

West along said West line 50.00 feet to the Northerly line of Fifth Street; thence South 74° 19' 45" East along said Northerly line 150.00 feet; thence North 0° 15' 45" East parallel with said Westerly line 50.00 feet; thence North 74° 19' 45" West parallel with the North line of Fifth Street 150.00 feet to the point of beginning. All located in the William Ryan D.L.C., Clark County, Washington.

Before any sale under the provisions of this act shall be made the property shall be appraised by two independent competent real estate appraisers. Any sale pursuant to the provisions of this act shall be made to the best bidder for a price not less than the appraised value of said property and pursuant to a call for bids published at least fifteen days prior to the date fixed for the sale in one issue of a newspaper printed and published in the county in which the property is located.

The proceeds of the sale of said property shall be transmitted by the director to the state treasurer.

NEW SECTION. Sec. 2. The disposition shall in all respects be subject to the supervision of the governor.

Passed the Senate March 18, 1969
Passed the House March 31, 1969
Approved by the Governor April 8, 1969
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CHAPTER 63
[Substitute Senate Bill No. 518]
MOTOR VEHICLE DEALERS

AN ACT Relating to motor vehicles; regulating motor vehicle dealers and salesmen; amending section 3, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.011; amending section 6, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.041; amending section 46.70-.090, chapter 12, Laws of 1961 and RCW 46.70.090; and amending section 11, chapter 74, Laws of 1967 ex. sess. and RCW 46.70-.101.

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

Section 1. Section 3, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.011 are each amended to read as follows:

As used in this chapter:

(1) "Motor vehicle" means any motor driven vehicle required to be registered and titled under Title 46, Motor Vehicles.

(2) "Motor vehicle dealer" means any person, firm, association, corporation or trust, not excluded by subsection (a) of this section, engaged in the business of buying, selling, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new, or used motor vehicles, trailers or motorcycles.

(a) The term "motor vehicle dealer" does not include:

(i) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of any court; or

(ii) Public officers while performing their official duties; or

(iii) Employees of motor vehicle dealers when engaged in the specific performance of their duties as such employees; or

(iv) Any person engaged in an isolated sale of a motor vehicle in which he is the registered and/or legal owner thereof.

(v) Any person, firm, association, corporation or trust, engaged in selling equipment other than motor vehicles, used for agricultural or industrial purposes.

(3) "Motor vehicle salesman" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease motor vehicles, trailers or motorcycles on behalf of a motor vehicle dealer.

(4) The term "department" means the department of motor vehicles which shall administer and enforce the provisions of this chapter.

(5) "Director" means the director of the department of motor vehicles.

(6) "Manufacturer" means any person, firm, association, corporation or trust, resident or nonresident, who manufactures or assembles new and unused motor vehicles.

(7) "Distributor" means any person, firm, association, corporation or trust, resident or nonresident, who in whole or in part offers for sale, sells or distributes any new and unused motor vehicle to motor vehicle dealers or who maintains factory representatives.

(8) "Factory branch" means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, motor vehicles to a distributor, wholesaler or motor vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and shall further include any sales promotion organization, whether the same be a person, firm or corporation, which is engaged in promoting the sale of new and unused motor vehicles in this state of a particular brand or make to motor vehicle dealers.

(9) "Factory representative" means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of his, its, or their motor vehicles or for supervising or contracting with his, its, or their dealers or prospective dealers.

(10) "Established place of business" means a permanent, enclosed commercial building ((or structure, either owned-in-fee or leased, actually occupied and)) located within the state of Washington easily accessible and open to the public, ((located and constructed in conformity with applicable zoning laws, at which a permanent business of bartering, trading and selling of vehicles will be carried on as such, wherein)) at all reasonable times, with an improved automobile display area of not less than three thousand square feet in or immediately adjoining said building, and at which the business of a motor vehicle dealer, including the display and repair of motor vehicles, may be lawfully carried on in accordance with the terms of all applicable building code, zoning and other land-use regulatory

ordinances and in such building the public may contact the (~~owner~~) motor vehicle dealer or (~~operator~~) his motor vehicle salesman, at all reasonable times and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business at such place. The established place of business shall display (~~a-permanent~~) an exterior sign (~~thereon~~) permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic.

Sec. 2. Section 6, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.041 are each amended to read as follows:

(1) Every application shall contain the following information to the extent the same is applicable to the applicant:

(a) The applicant's honesty and reputation;

(b) The applicant's form and place of organization;

(c) The qualification and business history of the applicant, and in the case of a motor vehicle dealer, any partner, officer or director;

(d) Whether the applicant has been found guilty of any felony within the past five years involving moral turpitude, or for any misdemeanor concerning fraud or conversion, or suffering any judgment in any civil action involving fraud, misrepresentation or conversion and in the case of a corporation or partnership, all directors, officers or partners;

(e) The applicant's financial condition or history including whether the applicant or any partner, officer or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court;

(f) Any other information the director may require.

(2) If the applicant is a motor vehicle dealer, then information as to the type of business he will be engaged in, including:

(a) Name or names of new cars the motor vehicle dealer wishes to sell;

(b) The names and addresses of each manufacturer or distribu-

tor from whom the applicant has received a franchise;

(c) Whether the applicant intends to sell used motor vehicles, and if so, whether he has space available for servicing and repairs;

(d) A ~~((statement-by-the-chief-of-police-or-his-deputy))~~ certificate by a member of the department of motor vehicles that the applicant has "an established place of business" in the state of Washington as defined by this ((chapter-if-the-location-is-in-a-city-over-five-thousand-in-population,-otherwise,-by-a-member-of-the-Washington-state-patrol)) 1969 amendatory act.

(e) A copy of a current service agreement with a manufacturer or distributor for a foreign manufacturer, requiring the applicant, upon demand of any customer receiving a new vehicle warranty, to perform or arrange for, within a reasonable distance of his established place of business, the service repair and replacement work required of the manufacturer or distributor by such vehicle warranty: PROVIDED, That this requirement shall only apply to applicants seeking to sell new or current-model motor vehicles with factory or distributor warranties.

(3) If the application is for a salesman's license, a certification by the motor vehicle dealer for whom he is going to work that he has examined the background of the applicant and to the best of his knowledge is of good moral character.

Sec. 3. Section 46.70.090, chapter 12, Laws of 1961 and RCW 46.70.090 are each amended to read as follows:

~~((The-dealer-license-plate-shall-be-displayed-upon-every-vehicle-demonstrated-by-such-dealer-whenever-the-same-is-operated-upon any-public-highway-in-this-state,-and-on-such-vehicles-as-may-be actually-owned-by-the-dealer-and-used-by-members-or-employees-of-his firm-for-the-purposes-for-which-said-dealer-license-was-actually-issued-))~~ Dealer license plates shall be used only under the following conditions:

(1) To demonstrate an automobile for sale provided that (a)

a dated demonstration permit or purchase order identifying the sale or the potential sale is carried in the vehicle and (b) once the sale is completed the dealer will register and title the vehicle in question no later than the finish of the second business day.

(2) On vehicles assigned permanently to officers of the corporation, partnership or proprietorship, and to the bona fide, full time employees of the dealer: PROVIDED, That the director will twice each year inspect the records of every licensed dealer to determine that the above conditions have been met.

(3) On vehicles being tested for repair.

(4) On vehicles being transported for resale.

Failure to comply with the provisions of this section shall be cause for the suspension or revocation of the dealer license. Dealer license plates shall not be used upon any vehicle for the transportation of any person, produce, freight or commodities, except there shall be permitted the use of such dealer license plates on a vehicle transporting commodities in course of demonstration over a period not to exceed seventy-two consecutive hours from the commencement of such demonstration, if a representative of the dealer is present and accompanies such vehicle during the course of the demonstration: PROVIDED, That nothing herein shall be interpreted in such manner as to prevent a dealer from moving, by vehicle bearing a dealer license plate, another vehicle or vehicles upon which the said dealer might have used his dealer license plate: PROVIDED FURTHER, That transportation of dealers' own tools, parts and equipment, in a vehicle bearing a dealer license plate, to a total net weight not to exceed five hundred pounds shall not be considered a violation of the use of said dealer license.

Sec. 4. Section 11, chapter 74, Laws of 1967 ex. sess., and RCW 46.70.101 are each amended to read as follows:

The director may by order deny, suspend or revoke the license of any motor vehicle dealer or salesman if he finds that the order is in the public interest and that the applicant, or licensee, or in the

case of a motor vehicle dealer, any partner, officer or director or majority stockholder:

(1) Was previously the holder of a license issued under this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled;

(2) Has been found guilty of any felony within the past five years involving moral turpitude, or for any misdemeanor concerning fraud or conversion, or suffering any judgment in any civil action involving fraud, misrepresentation or conversion;

(3) Has made a false statement of a material fact in his application or in any data attached thereto;

(4) Has failed to comply with the applicable provisions of 46.12 RCW any rule or regulation or order issued under this chapter;

(5) Has defrauded or attempted to defraud the state, or a political subdivision thereof of any taxes or fees in connection with the sale or transfer of a motor vehicle;

(6) Has forged the signature of the registered or legal owner on a certificate of title;

(7) Has purchased, sold, or disposed of a motor vehicle which such applicant or licensee knows or has reason to know has been stolen or appropriated without the consent of the owner;

(8) Has wilfully failed to deliver to a purchaser a certificate of ownership to a motor vehicle which the applicant or licensee has sold;

(9) Has suffered or permitted the cancellation of a fidelity bond or the exhaustion of the penalty thereof;

(10) Has failed to comply with the provisions of this chapter including notices, or reports of transfers of vehicles, or the maintenance of records, or has caused or suffered or is permitting the unlawful use of the dealer license certificate or dealer license plates;

(11) Has committed any act in violation of RCW 46.70.180;

(12) Is a motor vehicle dealer who:

(a) Does not have an established place of business as defined in this chapter;

(b) Employs an unlicensed salesman;

(c) Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records and files maintained within this state;

(d) Knowingly employs a salesman whose license has been denied, or revoked within the last year, or is currently suspended;

(e) Sells a new or current-model motor vehicle to which a factory new-vehicle warranty attaches and fails to have a valid, written service agreement as required by this 1969 amendatory act or having such agreement, refuses to honor or repudiates the same.

(13) Is an applicant for a salesman's license who was previously the holder of, or was a partner in a partnership, or was an officer, director, or stockholder involved in management of a corporation which was the holder, of a license which was revoked for cause and never reissued or was suspended and the terms of the suspension have not been terminated;

(14) Is insolvent, either in the sense that his liabilities exceed his assets, or in the sense that he cannot meet his obligations as they may mature.

Passed the Senate March 21, 1969
Passed the House March 31, 1969
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CHAPTER 64
[Engrossed Senate Bill No. 662]
SCHOOL BUSES--LEASES,
BOY SCOUT JAMBOREE

AN ACT Relating to school districts providing school bus transportation; and declaring an emergency.

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

NEW SECTION. Section 1. The directors of school districts are authorized to lease school buses to local troops of the Boy Scouts of America for transportation of boy scouts to the Boy Scout Jamboree to be held in Farragut, Idaho in the summer of 1969: PROVIDED, That