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SUPREME COURT  
STATE OF WASHINGTON  
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NO. 103722-8

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**SUPREME COURT OF THE STATE OF WASHINGTON**

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LUCID GROUP USA, INC.,

Petitioner,

v.

STATE OF WASHINGTON, DEPARTMENT OF  
LICENSING,

Respondent.

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**RESPONDENT'S RESPONSE TO BRIEF OF AMICI  
CURIAE**

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## **I. ARGUMENT**

In urging this Court to accept review, amici make the case for denying it. Amici's sole argument is that the 25-year-old statutory prohibition on vehicle manufacturers simultaneously operating as vehicle dealers, which was the basis for the Department of Licensing's denial of a vehicle dealer license to Lucid Group USA, Inc., undermines other, more recently-adopted legislation intended to combat climate change. Even accepting the premise that such a policy conflict exists, resolving such conflicts and setting policy priorities is the province of the legislative and executive branches. In other words, it is not an issue of public interest "that should be determined by the Supreme Court." RAP 13.4(b)(4).

Lucid, in its Petition for Review, led with a policy rationale for why the Court should accept review and alter Washington's vehicle dealer laws. Pet. for Review 1, 8-12. Amici offers its own policy rationale for amending the dealer laws, spending the entirety of their brief arguing that

Washington’s Franchise Act undermines the Legislature’s climate policy goals in various ways. They offer no *legal* reasons why this Court should accept review and invalidate the prohibition on direct vehicle sales. Their arguments are, rather obviously, “policy arguments [that] should be ‘addressed to the Legislature, not the courts.’” *Frank Coluccio Constr. Co. v. King Cnty.*, 3 Wn. App. 2d 504, 516, 416 P.3d 756 (2018) (quoting *Blomster v. Nordstrom, Inc.*, 103 Wn. App. 252, 258, 11 P.3d 883 (2000)).

It is the Legislature that must weigh and harmonize competing policy priorities. This Court is the wrong institution to resolve these disputes. “The specter of judicial activism is unloosed and roams free when a court declares, ‘This is what the Legislature meant to do or should have done.’” *Roberts v. Dudley*, 140 Wn.2d 58, 79, 993 P.2d 901 (2000) (Talmadge, J., concurring). Courts “must avoid stepping into the role of the Legislature by actively creating the public policy of

Washington.” *Sedlacek v. Hillis*, 145 Wn.2d 379, 390, 36 P.3d 1014 (2001).

Amici’s arguments in favor of this Court’s review don’t even acknowledge the consumer protection goals the Legislature sought to advance in adopting the Franchise Act. *See* RCW 46.96.010. It simply asks this Court to accept as true that the Franchise Act *in fact* undermines other policy priorities, and that these other legislative priorities must outweigh whatever the dealer laws seek to accomplish. But those arguments about how or whether these laws even conflict were not considered or litigated in the context of this administrative denial of Lucid’s vehicle dealer license. Even if amici could somehow prove now that the Franchise Act undermines Washington’s climate efforts, then “it is the legislature that must act to change course,” not the courts. *Miller v. Dep’t of Revenue*, 27 Wn. App. 2d 415, 439, 532 P.3d 187 (2023).

And indeed, as the Department noted in its Answer to the Petition for Review, the Legislature *has* considered the policies

Lucid and amici advance here, in both past legislative sessions and the current one. Answer to Petition for Review at 21; S.B. 6082, 66th Leg. Reg. Sess. (2020); H.B. 1388, 67th Leg. Reg. Sess. (2021); S.B. 6304, 68th Leg. Reg. Sess. (2024) S.B. 5592, 69th Leg. Reg. Sess. (2025); S.B. 5377, 69th Leg. Reg. Sess. (2025); H.B. 1721, 69th Leg. Reg. Sess. (2025).<sup>1</sup> Each time, the Legislature has declined to amend Washington’s dealer laws.

Ultimately, amici’s arguments only underscore that the issues raised in the Petition should be considered by the Legislature, not the courts. Both Lucid and amici ask this Court to intrude into matters of policy that exceed its institutional competence. The Court should decline the invitation and deny the Petition.

## **II. CONCLUSION**

The Court should deny the Petition for Review.

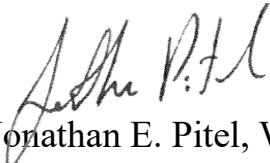
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<sup>1</sup> The Department neglected to cite to H.B. 1721 in its Answer to Petition for Review.

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the document exempted from the word count by RAP 18.17.

RESPECTFULLY SUBMITTED this 2nd day of April,  
2025.

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## PROOF OF SERVICE

I, Michael Sawyer, certify that I caused to be served a copy of **Respondent's Response to Brief of Amici Curiae** on all parties or their counsel of record on the date below as follows:

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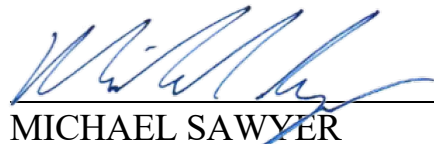
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I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 2nd day of April 2025, in Seattle, Washington.

  
\_\_\_\_\_  
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# AGO/LICENSING AND ADMINISTRATIVE LAW DIV

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## Transmittal Information

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