

SSB 5668 - H AMD TO CL COMM AMD (H-5334.1/10) **1367**

By Representative Condotta

WITHDRAWN 3/03/2010

1 On page 1 of the striking amendment, strike all material after
2 line 2 and insert the following:

3
4 "NEW SECTION. **Sec. 1.** The legislature finds that adding
5 requirements to the use of consignment contracts and listing dealer
6 agreements for the sale of manufactured/mobile homes is necessary to
7 protect the interests of homeowners, especially those who are elderly.

8 The legislature intends this act to ensure a transparent
9 transaction between the parties involved in the sale of a used
10 manufactured/mobile home.

11
12 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.70 RCW
13 to read as follows:

14 (1) As used in this section:

15 (a) "Consignment" means an arrangement where a vehicle dealer
16 accepts delivery or entrustment of a vehicle and agrees to sell the
17 vehicle on behalf of another.

18 (b) "Listing agreement" means a contract between a seller of a
19 used manufactured/mobile home and a listing dealer to locate a willing
20 buyer for the used manufactured/mobile home.

21 (2) The consignment contract used under this section must state
22 the agreed upon amount which will be paid to the consignor and the
23 maximum percentage or dollar value of commission to be paid to the
24 listing dealer or other vehicle dealer for the sale of the used
25 manufactured/mobile home.

26 (3) The listing agreement used under this section must state the
27 maximum percentage or dollar value of commission to be paid to the

1 listing dealer or other vehicle dealer for the sale of the used
2 manufactured/mobile home.

3 (4) The listing dealer or other vehicle dealer shall negotiate the
4 purchase agreement between the seller and buyer of the used
5 manufactured/mobile home, which must include the following procedure:

6 (a) All written purchase offers bearing the buyer's signature must
7 immediately be delivered to the seller for acceptance or refusal.

8 (b) The seller accepts the purchase agreement by signing the
9 offer. A copy of the purchase agreement must be delivered to the
10 buyer immediately following the seller signing and accepting the offer
11 as proof that the buyer's purchase offer was accepted.

12 (c) Any counteroffers or amendments to the purchase agreement must
13 also bear the signatures of both the buyer and seller, and copies of
14 the counteroffers or amendments must be delivered to each party.

15 (5) The listing dealer or other vehicle dealer must follow all
16 other requirements under this chapter.

17
18 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.70 RCW
19 to read as follows:

20 A listing dealer or other vehicle dealer of manufactured/mobile
21 homes acting on behalf of a seller for the sale and transfer of a used
22 manufactured/mobile home shall complete and attach to any listing
23 agreement the following notice:

24
25 NOTICE

26
27 The description and physical location of the used
28 manufactured/mobile home to be sold under this listing
29 agreement is
30
31
32
33

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

The commission to be paid to the listing dealer or other vehicle dealer for the sale of the used manufactured/mobile home is

.....
.....
.....

Any changes to the commission to be paid to the listing dealer or other vehicle dealer for the sale of the used manufactured/mobile home must be

Sec. 4. RCW 46.70.028 and 2000 c 131 s 2 are each amended to read as follows:

Dealers who transact dealer business by consignment shall obtain a consignment contract for sale and shall comply with applicable provisions of this chapter ((~~46.70-RCW~~)). The dealer shall place all funds received from the sale of the consigned vehicle in a trust account until the sale is completed, except that the dealer shall pay any outstanding liens against the vehicle from these funds. Where title has been delivered to the purchaser, the dealer shall pay the amount due a consignor within ten days after the sale. However, in the case of a consignment from a licensed vehicle dealer from any state, the wholesale auto auction shall pay the consignor within twenty days. Dealers are also subject to the requirements of sections 2 and 3 of this act.

Sec. 5. RCW 46.70.029 and 2001 c 64 s 8 are each amended to read as follows:

Listing dealers shall transact dealer business by obtaining a listing agreement for sale, and the buyer's purchase of the mobile home shall be handled as dealer inventory. All funds from the

1 purchaser shall be placed in a trust account until the sale is
2 completed, except that the dealer shall pay any outstanding liens
3 against the mobile home from these funds. Where title has been
4 delivered to the purchaser, the listing dealer shall pay the amount
5 due a seller within ten days after the sale of a listed mobile home.
6 A complete account of all funds received and disbursed shall be given
7 to the seller or consignor after the sale is completed. The sale of
8 listed mobile homes imposes the same duty under RCW 46.70.122 on the
9 listing dealer as any other sale. Listing dealers are also subject to
10 the requirements of sections 2 and 3 of this act."

11

Correct the title.

12

13

EFFECT: Removes the prohibition on the use of consignment contracts in the sale of used manufactured/mobile homes. Requires consignment contracts to include the amount to be paid to the consignor and the maximum dollar amount or percentage of commission to be paid to the dealer. Requires that listing agreements state the maximum percentage or dollar amount of commission to be paid to the dealer. Makes necessary language changes based on the new language. Maintains the negotiation procedure and notice requirements for listing dealer agreements.

--- END ---