

# SENATE BILL REPORT

## HB 1702

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As Reported By Senate Committee On:  
Labor, Commerce & Trade, March 16, 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:** Labor, Commerce & Trade: 3/16/95 [DP].

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### SENATE COMMITTEE ON LABOR, COMMERCE & TRADE

**Majority Report:** Do pass.

Signed by Senators Pelz, Chair; Deccio, Franklin, Fraser, Hale, Newhouse, Palmer and Wojahn.

**Staff:** Erika Lim (786-7488)

**Background:** Motorized wheelchair manufacturers must furnish a one year express warranty to a consumer of a new motorized wheelchair. If no express warranty is furnished, the wheelchair is covered by an implied warranty.

Under the terms of either warranty, a manufacturer must repair any nonconformity reported by a consumer. If a reasonable attempt to repair does not fix the problem, the manufacturer must either replace the wheelchair and pay collateral costs or refund the purchase price plus financing charges and collateral costs, less a reasonable allowance for use. "Nonconformity" is defined as a condition or defect that substantially impairs the use, value, or safety of the motorized wheelchair and that was not caused by the consumer. "Reasonable attempt to repair" is defined as either four attempts to repair the same nonconformity, or when the wheelchair is at least 30 days out of service due to nonconformity.

These provisions do not limit a consumer's rights and remedies under other laws. A consumer who successfully sues for a violation of this chapter is entitled to an award of certain damages.

**Summary of Bill:** Both motorized and nonmotorized wheelchairs are subject to the provisions of this chapter.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Wheelchairs can cost several thousand dollars. This bill will help ensure that wheelchair users, who are often dependent on their wheelchairs, get functioning wheelchairs.

**Testimony Against:** None.

**Testified:** Representative Jim Horn, prime sponsor; Tim Gojio, United Cerebral Palsy Assn. of Washington; Mike Rogers, Michael Doctor, ARC of Washington State, Community Resid. Services Assn.