
SENATE BILL 6748

State of Washington

58th Legislature

2004 Regular Session

By Senator McCaslin

Read first time . Referred to .

1 AN ACT Relating to motor vehicle dealership signage requirements;
2 and amending RCW 46.70.023.

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

4 **Sec. 1.** RCW 46.70.023 and 1997 c 432 s 1 are each amended to read
5 as follows:

6 (1) An "established place of business" requires a permanent,
7 enclosed commercial building located within the state of Washington
8 easily accessible at all reasonable times. The business of a vehicle
9 dealer must be lawfully carried on at an established place of business
10 in accordance with the terms of all applicable building code, zoning,
11 and other land-use regulatory ordinances. A vehicle dealer may display
12 a vehicle for sale only at its established place of business, licensed
13 subagency, or temporary subagency site, except at auction. The dealer
14 shall keep the building open to the public so that the public may
15 contact the vehicle dealer or the dealer's salespersons at all
16 reasonable times. The books, records, and files necessary to conduct
17 the business shall be kept and maintained at that place. The
18 established place of business shall display an exterior sign, subject
19 only to local requirements, with the business name and nature of the

1 business, such as auto sales, permanently affixed to the land or
2 building, with letters clearly visible to the major avenue of traffic.
3 A room or rooms in a hotel, rooming house, or apartment house building
4 or part of a single or multiple-unit dwelling house may not be
5 considered an "established place of business" unless the ground floor
6 of such a dwelling is devoted principally to and occupied for
7 commercial purposes and the dealer offices are located on the ground
8 floor. A mobile office or mobile home may be used as an office if it
9 is connected to utilities and is set up in accordance with state law.
10 A statewide trade association representing manufactured housing dealers
11 shall be permitted to use a manufactured home as an office if the
12 office complies with all other applicable building code, zoning, and
13 other land-use regulatory ordinances. This subsection does not apply
14 to auction companies that do not own vehicle inventory or sell vehicles
15 from an auction yard.

16 (2) An auction company shall have office facilities within the
17 state. The books, records, and files necessary to conduct the business
18 shall be maintained at the office facilities. All storage facilities
19 for inventory shall be listed with the department, and shall meet local
20 zoning and land use ordinances. An auction company shall maintain a
21 telecommunications system.

22 (3) Auction companies shall post their vehicle dealer license at
23 each auction where vehicles are offered, and shall provide the
24 department with the address of the auction at least three days before
25 the auction.

26 (4) If a dealer maintains a place of business at more than one
27 location or under more than one name in this state, he or she shall
28 designate one location as the principal place of business of the firm,
29 one name as the principal name of the firm, and all other locations or
30 names as subagencies. A subagency license is required for each and
31 every subagency: PROVIDED, That the department may grant an exception
32 to the subagency requirement in the specific instance where a licensed
33 dealer is unable to locate their used vehicle sales facilities adjacent
34 to or at the established place of business. This exception shall be
35 granted and defined under the promulgation of rules consistent with the
36 Administrative Procedure Act.

37 (5) All vehicle dealers shall maintain ownership or leasehold
38 throughout the license year of the real property from which they do

1 business. The dealer shall provide the department with evidence of
2 ownership or leasehold whenever the ownership changes or the lease is
3 terminated.

4 (6) A subagency shall comply with all requirements of an
5 established place of business, except that subagency records may be
6 kept at the principal place of business designated by the dealer.
7 Auction companies shall comply with the requirements in subsection (2)
8 of this section.

9 (7) A temporary subagency shall meet all local zoning and building
10 codes for the type of merchandising being conducted. The dealer
11 license certificate shall be posted at the location. No other
12 requirements of an established place of business apply to a temporary
13 subagency. Auction companies are not required to obtain a temporary
14 subagency license.

15 (8) A wholesale vehicle dealer shall have office facilities in a
16 commercial building within this state, and all storage facilities for
17 inventory shall be listed with the department, and shall meet local
18 zoning and land use ordinances. A wholesale vehicle dealer shall
19 maintain a telecommunications system. An exterior sign visible from
20 the nearest street shall identify the business name and the nature of
21 business. When two or more vehicle dealer businesses share a location,
22 all records, office facilities, and inventory, if any, must be
23 physically segregated and clearly identified.

24 (9) A retail vehicle dealer shall be open during normal business
25 hours, maintain office and display facilities in a commercially zoned
26 location or in a location complying with all applicable building and
27 land use ordinances, and maintain a business telephone listing in the
28 local directory. When two or more vehicle dealer businesses share a
29 location, all records, office facilities, and inventory shall be
30 physically segregated and clearly identified.

31 (10) A subagency license is not required for a mobile home dealer
32 to display an on-site display model, a consigned mobile home not
33 relocated from its site, or a repossessed mobile home if sales are
34 handled from a principal place of business or subagency. A mobile home
35 dealer shall identify on-site display models, repossessed mobile homes,
36 and those consigned at their sites with a sign that includes the
37 dealer's name and telephone number.

1 (11) Every vehicle dealer shall advise the department of the
2 location of each and every place of business of the firm and the name
3 or names under which the firm is doing business at such location or
4 locations. If any name or location is changed, the dealer shall notify
5 the department of such change within ten days. The license issued by
6 the department shall reflect the name and location of the firm and
7 shall be posted in a conspicuous place at that location by the dealer.
8 (12) A vehicle dealer's license shall upon the death or incapacity
9 of an individual vehicle dealer authorize the personal representative
10 of such dealer, subject to payment of license fees, to continue the
11 business for a period of six months from the date of the death or
12 incapacity.

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