
HOUSE BILL 2136

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Parker and Stanford

Prefiled 12/24/13.

1 AN ACT Relating to the regulation of service contracts and
2 protection product guarantees; and amending RCW 48.110.030.

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

4 **Sec. 1.** RCW 48.110.030 and 2011 c 47 s 16 are each amended to read
5 as follows:

6 (1) A person may not act as, or offer to act as, or hold himself or
7 herself out to be a service contract provider in this state, nor may a
8 service contract be sold to a consumer in this state, unless the
9 service contract provider has a valid registration as a service
10 contract provider issued by the commissioner.

11 (2) Applicants to be a service contract provider must make an
12 application to the commissioner upon a form to be furnished by the
13 commissioner. The application must include or be accompanied by the
14 following information and documents:

15 (a) All basic organizational documents of the service contract
16 provider, including any articles of incorporation, articles of
17 association, partnership agreement, trade name certificate, trust
18 agreement, shareholder agreement, bylaws, and other applicable
19 documents, and all amendments to those documents;

1 (b) The identities of the service contract provider's executive
2 officer or officers directly responsible for the service contract
3 provider's service contract business, and, if more than fifty percent
4 of the service contract provider's gross revenue is derived from the
5 sale of service contracts, the identities of the service contract
6 provider's directors and stockholders having beneficial ownership of
7 ten percent or more of any class of securities;

8 (c) Audited annual financial statements or other financial reports
9 acceptable to the commissioner for the two most recent years which
10 prove that the applicant is solvent and any information the
11 commissioner may require in order to review the current financial
12 condition of the applicant. If the service contract provider is
13 relying on RCW 48.110.050(2)(c) to assure the faithful performance of
14 its obligations to service contract holders, then the audited financial
15 statements of the service contract provider's parent company must also
16 be filed. The requirements of this subsection (2)(c) do not apply to
17 a service contract provider that is relying on insuring its service
18 contracts as provided in RCW 48.110.050(2)(a) to assure the faithful
19 performance of its obligations to service contract holders;

20 (d) An application fee of two hundred fifty dollars, which must be
21 deposited into the general fund; and

22 (e) Any other pertinent information required by the commissioner.

23 (3) Each registered service contract provider must appoint the
24 commissioner as the service contract provider's attorney to receive
25 service of legal process issued against the service contract provider
26 in this state upon causes of action arising within this state. Service
27 upon the commissioner as attorney constitutes effective legal service
28 upon the service contract provider.

29 (a) With the appointment the service contract provider must
30 designate the person to whom the commissioner must forward legal
31 process so served upon him or her.

32 (b) The appointment is irrevocable, binds any successor in interest
33 or to the assets or liabilities of the service contract provider, and
34 remains in effect for as long as there could be any cause of action
35 against the service contract provider arising out of any of the service
36 contract provider's contracts or obligations in this state.

37 (c) The service of process must be accomplished and processed in
38 the manner prescribed under RCW 48.02.200.

1 (4) The commissioner may refuse to issue a registration if the
2 commissioner determines that the service contract provider, or any
3 individual responsible for the conduct of the affairs of the service
4 contract provider under subsection (2)(b) of this section, is not
5 competent, trustworthy, financially responsible, or has had a license
6 as a service contract provider or similar license denied or revoked for
7 cause by any state.

8 (5) A registration issued under this section is valid, unless
9 surrendered, suspended, or revoked by the commissioner, or not renewed
10 for so long as the service contract provider continues in business in
11 this state and remains in compliance with this chapter. A registration
12 is subject to renewal annually on the first day of July upon
13 application of the service contract provider and payment of a fee of
14 two hundred dollars, which must be deposited into the general fund. If
15 not so renewed, the registration expires on the June 30th next
16 preceding.

17 (6) A service contract provider must keep current the information
18 required to be disclosed in its registration under this section by
19 reporting all material changes or additions within thirty days after
20 the end of the month in which the change or addition occurs.

--- END ---