

# HOUSE BILL REPORT

## HB 1466

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As Passed Legislature

**Title:** An act relating to motorized wheelchair warranties.

**Brief Description:** Regulating motorized wheelchair warranties.

**Sponsors:** Representatives Jacobsen, Wang, Ludwig, G. Cole and Romero.

**Brief History:**

Reported by House Committee on:  
Commerce & Labor, February 24, 1993, DP;  
Passed House, March 10, 1993, 96-0;  
Passed House, January 26, 1994, 92-0;  
Amended by Senate;  
Senate receded;  
Passed Legislature.

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### HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass. Signed by 9 members:  
Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk,  
Ranking Minority Member; Chandler, Assistant Ranking  
Minority Member; Conway; Horn; King; Springer; and Veloria.

**Staff:** Eide Adams (786-7349) and Jim Kelley (786-7166).

**Background:** Washington has a motor vehicle lemon law, which requires a motor vehicle manufacturer to replace or repurchase a nonconforming new motor vehicle if the manufacturer is unable to correct the nonconformity after a reasonable number of attempts.

Other than implied warranties under the Uniform Commercial Code, there is no law which warrants new motorized wheelchairs. There is currently one state, Wisconsin, with a motorized wheelchair lemon law.

**Summary of Bill:** Motorized wheelchair manufacturers are required to furnish at least a one year express warranty to motorized wheelchair consumers. If a manufacturer fails to provide a one year warranty, the motorized wheelchair is covered by an implied warranty. After a reasonable attempt to repair a nonconforming wheelchair, the manufacturer must either replace or refund the nonconforming new motorized

wheelchair. A refund of the motorized wheelchair includes the full purchase price plus finance charges, amount paid by the consumer at the point of sale, and collateral costs, less a reasonable allowance for use. A "reasonable attempt to repair" means either four or more attempts to correct a nonconformity or the motorized wheelchair is out of service for 30 days because of a nonconformity. The reasonable attempt to repair must occur within the warranty period or within one year of delivery of the motorized wheelchair. "Nonconformity" means a condition or defect covered by an express warranty that substantially impairs the use, value, or safety of a motorized wheelchair.

**Fiscal Note:** Requested February 22, 1993.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Motorized wheelchair warranties are needed to protect consumers. Motorized wheelchairs are complex and expensive, costing up to \$20,000. The consumers of motorized wheelchairs are vulnerable and the impact of faulty wheelchairs can impose severe limitations on their lives.

**Testimony Against:** None.

**Witnesses:** Toby Olson, Governor's Council on Disability Issues and Employment (in favor).