

~~way as violations of RCW 46.20.342(1):)~~ A person who violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 7. Section 11, chapter 284, Laws of 1971 ex. sess. as last amended by section 8, chapter 302, Laws of 1985 and RCW 46.65.090 are each amended to read as follows:

(1) It is unlawful for any person to operate a motor vehicle in this state while the order of revocation remains in effect. Any person found to be an habitual offender under the provisions of this chapter who is convicted of operating a motor vehicle in this state while the order of revocation prohibiting such operation is in effect is guilty of a gross misdemeanor. ~~((First, second, third, and subsequent violations of this subsection shall be punished in the same way as violations of RCW 46.20.342(1), except that)).~~ Upon the first conviction for a violation of this section, a person shall be punished by imprisonment for not less than ten days nor more than six months. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days nor more than one year. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one year. The minimum sentence of confinement required shall not be suspended or deferred.

(2) Any person convicted for a first violation of subsection (1) of this section who is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, shall be punished in the same way as provided in ~~((RCW 46.20.342(1)))~~ subsection (1) of this section except that the minimum sentence of confinement shall be not less than ~~((thirty))~~ ninety days and shall not be suspended or deferred.

Passed the Senate February 13, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 27, 1990.

Filed in Office of Secretary of State March 27, 1990.

CHAPTER 211

[Second Substitute House Bill No. 1653]
CREDIT AGREEMENTS

AN ACT Relating to credit agreements; adding new sections to chapter 19.36 RCW; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. "Credit agreement" means an agreement, promise, or commitment to lend money, to otherwise extend credit, to forbear with respect to the repayment of any debt or the exercise of any remedy, to modify or amend the terms under which the creditor has lent money or otherwise extended credit, to release any guarantor or consigner, or to

make any other financial accommodation pertaining to a debt or other extension of credit.

NEW SECTION. Sec. 2. Sections 1 through 6 of this act shall not apply to: (1) A promise, agreement, undertaking, document, or commitment relating to a credit card or charge card; or (2) a loan of money or extension of credit to a natural person that is primarily for personal, family, or household purposes and not primarily for investment, business, agricultural, or commercial purposes.

NEW SECTION. Sec. 3. A credit agreement is not enforceable against the creditor unless the agreement is in writing and signed by the creditor. The rights and obligations of the parties to a credit agreement shall be determined solely from the written agreement, and any prior or contemporaneous oral agreements between the parties are superseded by, merged into, and may not vary the credit agreement. Partial performance of a credit agreement does not remove the agreement from the operation of this section.

NEW SECTION. Sec. 4. If a notice complying with section 5 of this act, is not given simultaneously with or before a credit agreement is made, sections 1 through 6 of this act shall not apply to the credit agreement. Notice, once given to a debtor, shall be effective as to all subsequent credit agreements and effective against the debtor, and its guarantors, successors, and assigns.

NEW SECTION. Sec. 5. The creditor shall give notice to the other party on a separate document or incorporated into one or more of the documents relating to a credit agreement. The notice shall be in type that is bold face, capitalized, underlined, or otherwise set out from surrounding written materials so it is conspicuous. The notice shall state substantially the following:

Oral agreements or oral commitments to loan money, extend credit, or to forbear from enforcing repayment of a debt are not enforceable under Washington law.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act shall take effect July 1, 1990, and shall apply only to credit agreements entered into on or after July 1, 1990.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act are each added to chapter 19.36 RCW.

Passed the House February 9, 1990.

Passed the Senate March 2, 1990.

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