

---

**SUBSTITUTE SENATE BILL 5668**

---

**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** Senate Financial Institutions, Housing & Insurance (originally sponsored by Senators Berkey, Schoesler, McCaslin, Benton, and Marr)

READ FIRST TIME 02/25/09.

1       AN ACT Relating to the sale of used manufactured/mobile homes;  
2 adding new sections to chapter 46.70 RCW; and creating a new section.

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

4       NEW SECTION.   **Sec. 1.** The legislature finds that restricting the  
5 use of consignment contract sales of manufactured/mobile homes in favor  
6 of listing contract sales by agents, brokers, or dealers is necessary  
7 to protect the interests of homeowners, especially those who are  
8 elderly. Although a manufactured/mobile home is considered a vehicle,  
9 it is also a home, and those manufactured/mobile homes that are used as  
10 homes should not be sold strictly as a vehicle in the care of a dealer.  
11 The department of licensing by rule recognizes that a  
12 manufactured/mobile home is not simply a vehicle but a home.

13       The legislature also finds that a consignment contract is not  
14 transparent to the parties involved. The agent or dealer can easily  
15 hide or disguise terms of sale that can be detrimental to both the  
16 buyer and the seller and beneficial to the agent or dealer.

17       Therefore, the legislature intends this act to require the use of  
18 a listing contract for the sale of a used manufactured/mobile home to  
19 ensure a transparent transaction between the parties.

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

3        (1) As used in this section:

4        (a) "Consignment" means an arrangement where a vehicle dealer  
5 accepts delivery or entrustment of a vehicle and agrees to sell the  
6 vehicle on behalf of another.

7        (b) "Listing contract" means a contract between a seller of a used  
8 manufactured/mobile home and a listing dealer to locate a willing buyer  
9 for the used manufactured/mobile home.

10       (2)(a) If a professional agent, dealer, or broker of  
11 manufactured/mobile homes acts on behalf of a seller for the sale and  
12 transfer of a used manufactured/mobile home, the professional agent,  
13 dealer, or broker shall use a listing contract only and is prohibited  
14 from entering into a consignment contract if the used  
15 manufactured/mobile home:

16       (i) Exists as a finished home certified for occupancy and located  
17 in a manufactured/mobile home community or on private land; and

18       (ii) Is intended to remain at its location as a home, or will be  
19 moved to another manufactured/mobile home community or private land as  
20 a home, upon the sale and transfer of ownership.

21       (b) The listing contract used under this subsection must state the  
22 amount of compensation to be paid to the professional agent, dealer, or  
23 broker for the sale of the used manufactured/mobile home, which may be  
24 expressed as a fixed dollar amount, a percentage of the sales price, or  
25 another means of compensation.

26       (3) The listing agent or dealer shall negotiate the agreement  
27 between the seller and buyer of the used manufactured/mobile home,  
28 which must include the following procedure:

29       (a) All written purchase offers bearing the buyer's signature must  
30 be presented to the seller for acceptance or refusal. A copy of the  
31 purchase agreement must be delivered to the seller immediately  
32 following the buyer signing the offer.

33       (b) The seller accepts the purchase agreement by signing the offer.  
34 A copy of the purchase agreement must be delivered to the buyer  
35 immediately following the seller signing and accepting the offer.

36       (c) A copy of the purchase agreement that bears the seller's  
37 signature must be delivered to the buyer as proof that the buyer's  
38 offer was accepted.

1 (d) Any counteroffers or amendments to the purchase agreement must  
2 also bear the signatures of both the buyer and seller, and copies of  
3 the counteroffers or amendments must be delivered to each party.

4 (4) The listing agent or dealer must follow all other requirements  
5 under WAC 308-66-157 and RCW 46.70.122.

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

8 A professional agent, dealer, or broker of manufactured/mobile  
9 homes acting on behalf of a seller for the sale and transfer of a used  
10 manufactured/mobile home shall complete and attach to any listing  
11 contract the following notice:

12 NOTICE

13 The description and physical location of the used  
14 manufactured/mobile home to be sold under this listing contract  
15 is . . . . .  
16 . . . . .  
17 . . . . .

18 The compensation to be paid to the professional agent, dealer,  
19 or broker for the sale of the used manufactured/mobile home is  
20 . . . . .  
21 . . . . .  
22 . . . . .

23 Any changes to the compensation to be paid to the professional  
24 agent, dealer, or broker for the sale of the used  
25 manufactured/mobile home must be . . . . .

--- END ---