

SSB 5668 - H COMM AMD
By Committee on Commerce & Labor

NOT CONSIDERED 03/11/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that adding
4 requirements to the use of consignment contracts and listing dealer
5 agreements for the sale of manufactured/mobile homes is necessary to
6 protect the interests of homeowners, especially those who are elderly.

7 The legislature intends this act to ensure a transparent
8 transaction between the parties involved in the sale of a used
9 manufactured/mobile home.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.70 RCW
11 to read as follows:

12 (1) As used in this section:

13 (a) "Consignment" means an arrangement where a vehicle dealer
14 accepts delivery or entrustment of a used manufactured/mobile home and
15 agrees to sell the used manufactured/mobile home on behalf of another.

16 (b) "Listing agreement" means a contract between a seller of a used
17 manufactured/mobile home and a listing dealer to locate a willing buyer
18 for the used manufactured/mobile home.

19 (2) The consignment contract used under this section must state the
20 minimum agreed upon amount which will be paid to the consignor and the
21 maximum percentage or dollar value of commission to be paid to the
22 listing dealer or other vehicle dealer for the sale of the used
23 manufactured/mobile home. The listing dealer or other vehicle dealer
24 shall remit to the consignor any moneys received above and beyond the
25 agreed upon maximum percentage or dollar value of commission.

26 (3) The listing agreement used under this section must state the
27 maximum percentage or dollar value of commission to be paid to the
28 listing dealer or other vehicle dealer for the sale of the used
29 manufactured/mobile home.

1 (4) The listing dealer or other vehicle dealer shall negotiate the
2 purchase agreement between the seller and buyer of the used
3 manufactured/mobile home, which must include the following procedure:

4 (a) All written purchase offers bearing the buyer's signature must
5 immediately be delivered to the seller for acceptance or refusal.

6 (b) The seller accepts the purchase agreement by signing the offer.
7 A copy of the purchase agreement must be delivered to the buyer
8 immediately following the seller signing and accepting the offer as
9 proof that the buyer's purchase offer was accepted.

10 (c) Any counteroffers or amendments to the purchase agreement must
11 also bear the signatures of both the buyer and seller, and copies of
12 the counteroffers or amendments must be delivered to each party.

13 (5) The listing dealer or other vehicle dealer must follow all
14 other requirements under this chapter.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.70 RCW
16 to read as follows:

17 A listing dealer or other vehicle dealer of manufactured/mobile
18 homes acting on behalf of a seller for the sale and transfer of a used
19 manufactured/mobile home shall complete and attach to any listing
20 agreement the following notice:

21 NOTICE

22 The description and physical location of the used
23 manufactured/mobile home to be sold under this listing
24 agreement is
25
26

27 The commission to be paid to the listing dealer or other
28 vehicle dealer for the sale of the used manufactured/mobile
29 home is
30
31

32 Any changes to the commission to be paid to the listing dealer
33 or other vehicle dealer for the sale of the used
34 manufactured/mobile home must be
35
36

