

SENATE BILL REPORT

HB 1466

AS PASSED SENATE, FEBRUARY 26, 1994

Brief Description: Regulating motorized wheelchair warranties.

SPONSORS: Representatives Jacobsen, Wang, Ludwig, G. Cole and Romero

HOUSE COMMITTEE ON COMMERCE & LABOR

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass as amended.

Signed by Senators Prentice, Vice Chairman; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Sutherland, Vognild and Wojahn.

Staff: Catherine Mele (786-7470)

Hearing Dates: March 25, 1993; April 1, 1993; February 16, 1994; February 17, 1994

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:

Motorized wheelchair manufacturers must give 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.

SUMMARY OF SENATE AMENDMENT:

The striking amendment makes the provisions of the bill applicable to all wheelchairs.

Appropriation: none

Revenue: none

Fiscal Note: requested

TESTIMONY FOR:

Purchasers of wheelchairs should be provided with warranties because wheelchairs are very costly. Regular wheelchairs can cost up to \$2,000 and motorized wheelchairs cost approximately \$17,000. This bill gives wheelchair users the ability to obtain quick repairs or replacement of wheelchairs. In many instances, a wheelchair provides purchasers with a means to interact with the community and to work. Without a wheelchair that works properly, a disabled person can be without a method of transportation for a long period of time.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Cheryl Marshall, Washington Assembly; Michael Doctor, United Cerebral Palsy Association of Washington; Mike Rogers; Mike Collins, Governor's Committee on Disability Issues and Employment; Richard Watson