

EXHIBIT VIII

WASHINGTON STATE LEGISLATURE

Search | Help

Inside the Legislature

- \* Find Your Legislator
- \* Visiting the Legislature
- \* Agendas, Schedules and Calendars
- \* Bill Information
- \* Laws and Agency Rules
- \* Legislative Committees
- \* Legislative Agencies
- \* Legislative Information Center
- \* E-mail Notifications (Listserv)
- \* Civic Education
- \* History of the State Legislature

Outside the Legislature

- \* Congress - the Other Washington
- \* TVW
- \* Washington Courts
- \* OFM Fiscal Note Website

[RCWs](#) > [Title 46](#) > [Chapter 46.70](#)

**Chapter 46.70 RCW  
Dealers and manufacturers**

[Chapter Listing](#) | [RCW Dispositions](#)

**RCW Sections**

- [46.70.005](#) Declaration of purpose.
- [46.70.011](#) Definitions.
- [46.70.021](#) License required for dealers or manufacturers -- Penalties.
- [46.70.023](#) Place of business.
- [46.70.025](#) Established place of business -- Waiver of requirements.
- [46.70.027](#) Accountability of dealer for employees -- Actions for damages on violation of chapter.
- [46.70.028](#) Consignment.
- [46.70.029](#) Listing dealers, transaction of business.
- [46.70.031](#) Application for license -- Form.
- [46.70.041](#) Application for license -- Contents.
- [46.70.042](#) Application for license -- Retention by department -- Confidentiality.
- [46.70.045](#) Denial of license.
- [46.70.051](#) Issuance of license--Private party dissemination of vehicle database.
- [46.70.061](#) Fees -- Disposition.
- [46.70.070](#) Dealers -- Bond required, exceptions -- Actions -- Cancellation of license.
- [46.70.075](#) Manufacturers -- Bond required -- Actions -- Cancellation of license.
- [46.70.079](#) Education requirements.



See:

Page 32 46.70.180\*

Page 38 46.70.190

Page 43 46.70.900\*\*

[1986 c 241 § 17; 1965 c 68 § 5.]

Notes:

**Rules of court:** Bail in criminal traffic offense cases --  
Mandatory appearance -- CrRLJ 3.2.



## **46.70.180**

### **Unlawful acts and practices.**

Each of the following acts or practices is 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, lease, or financing of a 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 vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a 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 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 vehicle to be sold;

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

(ii) However, an amount not to exceed the applicable amount provided in (iii)(A) and (B) of this subsection (2)(a) per vehicle sale or lease may be charged by a dealer to recover administrative costs for collecting motor vehicle excise taxes, licensing and registration fees and other agency fees, verifying and clearing titles, transferring titles, perfecting, releasing, or satisfying liens or other security interests, and other administrative and documentary services rendered by a dealer in connection with the sale or lease of a vehicle and in carrying out the requirements of this chapter or any other provisions of state law.

(iii) A dealer may charge under (a)(ii) of this subsection:

(A) As of July 26, 2009, through June 30, 2014, an amount not to exceed one hundred fifty dollars; and

(B) As of July 1, 2014, an amount not to exceed fifty dollars.

(b) A dealer may charge the documentary service fee in (a) of this subsection under the following conditions:

(i) The documentary service fee is disclosed in writing to a prospective purchaser or

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**46.70.183*****Notice of bankruptcy proceedings.***

Any vehicle dealer or manufacturer, by or against whom a petition in bankruptcy has been filed, shall, within ten days of the filing, notify the department of the proceedings in bankruptcy, including the identity and location of the court in which the proceedings are pending.

[1981 c 152 § 7.]

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**46.70.190*****Civil actions for violations — Injunctions —  
Claims under Federal Automobile Dealer  
Franchise Act — Time limitation.***

Any person who is injured in his or her business or property by a violation of this chapter, or any person so injured because he or she 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 or her together with the costs of the suit, including a reasonable attorney's fee.

If a new motor vehicle dealer recovers a judgment or has a claim dismissed with prejudice against a manufacturer under RCW

46.96.040 or 46.96.050(3) or this section, the new motor vehicle dealer is precluded from pursuing that same claim or recovering judgment for that same claim against the same manufacturer under the federal Automobile Dealer Franchise Act, 15 U.S.C. Sections 1221 through 1225, but only to the extent that the damages recovered by or denied to the new motor vehicle dealer are the same as the damages being sought under the federal Automobile Dealer Franchise Act. Likewise, if a new motor vehicle dealer recovers a judgment or has a claim dismissed with prejudice against a manufacturer under the federal Automobile Dealer Franchise Act, the dealer is precluded from pursuing that same claim or recovering judgment for that same claim against the same manufacturer under this chapter, but only to the extent that the damages recovered by or denied to the dealer are the same as the damages being sought under this chapter.

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.

[2010 c 8 § 9085; 1989 c 415 § 21; 1986 c 241 § 19; 1973 1st ex.s. c 132 § 19; 1967 ex.s. c 74 § 21.]

Notes:

**Severability -- 1989 c 415: See RCW 46.96.900.**

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**46.70.220*****Duties of attorney general and prosecuting***

(3) Notwithstanding other provisions of this chapter, no more than two temporary subagency licenses may be issued to a recreational vehicle dealer engaged in offering new or new and used recreational vehicles for sale for events with three or fewer recreational vehicle dealers participating, and no more than six temporary subagency licenses may be issued to a recreational vehicle dealer in any twelve-month period for events including four or more recreational vehicle dealers.

(4) The legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter

19.86 RCW. Violations of this section are not reasonable in relation to the development and preservation of business. A violation of this section is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

[2006 c 364 § 2.]

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### **46.70.900**

#### ***Liberal construction.***

All provisions of this chapter shall be liberally construed to the end that deceptive practices or commission of fraud or misrepresentation in the sale, lease, barter, or disposition of 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, leasing, bartering, or otherwise dealing in vehicles in this state and reliable persons may be encouraged to engage in the business of selling, leasing, bartering and otherwise dealing in 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.

[2001 c 272 § 11; 1973 1st ex.s. c 132 § 20; 1967 ex.s. c 74 § 2.]

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### **46.70.910**

#### ***Severability — 1967 ex.s. c 74.***

If any provision of this 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.

[1967 ex.s. c 74 § 28.]

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### **46.70.920**

#### ***Severability — 1973 1st ex.s. c 132.***

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.

[1973 1st ex.s. c 132 § 21.]