
SENATE BILL 6569

State of Washington

62nd Legislature

2012 Regular Session

By Senator Morton

Read first time 02/01/12. Referred to Committee on Transportation.

1 AN ACT Relating to vehicle dealers in counties with a population of
2 ten thousand or less; amending RCW 46.70.021 and 46.70.115; and
3 prescribing penalties.

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

5 **Sec. 1.** RCW 46.70.021 and 2011 c 96 s 36 are each amended to read
6 as follows:

7 (1) It is unlawful for any person, firm, or association to act as
8 a vehicle dealer or vehicle manufacturer, to engage in business as
9 such, serve in the capacity of such, advertise himself, herself, or
10 themselves as such, solicit sales as such, or distribute or transfer
11 vehicles for resale in this state, without first obtaining and holding
12 a current license as provided in this chapter, unless the title of the
13 vehicle is in the name of the seller.

14 (2) It is unlawful for any person other than a licensed vehicle
15 dealer to display a vehicle for sale unless the registered owner or
16 legal owner is the displayer or holds a notarized power of attorney.

17 (3)(a) Except as provided in (b) of this subsection, a person or
18 firm engaged in buying and offering for sale, or buying and selling
19 five or more vehicles in a twelve-month period, or in any other way

1 engaged in dealer activity without holding a vehicle dealer license, is
2 guilty of a gross misdemeanor, and upon conviction subject to a fine of
3 up to five thousand dollars for each violation and up to three hundred
4 sixty-four days in jail.

5 (b) A second offense is a class C felony punishable under chapter
6 9A.20 RCW.

7 (c) Any resident of a county with a population of ten thousand or
8 less as determined by the office of financial management is not subject
9 to the penalties provided in (a) and (b) of this subsection unless the
10 resident is engaged, in that county, in buying and offering for sale,
11 or buying and selling, seven or more vehicles in a twelve-month period,
12 or in any other way engaged in dealer activity without holding a
13 vehicle dealer license. This subsection (3)(c) applies only (i) to
14 residents and not firms and (ii) if all such transactions by that
15 resident occur within the resident's county. The department shall
16 adopt rules under this subsection (3)(c) regarding ethical practices
17 consistent with the prohibitions under RCW 46.70.180 governing sales
18 under this subsection (3)(c) and violations that are subject to penalty
19 under RCW 46.70.170.

20 (d) The department shall periodically review vehicle bill of sales
21 and identify persons who have sold five or more vehicles within a
22 twelve-month period and follow up to determine if curbstoning, as
23 defined in RCW 46.70.115(3) (a) and (b), has taken place.

24 (4) A violation of this section is also a per se violation of
25 chapter 19.86 RCW and is considered a deceptive practice.

26 (5) The department of licensing, the Washington state patrol, the
27 attorney general's office, and the department of revenue shall
28 cooperate in the enforcement of this section.

29 (6) A distributor, factory branch, or factory representative shall
30 not be required to have a vehicle manufacturer license so long as the
31 vehicle manufacturer so represented is properly licensed pursuant to
32 this chapter.

33 (7) Nothing in this chapter prohibits financial institutions from
34 cooperating with vehicle dealers licensed under this chapter in dealer
35 sales or leases. However, financial institutions shall not broker
36 vehicles and cooperation is limited to organizing, promoting, and
37 financing of such dealer sales or leases.

1 **Sec. 2.** RCW 46.70.115 and 2000 c 131 s 1 are each amended to read
2 as follows:

3 (1) If it appears to the director that a person has engaged or is
4 about to engage in an act or practice constituting a violation of this
5 chapter, or a rule adopted or an order issued under this chapter, the
6 director may issue an order directing the person to cease and desist
7 from continuing the act or practice. Reasonable notice of and
8 opportunity for a hearing shall be given. The director may issue a
9 temporary order pending a hearing. The temporary order shall remain in
10 effect until ten days after the hearing is held and shall become final
11 if the person to whom the notice is addressed does not request a
12 hearing within fifteen days after receipt of the notice.

13 (2) The director may levy and collect a civil penalty, in an amount
14 not to exceed one thousand dollars for each violation, against a person
15 found by the director to be curbstoning, as that term is defined in
16 subsection (3) of this section. A person against whom a civil penalty
17 has been imposed must receive reasonable notice and an opportunity for
18 a hearing on the issue. The civil penalty is due ten days after
19 issuance of a final order.

20 (3) For the purposes of subsection (2) of this section, (a)
21 "curbstoning" means a person or firm engaged in buying and offering for
22 sale, or buying and selling, five or more vehicles that are each less
23 than thirty years old in a twelve-month period without holding a
24 vehicle dealer license, and (b) for residents of a county with a
25 population of ten thousand or less as determined by the office of
26 financial management, "curbstoning" means a person or firm engaged, in
27 that county, in buying and offering for sale, or buying and selling,
28 seven or more vehicles that are each less than thirty years old in a
29 twelve-month period without holding a vehicle dealer license. For the
30 purpose of subsections (1) and (2) of this section, "curbstoning" does
31 not include the sale of equipment or vehicles used in farming as
32 defined in RCW 46.04.183 and sold by a farmer as defined in RCW
33 46.04.182.

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