

FINAL BILL REPORT

HB 1466

C 104 L 94
Synopsis as Enacted

Brief Description: Regulating motorized wheelchair warranties.

By Representatives Jacobsen, Wang, Ludwig, G. Cole and Romero.

House Committee on Commerce & Labor
Senate Committee on Labor & Commerce

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 that warrants new motorized wheelchairs. Wisconsin is the only state that has a motorized wheelchair lemon law.

Summary: 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 the nonconforming new motorized wheelchair or make a refund. A refund 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 at least 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.

Votes on Final Passage:

House	92	0	
Senate	46	0	(Senate amended)
House			(House refused to concur)

Senate 45 0 (Senate receded)

Effective: June 9, 1994