

RCW 15.49.091 Mediation—Procedure. (1) To submit a claim for mediation, the buyer shall make and file a sworn complaint against the dealer alleging the damages sustained. The sworn complaint may take the form of a declaration or affidavit. The buyer shall send a copy of the complaint to the dealer by United States registered mail.

(2) Within twenty days after receipt of a copy of the complaint, the dealer shall file with the buyer, by United States registered mail, the answer to the complaint. The answer shall agree to participate in mediation under chapter 7.07 RCW or shall state the dealer's grounds for refusing to engage in such mediation. Failure of a dealer to file a timely answer to the complaint and the request to engage in mediation shall be documented for the record supporting the buyer's option to maintain a legal action for its claim against the dealer.

(3) The parties shall be equally responsible for the mediator's fees unless otherwise agreed between the parties before retaining the mediator.

(4) The mediator must be selected by mutual agreement of the parties from mediators qualified to conduct mediations under chapter 7.07 RCW. The mediation must take place within the part of the state where the buyer conducts the buyer's operations unless otherwise agreed between the parties. [2017 c 33 s 2; 1989 c 354 s 79.]

Effective date—1989 c 354 ss 70-81 and 84-86: See note following RCW 15.49.005.

Severability—1989 c 354: See note following RCW 15.36.012.