

HOUSE BILL REPORT

HB 1466

As Amended by Senate

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.

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.

EFFECT OF SENATE AMENDMENT(S): The striking amendment makes the provisions of the bill apply to all wheelchairs, rather than only motorized wheelchairs.

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).

VOTE ON FINAL PASSAGE:

Yeas 92; Excused 2; Absent 4

Excused: Representatives Riley, Stevens

Absent: Representatives Basich, Dellwo, H. Myers, Wineberry