

# HOUSE BILL REPORT

## HB 1702

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### As Passed House:

March 7, 1995

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

**Brief Description:** Regulating wheelchair warranties.

**Sponsors:** Representatives Horn, Romero, Cole, Carlson, Cody, Cooke, Rust, Poulsen, Veloria, Mitchell, Reams, Jacobsen, Fuhrman and Costa.

### Brief History:

#### Committee Activity:

Commerce & Labor: 2/16/95, 2/20/95 [DP].

#### Floor Activity:

Passed House: 3/7/95, 96-0.

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### HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass. Signed by 11 members: Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

**Staff:** Pam Madson (786-7166).

**Background:** In 1994, a law was enacted requiring motorized wheelchair manufacturers 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 motorized wheelchair, a manufacturer must either replace the motorized wheelchair with a comparable new motorized wheelchair or make a refund to the consumer. A refund includes the full purchase price plus finance charges, the 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 at least four attempts to correct a nonconformity, or at least 30 out of service days because of a nonconformity within the warranty period. A "nonconformity" means a condition or defect covered by an

express warranty that substantially impairs the use, value, or safety of a motorized wheelchair.

These provisions do not limit a consumer's rights and remedies under other laws, and in addition a consumer may recover twice the amount of pecuniary loss in an action for damages.

Other than implied warranties under the Uniform Commercial Code, there is no law that warrants new non-motorized wheelchairs.

**Summary of Bill:** The statutory provisions that apply to warranties for motorized wheelchairs are applied to all wheelchairs.

**Appropriation:** None.

**Fiscal Note:** Requested on February 6, 1995.

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

**Testimony For:** Last year a bill passed giving warranties to motorized wheelchairs. This should be extended to cover all wheelchairs.

**Testimony Against:** None.

**Testified:** Michael Doctor, The Arc of Washington State; Michael Rogers; and Cherie R. Tessier, People First of Washington.