the consumer's business.