

WSR 23-23-179

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed November 22, 2023, 10:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-17-164.

Title of Rule and Other Identifying Information: WAC 308-56A-525 Vehicle seller's report of sale.

Hearing Location(s): On December 27, 2023, at 10:00 a.m., via Zoom meeting https://dol-wa.zoom.us/j/86055063412?pwd=3X2EOiWP6004A4TK3JAtpykDQZs7N.1, Meeting ID 860 5506 3412, Passcode 405258, One-tap mobile +12532050468,,86055063412#,,,,*405258# US, +12532158782,,86055063412#,,,,*405258# US (Tacoma), Meeting ID 860 5506 3412, Passcode 405258. Find your local number https://dol-wa.zoom.us/j/86055063412?pwd=3X2EOiWP6004A4TK3JAtpykDQZs7N.1. If you are having difficulty joining the Zoom meeting at the time of the public hearing, please call 360-902-0131. An in-person option is available at the Highways and Licensing Building, 1125 Washington Street S.E., Olympia, WA 98504.

Date of Intended Adoption: December 28, 2023.

Submit Written Comments to: Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, email rulescoordinator@dol.wa.gov, by December 27, 2023.

Assistance for Persons with Disabilities: Contact Kelsey Stone, phone 1125 Washington Street S.E., Olympia, WA 98504, email rulescoordinator@dol.wa.gov, by December 17, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Authorizing licensed vehicle dealers to file reports of sale on behalf of customers who sell, trade in, or otherwise transfer ownership to the dealer.

Reasons Supporting Proposal: SB 5282 passed during the 2023 legislative session requires this change.

Statutory Authority for Adoption: RCW 46.01.110 Rule-making authority and 46.12.650 Releasing interest—Reports of sale—Transfer of ownership—Requirements—Penalty, exceptions.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting: Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, 360-902-0131; Implementation and Enforcement: Dani Rannow, 1125 Washington Street S.E., Olympia, WA 98504, 360-902-3745.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

Scope of exemption for rule proposal:

Is fully exempt.

November 22, 2023
Ellis Starrett
Rules and Policy Manager

OTS-5061.1

AMENDATORY SECTION (Amending WSR 06-23-038, filed 11/7/06, effective 12/8/06)

WAC 308-56A-525 Vehicle seller's report of sale. (1) **Who must file a vehicle seller's report of sale?** With the exception of certain vehicle transfers by registered Washington vehicle dealers, and vehicles disposed of by licensed vehicle wreckers, Washington law (RCW 46.12.101) requires filing a vehicle seller's report of sale by any person or business that transfers their interest in a Washington titled vehicle to anyone else. For the purposes of this rule, transferring interest includes, but is not limited to, selling, gifting, trading, or disposing of your vehicle, but does not include the creation, deletion, or change of a security interest. A licensed Washington vehicle dealer may file a report of sale on behalf of the legal and/or registered owner who trades in, sells, or otherwise transfers ownership to the dealership.

(2) **When must a completed vehicle seller's report of sale be filed?** Vehicle seller's report of sale must be received by the department within five days of the date of sale, gift, trade, or other disposition of the vehicle, excluding Saturdays, Sundays, and state and federal holidays.

(3) **Who is the seller?** The seller is the current registered owner of record according to the computer file kept by the department. The seller is a person (individual or business) who transfers their right of ownership of a vehicle to another person or business.

(4) **Who is the purchaser?** The purchaser is a person (individual or business) who takes a vehicle into their possession, by voluntary acquisition.

(5) **Why complete and file a vehicle seller's report of sale?** It is in the seller's best interest to file the properly completed vehicle seller's report of sale to protect the seller in the event the buyer does not make application for ownership and then accumulates parking tickets, or towing charges, is involved in an uninsured accident or used in illegal activity, etc.

Vehicle seller's report of sale received by the department of licensing that are incomplete will be filed with the department; however, those that do not meet the requirements of the law may not protect the seller from any civil or legal action if the vehicle is subsequently abandoned or involved in illegal activity.

(6) **How do I file my vehicle seller's report of sale?** You may file your seller's report of sale through:

- (a) Your local vehicle/vessel licensing office; or
- (b) The department by mail; or
- (c) The internet.

(7) **What information is required on the vehicle report of sale?**

You are required to provide information contained in RCW 46.12.101 that includes:

- (a) The date of sale or transfer;
- (b) Name(s) and address of seller;
- (c) Name(s) and address of transferee (buyer);
- (d) Description of vehicle; and
- (e) Purchase price.

When you mail a vehicle seller's report of sale to the department, you will not receive a confirmation or receipt. You may wish to

make a photocopy of the report of sale for your records prior to sending it to the department.

(8) **Is there a fee for recording a vehicle seller's report of sale?** Yes. It applies when a report of sale is filed through your local vehicle licensing office as authorized by RCW 46.01.140 (5)(b).

(9) **May a vehicle seller's report of sale be removed from my vehicle record?** Yes. As a registered owner, you may have a vehicle seller's report of sale removed from your vehicle record through your local vehicle licensing office, or by notifying the department in writing. You will need to provide the reason you are removing the vehicle seller's report of sale from your vehicle record.

(10) **How will I show that I filed a completed vehicle seller's report of sale?** When you file a vehicle seller's report of sale at any Washington vehicle licensing office, you will be provided with a receipt.

When you file a vehicle report of sale on the internet, you will have the option of printing your receipt. Both receipts will show the following information:

- (a) Date the report of sale was filed;
- (b) Description of vehicle;
- (c) Name and address of agent/subagent where filed (not included when filing through the internet);
- (d) Date of sale;
- (e) Purchase price if provided;
- (f) Name(s) and address of seller;
- (g) Name(s) and address of transferee (buyer if provided).

Washington law makes it clear that it is a felony to knowingly make a false statement of fact. The penalty, upon conviction, must be a fine of not more than (~~five thousand dollars~~) \$5,000 or imprisonment of not more than (~~ten~~) 10 years, or both the fine and imprisonment. (RCW 46.12.210.)