

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6326

Chapter 16, Laws of 2016

64th Legislature
Veto Override 2016 1st Special Session

AUTO DEALER AND REPAIR FACILITY RECORDS--ELECTRONIC RETENTION

EFFECTIVE DATE: 6/28/2016

Passed by the Senate February 16, 2016
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Passed by the House March 1, 2016
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6326** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

March 30, 2016

Vetoed March 10, 2016 10:19 PM

JAY INSLEE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6326

Passed Legislature - Veto Override 2016 1st Special Session

State of Washington

64th Legislature

2016 Regular Session

By Senate Transportation (originally sponsored by Senators King, Hobbs, and Fain)

READ FIRST TIME 02/04/16.

1 AN ACT Relating to the retention and maintenance of auto dealer
2 and repair facility records; amending RCW 46.70.120 and 46.71.060;
3 and creating a new section.

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

5 **Sec. 1.** RCW 46.70.120 and 2001 c 272 s 7 are each amended to
6 read as follows:

7 A dealer shall complete and maintain for a period of at least
8 five years a record of the purchase and sale or lease of all vehicles
9 purchased, sold, or leased by him or her. The records shall consist
10 of:

11 (1) The license and title numbers of the state in which the last
12 license was issued;

13 (2) A description of the vehicle;

14 (3) The name and address of the person from whom purchased;

15 (4) The name of the legal owner, if any;

16 (5) The name and address of the purchaser or lessee;

17 (6) If purchased from a dealer, the name, business address,
18 dealer license number, and resale tax number of the dealer;

19 (7) The price paid for the vehicle and the method of payment;

1 (8) The vehicle odometer disclosure statement given by the seller
2 to the dealer, and the vehicle odometer disclosure statement given by
3 the dealer to the purchaser or lessee;

4 (9) The written agreement to allow a dealer to sell between the
5 dealer and the consignor, or the listing dealer and the seller;

6 (10) Trust account records of receipts, deposits, and
7 withdrawals;

8 (11) All sale documents, which shall show the full name of dealer
9 employees involved in the sale or lease; and

10 (12) Any additional information the department may require.
11 However, the department may not require a dealer to collect or retain
12 the hardback copy of a temporary license permit after the permanent
13 license plates for a vehicle have been provided to the purchaser or
14 lessee, if the dealer maintains some other copy of the temporary
15 license permit together with a log of the permits issued.

16 Such records shall be maintained separate from all other business
17 records of the dealer. Paper records older than two years may be kept
18 at a location other than the dealer's place of business if those
19 records are made available in hard copy for inspection within three
20 calendar days, exclusive of Saturday, Sunday, or a legal holiday,
21 after a request by the director or the director's authorized agent.
22 Records kept at the vehicle dealer's place of business must be
23 available for inspection by the director or the director's authorized
24 agent during normal business hours. Records shall be kept in paper
25 form for one year and, after such time, may be kept solely as
26 electronic records and not as hard copies as long as such electronic
27 records can be accessed by computer at the dealer's place of business
28 during normal business hours for the remainder of the five-year
29 retention period. Records that originate as electronic records may be
30 retained as electronic records with no paper form and must be
31 accessible by computer at the dealer's place of business for at least
32 five years. The director may adopt rules necessary to implement
33 electronic records retention.

34 Dealers may maintain their recordkeeping and filing systems in
35 accordance with their own particular business needs and practices.
36 Nothing in this chapter requires dealers to maintain their records in
37 any particular order or manner, as long as the records identified in
38 this section are maintained in the dealership's recordkeeping system.

1 **Sec. 2.** RCW 46.71.060 and 1993 c 424 s 11 are each amended to
2 read as follows:

3 Every automotive repair facility shall retain and make available
4 for inspection, upon request by the customer or the customer's
5 authorized representative, true copies of the written price estimates
6 and invoices required under this chapter for at least one year after
7 the date on which the repairs were performed. Such copies may be
8 maintained as electronic records and not as hard copies as long as
9 the repair facility is capable of printing the records in hard copy
10 upon request of the customer or the customer's authorized
11 representative.

12 NEW SECTION. **Sec. 3.** By December 31, 2018, the department of
13 licensing shall submit a report to the legislature on the efforts
14 taken to convert auto dealer and repair facility records to all
15 electronic records. If the department has already converted to all
16 electronic records by December 31, 2018, no report is required.

Passed by the Senate February 16, 2016.
Passed by the House March 1, 2016.
Vetoed by the Governor March 10, 2016.
Filed in Office of Secretary of State March 30, 2016.

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