

activities, the layoff of existing classified staff shall not be in greater proportion than the ratio of classified staff to total employment at the respective institutions as of April 1, 1973. The institutions of higher education may utilize all available revenues and other resources and cost-saving procedures to minimize any adverse impact on institutional programs caused by the reordering of priorities permitted in this act.

NEW SECTION. Sec. 26. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 27. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately: PROVIDED, That provisions of this appropriations act shall not take effect until the legislature shall have approved the entire 1973-75 biennial budget for the state of Washington.

Passed the Senate April 13, 1973.

Passed the House April 12, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 132
[Substitute Senate Bill No. 2741]
VEHICLE DEALERS--
REGULATION

AN ACT Relating to the regulation of vehicle dealers, manufacturers, and salesmen; amending section 1, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.005; amending section 3, chapter 74, Laws of 1967 ex. sess. as amended by section 1, chapter 63, Laws of 1969 ex. sess. and RCW 46.70.011; amending section 4, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.021; amending section 5, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.031; amending section 6, chapter 74, Laws of 1967 ex. sess. as last amended by section 1, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.041; amending section 7, chapter 74, Laws of 1967 ex. sess. as amended by section 2, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.051; amending section 13, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.061; amending section 46.70.070, chapter 12, Laws of 1961 as last amended by section 4, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.070;

amending section 8, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.081; amending section 9, chapter 74, Laws of 1967 ex. sess. as amended by section 5, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.082; amending section 10, chapter 74, Laws of 1967 ex. sess. as amended by section 6, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.083; amending section 46.70.090, chapter 12, Laws of 1961 as last amended by section 7, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.090; amending section 11, chapter 74, Laws of 1967 ex. sess. as amended by section 4, chapter 63, Laws of 1969 ex. sess. and RCW 46.70.101; amending section 46.70.120, chapter 12, Laws of 1961 and RCW 46.70.120; amending section 46.70.130, chapter 12, Laws of 1961 and RCW 46.70.130; amending section 46.70.140, chapter 12, Laws of 1961 as last amended by section 8, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.140; amending section 16, chapter 74, Laws of 1967 ex. sess. as amended by section 1, chapter 112, Laws of 1969 and RCW 46.70.180; amending section 21, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.190; amending section 2, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.900; amending section 46.16.020, chapter 12, Laws of 1961 as last amended by section 14, chapter 32, Laws of 1967 and RCW 46.16.020; amending section 46.16.045, chapter 12, Laws of 1961 and RCW 46.16.045; adding a new section to chapter 46.16 RCW; adding new sections to chapter 46.70 RCW; repealing section 46.70.060, chapter 12, Laws of 1961, section 77, chapter 32, Laws of 1967, section 26, chapter 74, Laws of 1967 ex. sess., section 3, chapter 74, Laws of 1971 ex. sess., section 5, chapter 99, Laws of 1972 ex. sess. and RCW 46.70.060; and repealing section 29, chapter 74, Laws of 1967 ex. sess., section 9, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.280.

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

Section 1. Section 1, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.005 are each amended to read as follows:

The legislature finds and declares that the distribution and sale of ((motor)) vehicles in the state of Washington vitally affects the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare, and in the exercise of its police power, it is necessary to regulate ((motor)) and license vehicle manufacturers, distributors or wholesalers and factory or distributor representatives, and to regulate and license dealers, and salesmen of ((motor)) vehicles doing business in Washington, in order to prevent frauds, impositions and other abuses upon its citizens and to protect and preserve the investments and properties of the citizens of this

state.

Sec. 2. Section 3, chapter 74, Laws of 1967 ex. sess. as amended by section 1, chapter 63, Laws of 1969 ex. sess. and RCW 46.70.011 are each amended to read as follows:

As used in this chapter:

(1) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) "Motor vehicle" ((means any motor driven)) shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46, Motor Vehicles.

((12)) (3) "((Motor)) Vehicle dealer" means any person, firm, association, corporation or trust, not excluded by subsection ((1a)) (4) 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)); PROVIDED, That vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" shall be a vehicle dealer that deals in new and used motor vehicles:

(b) A "mobile home and travel trailer dealer" shall be a vehicle dealer that deals in mobile homes or travel trailers, or both;

(c) A "miscellaneous vehicle dealer" shall be a vehicle dealer that deals in motorcycles and/or vehicles other than motor vehicles or mobile homes and travel trailers.

((1a)) (4) The term "((motor)) vehicle dealer" does not include:

((1b)) (a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of any court; or

((1c)) (b) Public officers while performing their official duties; or

((1d)) (c) Employees of ((motor)) vehicle dealers ((when)) who are engaged in the specific performance of their duties as such employees; or

((1e)) (d) Any person engaged in an isolated sale of a ((motor)) vehicle in which he is the registered ((and/or)) or legal owner, or both, thereof.

((1f)) (e) Any person, firm, association, corporation or trust, engaged in the selling of equipment other than ((motor))

vehicles, used for agricultural or industrial purposes.

((3)) (5) "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)) (6) The term "department" means the department of motor vehicles which shall administer and enforce the provisions of this chapter.

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

((6)) (8) "Manufacturer" means any person, firm, association, corporation or trust, resident or nonresident, who manufactures or assembles new and unused ((motor)) vehicles ((r)) and shall further include the terms:

((7)) (a) "Distributor" which 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)) (b) "Factory branch" which 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)) (c) "Factory representative" which 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)) (9) "Established place of business" means a permanent, enclosed commercial building located within the state of Washington easily accessible and open to the public, 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 which such building the public may contact the ((motor)) vehicle dealer or 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 an exterior sign permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic.

(10) "Subagency" means any place of business of a vehicle dealer within the same county as the principal place of business of the firm which is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the same county as the principal place of business of the firm under which he does business under a name other than the principal name of the firm, or both.

Sec. 3, Section 4, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.021 are each amended to read as follows:

It shall be unlawful for any ~~((motor))~~ vehicle dealer ~~((or motor))~~, vehicle salesman or vehicle manufacturer to engage in ~~((this))~~ business as such, act as such, serve in the capacity of such, ~~((or))~~ advertise himself, itself, or themselves as such~~((r))~~ or distribute or transfer vehicles for resale in this state, without first obtaining and holding a current license as provided in this chapter: PROVIDED, That a ~~((motor))~~ vehicle dealer shall not be required to have a ~~((motor))~~ vehicle salesman's license: PROVIDED, FURTHER, That a distributor, factory branch, or factory representative shall not be required to have a vehicle manufacturer license so long as the vehicle manufacturer so represented is properly licensed pursuant to this chapter.

Sec. 4. Section 5, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.031 are each amended to read as follows:

A ~~((motor))~~ vehicle dealer ~~((or))~~, salesman, or manufacturer may apply for a license by filing with the ~~((director))~~ department an application in such form as the ~~((director))~~ department may prescribe ~~((and upon payment of the necessary fee as herein set forth))~~.

Sec. 5. Section 6, chapter 74, Laws of 1967 ex. sess. as last amended by section 1, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.041 are each amended to read as follows:

(1) Every application for a vehicle dealer or a vehicle salesman's license shall contain the following information to the extent the same is applicable to the applicant:

(a) ~~((The applicant's honesty and reputation;))~~ Proof as the department may require concerning the applicant's identity, including but not limited to his fingerprints, the honesty, truthfulness, and good reputation of the applicant for license, or of the officers of a corporation making the application;

(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)) convicted of any crime within the ((past)) preceding five years involving ((moral turpitude, or for any misdemeanor concerning)) fraud, misrepresentation, or conversion, or ((suffering)) has suffered any judgment within the preceding five years 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 department may reasonably 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 ((automobiles)) vehicles the ((motor)) vehicle dealer wishes to sell;

(b) The names and addresses of each manufacturer ((or distributor)) 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 certificate by the chief of police or his deputy, or a member of the Washington state patrol or a representative of the department of motor vehicles that the applicant has an established place of business at each business location in the state of Washington: PROVIDED, That in no event shall such certificate be issued by a member of the Washington state patrol if the dealership is located in a city which has a population in excess of five thousand persons((?));

(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, to exchange, to offer, to broker, to auction, to solicit or to advertise new or current-model ((motor)) vehicles with factory or distributor warranties((?));

((f) The class of vehicles the vehicle dealer will be buying, selling, exchanging, offering, brokering, leasing with an option to

purchase, auctioning, soliciting, or advertising and which classification or classifications the dealer wishes to be designated as:

(g) 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.

(3) If the ((application is for a salesman's license)) applicant is a vehicle salesman, such application shall contain, in addition, 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;

(4) If the applicant is a manufacturer such application shall contain the following information to the extent it is applicable to the applicant:

(a) The name and address of the principal place of business of the applicant and, if different, the name and address of the Washington state representative of the applicant;

(b) The name or names under which the applicant will do business in the state of Washington;

(c) Evidence that the applicant is authorized to do business in the state of Washington;

(d) The name or names of the vehicles that the licensee manufactures;

(e) The name or names and address or addresses of each and every distributor, factory branch, and factory representative;

(f) The name or names and address or addresses of resident employees or agents to provide service or repairs to vehicles located in the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured, unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

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

Sec. 6. Section 7, chapter 74, Laws of 1967 ex. sess. as amended by section 2, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.051 are each amended to read as follows:

After the application has been filed ((and)), the fee paid, and bond posted, if required the department shall, if no denial order is in effect and no proceeding is pending under RCW 46.70.180 or 46.70.200, issue the appropriate license, which license, in the case of a vehicle dealer, shall designate the classification of the dealer: PROVIDED, That nothing shall prohibit a vehicle dealer from obtaining licenses for more than one classification, and: PROVIDED

FURTHER, That nothing shall prevent any vehicle dealer from dealing in other classes of vehicles on an isolated basis.

Sec. 7. Section 13, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.061 are each amended to read as follows:

(1) ((For motor vehicle dealers, the fee as provided in RCW 46.70.060;

{2} For dealers plates, three dollars per set for each additional set over one;

{3} For location change by a motor vehicle dealer within the same county, five dollars. A change to another county shall require a new license;

{4} For each motor vehicle salesman, ten dollars per year and ten dollars for each year for renewal thereof;

{5} For transfer of a motor vehicle salesman from one motor vehicle dealer to another motor vehicle dealer, transfer fee of five dollars;))

The fees for original licenses issued for a calendar year or any portion thereof pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Fifty dollars;

(b) Vehicle dealers, each and every subagency: Ten dollars;

(c) Vehicle salesman: Ten dollars;

(d) Vehicle manufacturers: Fifty dollars.

(2) The fee for renewal of any license issued pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Twenty-five dollars;

(b) Vehicle dealer, each and every subagency: Ten dollars;

(c) Vehicle salesman: Ten dollars;

(d) Vehicle manufacturers: Twenty-five dollars.

PROVIDED, That if any licensee shall fail or neglect to apply for such renewal prior to February 1st in each year, his license shall be declared cancelled by the director, in which case the licensee will be required to apply for an original license and pay the fee required for such original license.

(3) The fee for the transfer to another location of any license issued pursuant to this chapter shall be:

(a) Vehicle dealer, principal place of business of each and every license classification, provided that such change is within the same county: Ten dollars;

(b) There shall be no transfer of any vehicle dealer subagency license;

(c) Vehicle salesman, provided that no such fee shall be required in a transfer from one location of any one dealer to any other location: Five dollars.

(4) The fee for vehicle dealer license plates and manufacturer license plates shall be the amount required by law for vehicle license plates exclusive of excise tax, except those specified in RCW 82.44.030, and gross weight and tonnage fees; PROVIDED, That the fee for an original vehicle dealer's license or any renewal thereof shall include one set, or one plate, dependent upon the license classification of the dealer, of vehicle dealer license plates for each classification of the dealer.

PROVIDED, FURTHER, That the maximum number of sets of vehicle dealer plates the department may issue to a dealer shall not exceed the greater of ten sets or a figure which represents four percent of the dealer's total vehicle sales for the previous year, except that the department may issue what it determines to be a reasonable number of sets in those cases where the dealer has not been previously licensed or where he can satisfy the department that the previous year's sale[s] were unnaturally low for reasons beyond his control; PROVIDED, FURTHER, That the department may, in its discretion, issue a reasonable number of additional plates in those cases where a dealer sells motor homes, mobile homes or travel trailers; AND PROVIDED FURTHER, That no dealer who sold less than twenty passenger cars and/or pickup trucks during the previous year shall be entitled to receive any additional sets, unless he can satisfy the department that additional sets are necessary for the purposes indicated in RCW 46.70.090, excepting subsections (2) (b) and (4) (b).

((6*)) (5) All fees collected under this chapter shall be turned into the state treasury and credited to the motor vehicle fund.

(6) The fees prescribed herein shall be in addition to any excise taxes imposed by chapter 82.44 RCW.

Sec. 8. Section 46.70.070, chapter 12, Laws of 1961 as last amended by section 4, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.070 are each amended to read as follows:

(1) Before issuing a vehicle dealer's license, the department shall require the applicant to file with said department a surety bond in the amount of:

((4*)) (a) Ten thousand dollars for ((new and used)) motor vehicle((s)) dealers;

((2) Ten thousand dollars for used motor vehicles;

{3} Ten thousand dollars for the sale of trailers valued at more than two thousand dollars;}}

(b) Twenty thousand dollars for mobile home and travel trailer dealers; PROVIDED, That if such dealer does not deal in mobile homes such bond shall be ten thousand dollars;

((4*)) (c) Five thousand dollars for ((the sale of trailers valued at two thousand dollars or less, and motorcycles;}}

miscellaneous dealers,

running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter. Any retail purchaser who shall have suffered any loss or damage by reason of breach of warranty or by any act by a dealer which constitutes a violation of this chapter shall have the right to institute an action for recovery against such dealer and the surety upon such bond. Successive recoveries against said bond shall be permitted but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the vehicle dealer license shall ((be)) automatically ((revoked)) be deemed canceled.

(2) The bond for any vehicle dealer licensed or to be licensed under more than one classification shall be the highest bond required for any such classification.

NEW SECTION. Sec. 9. There is added to chapter 46.70 RCW a new section to read as follows:

Before issuing a manufacturer license to a manufacturer of mobile homes or travel trailers, the department shall require the applicant to file with said department a surety bond in the amount of twenty thousand dollars in the case of a mobile home manufacturer and ten thousand dollars in the case of a travel trailer manufacturer running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the manufacturer shall conduct his business in conformity with the provisions of this chapter and with all standards set by the state of Washington or the federal government pertaining to the construction or safety of such vehicles. Any retail purchaser or vehicle dealer who shall have suffered any loss or damage by reason of breach of warranty or by any act by a manufacturer which constitutes a violation of this chapter or a violation of any standards set by the state of Washington or the federal government pertaining to construction or safety of such vehicles shall have the right to institute an action for recovery against such manufacturer and the surety upon such bond. Successive recoveries against said bond shall be permitted but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the manufacturer license shall be automatically be deemed canceled.

Sec. 10. Section 8, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.081 are each amended to read as follows:

((The license issued to each motor vehicle dealer shall specify the location of the dealership, place of business or office of the agency. In case such location is changed the department shall be notified within ten days. Any change to another county shall require a new licenser.

A motor vehicle dealer maintaining one or more places of business shall be required to obtain and hold a current license for each place of business, including a branch or subagency: PROVIDED, HOWEVER, That only one license shall be required for all places of business doing business under the same name within a single county.))

Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. In the event that any name or location is changed, the dealer shall notify the department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

If a dealer does business in more than one county, separate licenses shall be required for each county.

If a dealer maintains a place of business at more than one location or under more than one name in any one county, he shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license shall be required for each and every subagency.

A ((motor)) vehicle dealer's license shall upon the death, or incapacity of an individual ((motor)) vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of said death or incapacity.

Sec. 11. Section 9, chapter 74, Laws of 1967 ex. sess. as amended by section 5, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.082 are each amended to read as follows:

The license issued to the ((motor)) vehicle salesman shall be sent to the salesman by the department and shall be posted in a conspicuous place on the premises of the dealer by whom the salesman is employed during the period of the salesman's employment.

When a salesman begins or terminates a connection with a ((motor)) vehicle dealer, the salesman and dealer shall promptly notify the department, in writing, in the form prescribed by the department. In addition to other information required by the department, the ((motor)) vehicle dealer with whom the salesman is beginning a connection shall certify that he has examined the background of the salesman and, to the best of his knowledge, the

salesman is of good moral character.

Sec. 12. Section 10, chapter 74, Laws of 1967 ex. sess. as amended by section 6, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.083 are each amended to read as follows:

((Registration of a motor)) The license of a vehicle dealer or a vehicle manufacturer shall be effective until December 31 and may be renewed by filing with the department prior to the expiration thereof an application containing such information as the ((director)) department may require to indicate any material change in the information contained in the original application.

Registration of a ((motor)) vehicle salesman shall be effective until June 30 and may be renewed by filing with the department prior to the expiration thereof an application containing such information as the department may require to indicate any material change in the information contained in the original application.

Sec. 13. Section 46.70.090, chapter 12, Laws of 1961 as last amended by section 7, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.090 are each amended to read as follows:

((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 department of motor vehicles shall from time to time 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 dealer's 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.)

(1) The department shall issue vehicle dealer license plates, which are capable of distinguishing the classification of the dealer, to vehicle dealers properly licensed pursuant to this chapter and shall, upon application, issue manufacturer's license plates to manufacturers properly licensed pursuant to this chapter.

(2) Motor vehicle dealer license plates may be used:

(a) To demonstrate motor vehicles held for sale when operated by an individual holding a valid operator's license, provided that a dated demonstration permit, valid for no more than seventy-two hours, is carried in the vehicle at all times it is operated by any such individual.

(b) On motor vehicles owned, held for sale and which are in fact available for sale by the firm when operated by an officer of the corporation, partnership, or proprietorship or by a bona fide full time employee of the firm, provided that a card so identifying any such individual is carried in the vehicle at all times it is operated by him. Any such vehicle so operated may be used to transport the dealer's own tools, parts and equipment to a total weight not to exceed five hundred pounds.

(c) On motor vehicles being tested for repair.

(d) On motor vehicles being moved to or from a motor vehicle dealer's place of business for sale.

(e) On motor vehicles being moved to or from motor vehicle service and repair facilities before sale.

(f) On motor vehicles being moved to or from motor vehicle exhibitions within the state of Washington, provided that any such exhibition does not exceed a period of twenty days.

(3) Mobile home and travel trailer dealer license plates may be used:

(a) On units hauled to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(b) On mobile homes hauled to a customer's location for set-up after sale.

(c) On travel trailers held for sale to demonstrate the towing capability of the vehicle provided that a dated demonstration permit, valid for not more than seventy-two hours, is carried with the vehicle at all times.

(d) On mobile homes being hauled from a customer's location provided that the requirements of RCW 46.16.105 and 46.16.106 are

met.

(e) On any motor vehicle owned by the dealer which is used only to move vehicles legally bearing mobile home and travel trailer dealer license plates of the dealer so owning any such motor vehicle.

(f) On vehicles being moved to or from vehicle exhibitions within the state of Washington, provided that any such exhibition does not exceed a period of twenty days.

(4) Miscellaneous vehicle dealer license plates may be used:

(a) To demonstrate any miscellaneous vehicle: PROVIDED, That:

(i) No such vehicle shall be demonstrated on a public highway unless the customer has an appropriate endorsement on his driver's license, if such endorsement is required to operate such vehicle; and

(ii) A dated demonstration permit, valid for no more than seventy-two hours, is carried with the vehicle at all times it is operated by any such individual.

(b) On vehicles owned, held for sale and which are, in fact, available for sale, by the firm when operated by an officer of the corporation, partnership or proprietorship or by a bona fide full time employee of the firm, provided that a card so identifying such individual is carried in the vehicle at all times it is operated by him.

(c) On vehicles being tested for repair.

(d) On vehicles being transported to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(e) On vehicles on which any other item sold or to be sold by the dealer is transported from the place of business of the manufacturer to the place of business of the dealer or to and from places of business of the dealer: PROVIDED, That such vehicle and such item are purchased or sold as one package.

(5) Manufacturers properly licensed pursuant to this chapter may apply for and obtain manufacturer license plates and may be used:

(a) To transport vehicles to or from the place of business of a manufacturer to a vehicle dealer within this state who is properly licensed pursuant to this chapter.

(b) To test vehicles for repair.

(6) Vehicle dealer license plates and manufacturer license plates shall not be used for any purpose other than set forth in this section and specifically shall not be:

(a) Used on any vehicle not within the class for which the vehicle dealer license plates are issued unless specifically provided for in this section.

(b) Loaned to any person for any reason not specifically provided for in this section.

(c) Used on any vehicles for the transportation of any person.

produce, freight, or commodities unless specifically provided for in this section, except there shall be permitted the use of such vehicle dealer license plates on a vehicle transporting commodities in the course of a 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.

(d) Used on any vehicle sold to a resident of another state to transport such vehicle to that other state in lieu of a trip permit or in lieu of vehicle license plates obtained from that other state.

(7) In addition to or in lieu of any sanction imposed by the director pursuant to RCW 46.70.101 for unauthorized use of vehicle dealer license plates or manufacturer license plates, the director may order that any or all vehicle dealer license plates or manufacturer license plates issued pursuant to this chapter be confiscated for such period as he deems appropriate.

Sec. 14. Section 11, chapter 74, Laws of 1967 ex. sess. as amended by section 4, chapter 63, Laws of 1969 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, vehicle manufacturer, or vehicle salesman or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, 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) In the case of a vehicle dealer:

(a) The applicant or licensee, or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee:

(i) Was ~~((previously))~~ the holder of a license issued ~~((under))~~ pursuant to 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)) (ii) Has been ~~((found guilty of any felony))~~ convicted of any crime within the ~~((past))~~ preceding five years involving ~~((moral turpitude, or for any misdemeanor concerning))~~ fraud, misrepresentation, or conversion, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation or conversion;~~

~~((3)) (iii) Has knowingly or with reason to know made a false statement of a material fact in his application for license or ~~((4))~~ any data attached thereto, or in any matter under investigation by the department;~~

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

(v) Employs an unlicensed salesman or one whose license has been denied, revoked within the last year, or is currently suspended, the terms of which have not been fulfilled;

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

(vii) Sells, exchanges, offers, brokers, auctions, solicits or advertises a new or current model vehicle to which a factory new vehicle warranty attaches and fails to have a valid, written service agreement as required by this chapter, or having such agreement refuses to honor or repudiates the same;

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

(ix) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final.

(b) The applicant or licensee, or any partner, officer, director, owner of ten percent of the assets of the firm, or any employee or agent;

((4*)) (i) Has failed to comply with the applicable provisions of chapter 46.12 RCW or this chapter or any rules ((or)) and regulations ((or order issued under this chapter)) adopted thereunder;

((5*)) (ii) 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*)) (iii) Has forged the signature of the registered or legal owner on a certificate of title;

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

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

(vi) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

~~((141))~~ (vii) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(c) The licensee or any partner, officer, director, owner of ten percent or more of the assets of the firm holds or has held any such position in any other vehicle dealership licensed pursuant to this chapter which is subject to final proceedings under this section.

~~((142))~~ 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 chapter or having such agreement, refuses to honor or repudiates the same;)

(2) In the case of a vehicle salesman;

~~((143))~~ (a) ((Is an applicant for a salesman's license who was previously)) Has the holder of, or was a partner in a partnership, or was an officer, director, or ((stockholder)) owner involved in the management of a corporation which was the holder, of a license issued pursuant to this chapter which was revoked for cause and never reissued or was suspended and the terms of the suspension ((have)) had not been ((terminated)) fulfilled;

~~((144))~~ 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;)

(b) Has been convicted of any crime within the preceding five years involving fraud, misrepresentation, or conversion, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion;

(c) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto or in any matter under investigation by the department;

(d) Has failed to comply with the applicable provisions of chapter 46.12 RCW or this chapter and any rules and regulations adopted thereunder;

(e) 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 vehicle;

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

(g) Has purchased, sold, or disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(h) Has wilfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;

(i) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(j) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final.

(3) In the case of a manufacturer, or any partner, officer, director, or majority shareholder:

(a) Was or is the holder of a license issued pursuant to 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;

(b) Has knowingly or with reason to know, made a false statement of a material fact in his application for license, or any data attached thereto, or in any matter under investigation by the department;

(c) Has failed to comply with applicable provisions of chapter 46.12 RCW or this chapter and any rules and regulations adopted thereunder;

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

(e) Has purchased, sold, or disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(f) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(g) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(h) Sells or distributes in this state or transfers into this state for resale, any new or unused vehicle to which a warranty attaches or has attached and refuses to honor the terms of such warranty within a reasonable time or repudiates the same;

(i) Fails to maintain one or more resident employees or agents to provide service or repairs to vehicles located within the state of

Washington only under the terms of any warranty attached to new or unused vehicles manufactured and which are or have been sold or distributed in this state or transferred into this state for resale unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department.

(j) Fails to reimburse within a reasonable time any vehicle dealer within the state of Washington who in good faith incurs reasonable obligations in giving effect to warranties that attach or have attached to any new or unused vehicle sold or distributed in this state or transferred into this state for resale by any such manufacturer.

(k) Engaged in practices inimical to the health and safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles.

Sec. 15. Section 46.70.120, chapter 12, Laws of 1961 and RCW 46.70.120 are each amended to read as follows:

A dealer shall complete and maintain for a period of at least five years a record of the purchase and sale of all ((motor)) vehicles ((; motorcycles or trailers;)) purchased or sold by him ((and which have been previously licensed in this or another state;)) which records shall consist of:

- (1) The license and title numbers of the state in which the last license was issued;
- (2) A description of the vehicle; and
- (3) The name and address of person from whom purchased; and
- (4) The name of legal owner, if any; and
- (5) The name and address of purchaser; and
- (6) Any additional information the department may require.

Such record shall be maintained separate and apart from all other business records of the dealer and shall at all times be available for inspection by the director or his duly authorized ((member of the state patrol)) agent.

Sec. 16. Section 46.70.130, chapter 12, Laws of 1961 and RCW 46.70.130 are each amended to read as follows:

Before the execution of a contract or chattel mortgage or the consummation of the sale of any ((motor)) vehicle, the seller must furnish the buyer an itemization in writing signed by the seller separately disclosing to the buyer the finance charge, insurance costs, taxes, and other charges which are paid or to be paid by the buyer.

Sec. 17. Section 46.70.140, chapter 12, Laws of 1961 as last amended by section 8, chapter 74, Laws of 1971 ex. sess. and RCW

46.70.140 are each amended to read as follows:

Any vehicle dealer who shall knowingly or with reason to know, buy or receive, sell or dispose of, conceal or have in his possession, any ((motor)) vehicle((; trailer; or motoreycle)) from which the motor or serial number has been removed, defaced, covered, altered, or destroyed, or any dealer, who shall remove from or install in any motor vehicle a new or used motor block without immediately notifying the department of such fact upon a form provided by the department, or any ((motor)) vehicle dealer who shall loan or permit the use of vehicle dealer license plates by any person not entitled to the use thereof, shall be guilty of a gross misdemeanor.

Sec. 18. Section 16, chapter 74, Laws of 1967 ex. sess. as amended by section 1, chapter 112, Laws of 1969 and RCW 46.70.180 are each amended to read as follows:

Each of the following acts or practices is hereby declared unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of a ((motor)) vehicle which is false, deceptive or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a ((motor)) vehicle when a down payment is in fact required, or that a ((motor)) vehicle may be purchased for less down payment than is actually required;

(b) That a certain percentage of the sale price of a ((motor)) vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new ((motor)) vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific ((motor)) vehicle to be sold;

(e) That a ((motor)) vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a ((motor)) vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price of a ((motor)) vehicle an amount for

licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which ((motor)) vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer of a ((motor)) vehicle a written order or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his authorized representative's future acceptance, and the dealer fails or refuses within forty-eight hours, exclusive of Saturday, Sunday or legal holiday, and prior to any further negotiations with said buyer, to deliver to the buyer either the dealer's signed acceptance or all copies of the order, offer or contract document together with any initial payment or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a ((motor)) vehicle, delivered or to be delivered by the buyer as part of the purchase price, because of depreciation, obsolescence, or any other reason except substantial and latent mechanical defect that could not have been reasonably discovered at the time of the taking of said order, offer or contract: PROVIDED, That said physical damage or mechanical defect shall have occurred before the dealer took possession of the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560 and 46.37.570;

(6) For any ((motor)) vehicle dealer or ((motor)) vehicle salesman to refuse to furnish, upon request of a prospective purchaser, the name and address of the previous registered owner of any used ((car)) vehicle offered for sale.

(7) Being a manufacturer(, distributor, or factory representative or branch) to:

(a) Coerce or attempt to coerce any ((motor)) vehicle dealer to order or accept delivery of any ((motor)) vehicle or vehicles, parts or accessories, or any other commodities which shall not have been voluntarily ordered by the said ((motor)) vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument shall not be deemed to constitute coercion;

(b) Cancel, or, fail to renew the franchise or selling agreement of any ((motor)) vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his capital investment which shall include but not be limited to tools, equipment, and parts inventory, possessed by the dealer on the day he is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (1) The capital investment shall have been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (2) Said cancellation or nonrenewal was not done in good faith. Good faith shall be defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging or argument shall not be deemed to constitute a lack of good faith.

(c) Encourage, aid, abet or teach a ((motor)) vehicle dealer to sell ((motor)) vehicles through any false, deceptive or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a ((motor)) vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any ((motor)) vehicle publicly advertised for immediate delivery to any duly licensed ((motor)) vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused ((motor)) vehicles sold or distributed by such manufacturer (, distributor, or factory representative or branch,) within sixty days after such dealer's order shall have been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation or utility services, or to any labor or production difficulty, or to any cause beyond the reasonable control of the manufacturer.

(f) To provide under the terms of any warranty that a purchaser of any new or unused vehicle that has been sold, distributed for sale, or transferred into this state for resale by the vehicle manufacturer that any warranty claim on any item included

as an integral part of the vehicle may only be made against the manufacturer of that item.

(8) Nothing in this section shall be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor shall the requirement of such performance constitute a violation of any of the provisions of this section: PROVIDED, HOWEVER, Any such contract, or the terms thereof, requiring performance, shall have been theretofore freely entered into and executed between the contracting parties.

Sec. 19. Section 21, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.190 are each amended to read as follows:

Any person who is injured in his business or property by a violation of this chapter, or any person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of this chapter, may bring a civil action in the superior court to enjoin further violations, to recover the actual damages sustained by him together with the costs of the suit, including a reasonable attorney's fee.

Any person recovering judgment or whose claim has been dismissed with prejudice against a manufacturer (~~(7 distributor or factory representative or branch)~~) pursuant to (~~(REW 46.70.180(5) (b))~~) section 18(7)(b) of this 1973 amendatory act and this section shall, upon full payment of said judgment, or upon the dismissal of such claim, execute a waiver in favor of the judgment debtor or defendant of any claim arising prior to the date of said judgment or dismissal under the Federal Automobile Dealer Franchise Act, 15 United States Code Sections 1221-1225. Any person having recovered full payment for any judgment or whose claim has been dismissed with prejudice under said Federal Automobile Dealer Franchise Act shall have no cause of action under this section for alleged violation of (~~(REW 46.70.180(5) (b))~~) section 18(7)(b) of this 1973 amendatory act, with respect to matters arising prior to the date of said judgment.

A civil action brought in the superior court pursuant to the provisions of this section must be filed no later than one year following the alleged violation of this chapter.

Sec. 20. Section 2, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.900 are each amended to read as follows:

All provisions of this chapter shall be liberally construed to the end that deceptive practices or commission of fraud or misrepresentation in the sale, barter, or disposition of (~~(motor)~~) vehicles in this state may be prohibited and prevented, and irresponsible, unreliable, or dishonest persons may be prevented from

engaging in the business of selling, bartering, or otherwise dealing in ((motor)) vehicles in this state and reliable persons may be encouraged to engage in the business of selling, bartering and otherwise dealing in ((motor)) vehicles in this state: PROVIDED, That this chapter shall not apply to printers, publishers, or broadcasters who in good faith print, publish or broadcast material without knowledge of its deceptive character.

NEW SECTION. Sec. 21. There is added to chapter 46.70 RCW a new section to read as follows:

If any provision of this 1973 amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this 1973 amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby.

Sec. 22. Section 46.16.020, chapter 12, Laws of 1961 as last amended by section 14, chapter 32, Laws of 1967 and RCW 46.16.020 are each amended to read as follows:

Any vehicle owned, rented or leased by the state of Washington, or by any county, city, town, school district or other political subdivision of the state of Washington and used exclusively by them, and all vehicles owned or leased with an option to purchase by the United States government, or by the government of foreign countries, or by international bodies to which the United States government is a signatory by treaty, and used exclusively in its or their service shall be exempt from the payment of license fees for the licensing thereof as in this chapter provided: PROVIDED, HOWEVER, That such vehicles, except those owned and used exclusively by the United States government and which are identified by clearly exhibited registration numbers or license plates assigned by an instrumentality of that government, shall be registered as prescribed for the license registration of other vehicles and shall display upon the vehicles the vehicle license number plates assigned by the director and except in cases of a foreign government or international body shall pay for such number plates a fee of one dollar: PROVIDED, FURTHER, That no vehicle license or license number plates shall be issued to any such vehicle under the provisions of this section for the transportation of school children unless and until such vehicle shall have been first personally inspected by the director or his duly authorized representative.

Sec. 23. Section 46.16.045, chapter 12, Laws of 1961 and RCW 46.16.045 are each amended to read as follows:

(1) The department in its discretion may grant a temporary permit to operate a vehicle for which application for registration has been made, where such application is accompanied by the proper fee pending action upon said application by the department.

(2) The department may authorize vehicle dealers properly licensed pursuant to chapter 46.70 RCW to issue temporary permits to operate vehicles under such rules and regulations as the department deems appropriate.

(3) The fee for each temporary permit application distributed to an authorized vehicle dealer shall be five dollars which shall be credited to the payment of registration fees at the time application for registration is made.

NEW SECTION. Sec. 24. There is added to chapter 46.16 RCW a new section to read as follows:

If any provision of this 1973 amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby.

NEW SECTION. Sec. 25. The following acts or parts of acts are each repealed:

(1) Section 46.70.060, chapter 12, Laws of 1961, section 77, chapter 32, Laws of 1967, section 26, chapter 74, Laws of 1967 ex. sess. section 3, chapter 74, Laws of 1971 ex. sess., section 5, chapter 99, Laws of 1972 ex. sess. and RCW 46.70.060; and

(2) Section 29, chapter 74, Laws of 1967 ex. sess., section 9, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.280.

Passed the Senate March 30, 1973.

Passed the House April 15, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 133

[Engrossed Senate Bill No. 2762]

STATE CIVIL SERVICE--
EXEMPT POSITIONS

AN ACT Relating to the state civil service law; amending section 1, chapter 11, Laws of 1972 ex. sess. and RCW 41.06.070.

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

Section 1. Section 1, chapter 11, Laws of 1972 ex. sess. and RCW 41.06.070 are each amended to read as follows:

The provisions of this chapter do not apply to:

(1) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim