

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

ATTORNEY GENERAL'S OFFICE

(Agency name)

Administrative Order No. 87-2

(1) I, Kenneth O. Eikenberry, director of Washington State Attorney General

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

WAC 44-10-090 Arbitration Fee provisions for collection of a five dollar arbitration fee pursuant to Section 9 of Senate Bill 5502, commonly known as the Lemon Law, signed into law on May 13, 1987.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. WSR 87-20-089 filed with the code reviser on 10-7-87. These rules shall take effect: [X] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). [] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

(a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.

[X] (b) This rule is promulgated pursuant to RCW SB 5502, Section 6 (7), RCW 19.118.080 (7) which directs that the Attorney General

(agency) has authority to implement the provisions of Chapter 19.118 RCW; SB 5502, commonly known as the Lemon Law, signed into law 5-13-87. (name of act or RCW citation)

[] (c) This rule is promulgated under the general rule-making authority of the

(agency) as authorized in RCW

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED November 13 19 87

By Kenneth O. Eikenberry Washington State Attorney General Title

STATE OF WASHINGTON FILED NOV 13 1987

CODE REVISER'S OFFICE WSR 87-23-030

NEW SECTION

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, a motorcycle 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.