

# Chapter 308-90 WAC

## VESSEL DEALER REGISTRATION

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-90-010	Promulgation authority. [Statutory Authority: Chapter 7, Laws of 1983. WSR 83-14-061 (Order 722 DOL), § 308-90-010, filed 7/1/83.] Repealed by WSR 88-03-038 (Order DLR-162), filed 1/19/88. Statutory Authority: 1987 c 149 § 1.
308-90-020	Organization. [Statutory Authority: Chapter 7, Laws of 1983. WSR 83-14-061 (Order 722 DOL), § 308-90-020, filed 7/1/83.] Repealed by WSR 88-03-038 (Order DLR-162), filed 1/19/88. Statutory Authority: 1987 c 149 § 1.
308-90-050	Branch location—Separate registration. [Statutory Authority: Chapter 7, Laws of 1983. WSR 83-14-061 (Order 722 DOL), § 308-90-050, filed 7/1/83.] Repealed by WSR 88-03-038 (Order DLR-162), filed 1/19/88. Statutory Authority: 1987 c 149 § 1.

**WAC 308-90-030 Definitions.** (1) "Firm" means a person, partnership, association or corporation engaged in the business of selling vessels at retail or wholesale in this state.

(2) "Display decal" means a vessel dealer identifier designed and produced by the department which is used by Washington registered vessel dealers.

(3) "Identification card" is a card that may be issued by a firm identifying a person as authorized to operate vessels for vessel dealer business.

(4) "Bona fide employee" is a person who works for the firm and appears on the firm's employment records.

(5) "Consignment" means an arrangement whereby a vessel dealer accepts entrustment of a vessel and agrees to sell the vessel on behalf of another.

(6) "Listing" means an arrangement whereby the seller will compensate the vessel dealer to obtain a willing purchaser for the seller's vessel.

(7) "Broker" means a vessel dealer who arranges the sale between the buyer and seller of a vessel and receives a form of compensation.

[Statutory Authority: 1987 c 149 § 1. WSR 88-03-038 (Order DLR-162), § 308-90-030, filed 1/19/88. Statutory Authority: 1983 c 7. WSR 83-14-061 (Order 722 DOL), § 308-90-030, filed 7/1/83.]

**WAC 308-90-040 Dealer registration application form.** How do I apply for a vessel dealer registration?

(1/22/07)

Any firm making application for registration as a vessel dealer under chapter 88.02 RCW shall, on a form provided by the department, provide the following information:

(1) The name and business address of the firm and a list of additional business addresses of the firm, if any.

(2) The name of all owners of ten percent or more of the assets of the firm and title(s) of office held, if any.

(3) The firm's business structure and place of organization.

(4) The uniform business identification number issued by the department of licensing.

(5) Whether the applicant has been adjudged guilty of a crime which directly relates to the marine trade industry and the time elapsed since the conviction is less than ten years, and in the case of a corporation, partnership, or limited liability company all directors, officers, partners or members.

(6) Any other information the department may reasonably require.

[Statutory Authority: RCW 88.02.100. WSR 03-22-095, § 308-90-040, filed 11/5/03, effective 12/6/03; WSR 02-05-073, § 308-90-040, filed 2/20/02, effective 3/23/02. Statutory Authority: 1987 c 149 § 1. WSR 88-03-038 (Order DLR-162), § 308-90-040, filed 1/19/88. Statutory Authority: 1983 c 7. WSR 83-14-061 (Order 722 DOL), § 308-90-040, filed 7/1/83.]

**WAC 308-90-060 Display of registration.** (1) The registration of a dealer shall be prominently displayed, visible to the public at the address appearing on the registration.

(2) A copy of the vessel dealer registration shall be displayed as in subsection (1) of this section at all business locations of the firm.

[Statutory Authority: 1987 c 149 § 1. WSR 88-03-038 (Order DLR-162), § 308-90-060, filed 1/19/88. Statutory Authority: 1983 c 7. WSR 83-14-061 (Order 722 DOL), § 308-90-060, filed 7/1/83.]

**WAC 308-90-070 Dealer registration numbers.** How do I use my dealer registration number and my registration card?

(1) The department shall assign a registration number to each firm registered as a dealer. In addition, the department shall issue a registration card, as ordered by the dealer, indicating the dealer number and separate suffix letters. The registration number shall be consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the Code of Federal Regulations. (Example: WN 7XXX —)

(2) Dealer registration numbers may be displayed on vessels owned by the dealer when being operated on the water pursuant to RCW 88.02.023. No two vessels may display the same dealer registration number at the same time. The dealer registration card corresponding to the displayed registration number must be kept inside the vessel during such operation.

(3) Dealer registration numbers shall be displayed in three inch block numbers/letters on both sides of the forward one-half of the vessel. Dealer registration numbers may be

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affixed to a removable display fixture. The numbers/letters shall be displayed in a single line.

[Statutory Authority: RCW 88.02.100. WSR 02-05-073, § 308-90-070, filed 2/20/02, effective 3/23/02; WSR 96-24-042, § 308-90-070, filed 11/27/96, effective 12/28/96. Statutory Authority: 1987 c 149 § 1. WSR 88-03-038 (Order DLR-162), § 308-90-070, filed 1/19/88. Statutory Authority: 1983 c 7. WSR 83-14-061 (Order 722 DOL), § 308-90-070, filed 7/1/83.]

**WAC 308-90-080 Registration fee—Renewal.** What fees do I pay for the vessel dealer registration, its renewal and dealer decals?

(1) Any firm desiring to be a dealer must include with the application the required registration fee of one hundred twenty dollars.

(2) Vessel dealers must reapply for a registration on or before the expiration of their registration.

(3) The annual registration renewal fee of sixty dollars must be paid on or before each renewal date. If an application for renewal is not received by the department on or before the last day of the expiration month the registration is expired. The registration may be reinstated at any time within the next succeeding thirty days if renewal application and payment of the annual renewal fee, then in default, are received by the department. Registrations not renewed within thirty days of the renewal date shall be cancelled. A new registration may be obtained by satisfying the procedures and qualifications for initial registration.

(4) If no department denial action is pending, the department shall issue a vessel dealer registration and renewal decals depicting the expiration of the registration upon receipt of a dealer's renewal fee and renewal application. The dealer shall affix the decal as a prefix to the dealer registration number on any vessels operated on the waters pursuant to RCW 88.02.023. The fee for the initial decal shall be forty dollars. Additional decals may be issued for a fee of twenty dollars for each set.

[Statutory Authority: RCW 88.02.100. WSR 02-05-073, § 308-90-080, filed 2/20/02, effective 3/23/02. Statutory Authority: RCW 88.02.060(4). WSR 89-18-028, § 308-90-080, filed 8/29/89, effective 9/29/89. Statutory Authority: 1987 c 149 § 1. WSR 88-03-038 (Order DLR-162), § 308-90-080, filed 1/19/88. Statutory Authority: 1983 c 7. WSR 83-14-061 (Order 722 DOL), § 308-90-080, filed 7/1/83.]

**WAC 308-90-090 Change of business location.** What must I do to change business locations?

The dealer must notify the department of any change of the firm's business location or mailing address prior to engaging in business at the new location. Notification shall be made by filing a change of address application on a form provided by the department. The vessel dealer will be required to provide a list of all business locations of the firm when changing the business address of the firm's office.

[Statutory Authority: RCW 88.02.100. WSR 02-05-073, § 308-90-090, filed 2/20/02, effective 3/23/02. Statutory Authority: 1987 c 149 § 1. WSR 88-03-038 (Order DLR-162), § 308-90-090, filed 1/19/88. Statutory Authority: 1983 c 7. WSR 83-14-061 (Order 722 DOL), § 308-90-090, filed 7/1/83.]

**WAC 308-90-100 Termination of business.** What do I do with the dealer registration upon termination of business?

The registration must be retained at all times by the dealer. When the dealer ceases to do business in the name or at the location indicated on the registration the dealer must

immediately notify the director of the termination and return the registration to the department; attention Dealer/Manufacturer Services.

[Statutory Authority: RCW 88.02.100. WSR 02-05-073, § 308-90-100, filed 2/20/02, effective 3/23/02. Statutory Authority: 1983 c 7. WSR 83-14-061 (Order 722 DOL), § 308-90-100, filed 7/1/83.]

**WAC 308-90-110 Statement of change in business structure, ownership interest or control.** What if the business structure or ownership changes?

Any person, firm, association, limited liability company (L.L.C.), corporation or trust registered as a dealer must, within ten days following any change in its business or ownership structure, file with the department a statement describing with particularity the change in its business structure or the change in its ownership interest. In addition, persons newly assuming executive or control functions, including but not limited to new L.L.C. members, corporate officers, directors, majority stockholders, managing partners, or managing trustees, must file within ten days of assuming such function.

[Statutory Authority: RCW 88.02.100. WSR 02-05-073, § 308-90-110, filed 2/20/02, effective 3/23/02. Statutory Authority: 1987 c 149 § 1. WSR 88-03-038 (Order DLR-162), § 308-90-110, filed 1/19/88. Statutory Authority: 1983 c 7. WSR 83-14-061 (Order 722 DOL), § 308-90-110, filed 7/1/83.]

**WAC 308-90-120 Trust account.** (1) The deposit trust account required by RCW 88.02.220 must be established and maintained within Washington state.

(2) The dealer's separate trust account cannot accrue interest.

(3) Any fees assessed by the depository against the trust account shall not be paid from purchasers trust funds.

[Statutory Authority: RCW 88.02.100. WSR 07-03-120, § 308-90-120, filed 1/22/07, effective 2/22/07. Statutory Authority: 1987 c 149 § 1. WSR 88-03-038 (Order DLR-162), § 308-90-120, filed 1/19/88.]

**WAC 308-90-130 Consignment.** How do I handle consignment sales?

(1) All funds received from purchasers, including deposits, payments, or proceeds from the sale of trade-in vessels on a consignment sale, shall be placed in the vessel dealers trust account as required in RCW 88.02.220, and those funds shall remain in such trust account until the consignor's and the legal owner's interest, if any, have been fully satisfied.

(2) If the sale of a consigned vessel is a retail sale the vessel dealer is required to transfer title as required by RCW 88.02.125.

[Statutory Authority: RCW 88.02.100. WSR 02-05-073, § 308-90-130, filed 2/20/02, effective 3/23/02; WSR 96-24-042, § 308-90-130, filed 11/27/96, effective 12/28/96. Statutory Authority: 1987 c 149 § 1. WSR 88-03-038 (Order DLR-162), § 308-90-130, filed 1/19/88.]

**WAC 308-90-140 Listing.** How would I handle the trust account relative to listed vessels?

(1) All funds received from purchasers, including deposits, payments, or proceeds from the sale of trade-in vessels on a listing sale shall be placed in the vessel dealer's trust account as required by RCW 88.02.220, and those funds shall remain in such trust account until the listed vessel sale is completed.

(2) At the time the sale is completed, and at vessel delivery, the listing dealer shall pay any outstanding liens from trust funds in order to obtain title for transfer.

(3) If the sale of a listed vessel is a retail sale the vessel dealer is required to transfer title as provided by RCW 88.02.-125.

[Statutory Authority: RCW 88.02.100. WSR 02-05-073, § 308-90-140, filed 2/20/02, effective 3/23/02. Statutory Authority: 1987 c 149 § 1. WSR 88-03-038 (Order DLR-162), § 308-90-140, filed 1/19/88.]

**WAC 308-90-150 Title transfer.** How must I handle the title in a retail sale?

(1) The vessel dealer is required to make application for title in the purchaser's name within thirty days following the retail sale of the vessel.

(2) The vessel dealer or the dealer's authorized agent shall sign or type their firm name and vessel dealer number on the purchaser's application for title. An authorized agent must give their title.

[Statutory Authority: RCW 88.02.100. WSR 02-05-073, § 308-90-150, filed 2/20/02, effective 3/23/02; WSR 92-06-009, § 308-90-150, filed 2/24/92, effective 3/26/92. Statutory Authority: 1987 c 149 § 1. WSR 88-03-038 (Order DLR-162), § 308-90-150, filed 1/19/88.]

**WAC 308-90-160 Bond exemption.** How can I be exempt from the requirement for a surety bond?

(1) Applicants or registered vessel dealers desiring to be exempt from the bonding requirement must provide a statement to the department that they sell fifteen or fewer vessels per year none of which has a retail value of more than two thousand dollars each.

(2) Registered vessel dealers who have stated that they qualify for the exemption shall immediately file the required surety bond with the department at the time their sales exceed the statutory exemption number or value. Failure to file the bond will subject the vessel dealer to penalties prescribed in RCW 88.02.188.

[Statutory Authority: RCW 88.02.100. WSR 02-05-073, § 308-90-160, filed 2/20/02, effective 3/23/02; WSR 96-24-042, § 308-90-160, filed 11/27/96, effective 12/28/96. Statutory Authority: 1987 c 149 § 1. WSR 88-03-038 (Order DLR-162), § 308-90-160, filed 1/19/88.]