

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1309

64th Legislature
2015 Regular Session

Passed by the House March 4, 2015
Yeas 98 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 13, 2015
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1309** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1309

Passed Legislature - 2015 Regular Session

State of Washington

64th Legislature

2015 Regular Session

By Representatives Vick and Kirby

Read first time 01/19/15. Referred to Committee on Business & Financial Services.

1 AN ACT Relating to the sale of floating homes or floating on-
2 water residences by brokers; and amending RCW 18.85.011 and
3 88.02.720.

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

5 **Sec. 1.** RCW 18.85.011 and 2008 c 23 s 1 are each amended to read
6 as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Advertising" means any attempt by publication or broadcast,
10 whether oral, written, or otherwise, to induce a person to use the
11 services of a real estate firm, broker, managing broker, or
12 designated broker.

13 (2) "Broker" means a natural person acting on behalf of a real
14 estate firm to perform real estate brokerage services under the
15 supervision of a designated broker or managing broker.

16 (3) "Business opportunity" means and includes business, business
17 entity, and good will of an existing business or any one or
18 combination thereof when the transaction or business includes an
19 interest in real property.

20 (4) "Clear and conspicuous" in an advertising statement means the
21 representation or term being used is of such a color, contrast, size,

1 or audibility, and presented in a manner so as to be readily noticed
2 and understood.

3 (5) "Clock hours of instruction" means actual hours spent in
4 classroom instruction in any tax supported, public technical college,
5 community college, or any other institution of higher learning or a
6 correspondence course from any of the aforementioned institutions
7 certified by such institution as the equivalent of the required
8 number of clock hours, and the real estate commission may certify
9 courses of instruction other than in the aforementioned institutions.

10 (6) "Commercial real estate" means any parcel of real estate in
11 this state other than real estate containing one to four residential
12 units. "Commercial real estate" does not include a single-family
13 residential lot or single-family residential units such as
14 condominiums, townhouses, manufactured homes, or homes in a
15 subdivision when sold, leased, or otherwise conveyed on a unit-by-
16 unit basis, even when those units are part of a larger building or
17 parcel of real estate, unless the property is sold or leased for a
18 commercial purpose.

19 (7) "Commission" means the real estate commission of the state of
20 Washington.

21 (8) "Controlling interest" means the ability to control either
22 the operational or financial, or both, decisions of a firm.

23 (9) "Department" means the Washington department of licensing.

24 (10) "Designated broker" means:

25 (a) A natural person who owns a sole proprietorship real estate
26 firm; or

27 (b) A natural person with a controlling interest in the firm who
28 is designated by a legally recognized business entity such as a
29 corporation, limited liability company, limited liability
30 partnership, or partnership real estate firm, to act as a designated
31 broker on behalf of the real estate firm, and whose managing broker's
32 license receives an endorsement from the department of "designated
33 broker."

34 (11) "Director" means the director of the department of
35 licensing.

36 (12) "Inactive license" means the status of a license that is not
37 expired and is not affiliated with a firm.

38 (13) "Licensee" means a person holding a license as a real estate
39 firm, managing broker, or broker.

1 (14) "Managing broker" means a natural person acting on behalf of
2 a real estate firm to perform real estate brokerage services under
3 the supervision of the designated broker, and who may supervise other
4 brokers or managing brokers licensed to the firm.

5 (15) "Person" includes a natural person, corporation, limited
6 liability company, limited liability partnership, partnership, or
7 public or private organization or entity of any character, except
8 where otherwise restricted.

9 (16) "Real estate brokerage services" means any of the following
10 services offered or rendered directly or indirectly to another, or on
11 behalf of another for compensation or the promise or expectation of
12 compensation, or by a licensee on the licensee's own behalf:

13 (a) Listing, selling, purchasing, exchanging, optioning, leasing,
14 renting of real estate, or any real property interest therein; or any
15 interest in a cooperative; or any interest in a floating home or
16 floating on-water residence, as defined in RCW 90.58.270;

17 (b) Negotiating or offering to negotiate, either directly or
18 indirectly, the purchase, sale, exchange, lease, or rental of real
19 estate, or any real property interest therein; or any interest in a
20 cooperative; or any interest in a floating home or floating on-water
21 residence, as defined in RCW 90.58.270;

22 (c) Listing, selling, purchasing, exchanging, optioning, leasing,
23 renting, or negotiating the purchase, sale, lease, or exchange of a
24 manufactured or mobile home in conjunction with the purchase, sale,
25 lease, exchange, or rental of the land upon which the manufactured or
26 mobile home is or will be located;

27 (d) Advertising or holding oneself out to the public by any
28 solicitation or representation that one is engaged in real estate
29 brokerage services;

30 (e) Advising, counseling, or consulting buyers, sellers,
31 landlords, or tenants in connection with a real estate transaction;

32 (f) Issuing a broker's price opinion. For the purposes of this
33 chapter, "broker's price opinion" means an oral or written report of
34 property value that is prepared by a licensee under this chapter and
35 is not an appraisal as defined in RCW 18.140.010 unless it complies
36 with the requirements established under chapter 18.140 RCW;

37 (g) Collecting, holding, or disbursing funds in connection with
38 the negotiating, listing, selling, purchasing, exchanging, optioning,
39 leasing, or renting of real estate or any real property interest; and

1 (h) Performing property management services, which includes with
2 no limitation: Marketing; leasing; renting; the physical,
3 administrative, or financial maintenance of real property; or the
4 supervision of such actions.

5 (17) "Real estate firm" or "firm" means a sole proprietorship,
6 partnership, limited liability partnership, corporation, limited
7 liability company, or other legally recognized business entity
8 conducting real estate brokerage services in this state and licensed
9 by the department as a real estate firm.

10 **Sec. 2.** RCW 88.02.720 and 2010 c 161 s 1033 are each amended to
11 read as follows:

12 (1) The department may exempt from compliance with the vessel
13 dealer requirements of this chapter, any person who is engaged in the
14 business of selling in this state at wholesale or retail, human-
15 powered watercraft that is: (a) Under sixteen feet in length; (b)
16 unable to be powered by propulsion machinery or wind propulsion as
17 designed by the manufacturer; and (c) not designed for use on
18 commonly-used navigable waters.

19 (2) Any person engaged in the business of selling at wholesale or
20 retail, exempt and nonexempt watercraft under this section is only
21 required to comply with this chapter in regard to the sale of
22 nonexempt watercraft.

23 (3) An auction company licensed under chapter 18.11 RCW and
24 licensed as a motor vehicle dealer under chapter 46.70 RCW may sell
25 at auction, without being licensed as a vessel dealer, all vessels
26 that a vessel dealer is authorized to sell, so long as the sale of
27 vessels is incidental to the auction company's primary source of
28 business and the length of any vessel being sold is no greater than
29 twenty-five feet. The auction company shall comply with all other
30 vessel dealer requirements of this chapter and rules adopted by the
31 department if the vessel dealer license fees and surety bond
32 requirements in RCW 88.02.710 are determined to not be due.

33 (4) A broker licensed under chapter 18.85 RCW may sell, without
34 being licensed as a vessel dealer, floating on-water residences, as
35 defined in RCW 90.58.270.

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