

**SENATE BILL REPORT**

**SB 5140**

**AS OF FEBRUARY 22, 1993**

**Brief Description:** Establishing a measure of damages for a motor vehicle.

**SPONSORS:** Senator Winsley

**SENATE COMMITTEE ON LAW & JUSTICE**

**Staff:** Lidia Mori (786-7755)

**Hearing Dates:** February 23, 1993

**BACKGROUND:**

In an action for damages to a motor vehicle, the determination of damages for repair or replacement is governed by contract, case law, and the Washington Administrative Code's regulations. There is no statute which specifies the determination of damages in a civil action for property damage to a motor vehicle.

Disputes have arisen regarding the type of car an insurance company must provide an insured for temporary use while the insured's car is being repaired or replaced.

**SUMMARY:**

In a legal proceeding where a person is seeking to collect compensation for damage to a motor vehicle, the measure of damages is the reasonable cost of repair or the difference between the value of the vehicle before the damage and the value after the damage, whichever is less, and a reasonable amount for loss of use of the vehicle or the cost of a temporary replacement vehicle, at not less than \$15 per day until the repairs can be completed. When it costs more to repair or replace the damaged vehicle than the vehicle was worth prior to the damage, then damages for the loss of use of the vehicle are limited to a reasonable amount for a replacement vehicle until the defendant makes a reasonable offer.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested