

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

WASHINGTON STATE ATTORNEY GENERAL'S OFFICE

(Agency name)

Administrative Order No. 88-1

(1) I, Kenneth O. Eikenberry, director of Attorney General

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to: Chapter 19.118 RCW
New Section 44-10-215 Receipt of Resale Information
New Section 44-10-220 Resale of Motor Vehicle Determined or Adjudicated As Having A Serious Safety Defect
New Section 44-10-230 Resale of Motor Vehicle Determined or Adjudicated As Having A Nonconformity
New Section 44-10-240 Warranty Period of Certificate of Correction and Warranty

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on. These rules shall take effect:
[] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).
[] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, Kenneth O. Eikenberry, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is: Chapter 19.118 RCW, commonly known as the Lemon Law, requires specific procedures to be followed for resale of vehicles repurchased or returned to the manufacturers under the Lemon Law. These rules are necessary to ensure uniform compliance with the statutory requirements. Presently, there are no rules that address the resale issue.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

(a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.

[X] (b) This rule is promulgated pursuant to RCW RCW 19.118.061, 19.119.080 which directs that the

Attorney General's Office (agency)

has authority to implement the provisions of Chapter 19.118 RCW (name of act or RCW citation)

[] (c) This rule is promulgated under the general rule-making authority of the

(agency) as authorized in RCW

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED STATE OF WASHINGTON FILED

JAN 20 1988

CODE REVISER'S OFFICE WSR 88 03 064

1-20 19 88 By Kenneth O. Eikenberry Washington State Attorney General Title

NEW SECTION

WAC 44-10-215 RECEIPT OF RESALE INFORMATION

The manufacturer, shall receive, with the Notice of Acceptance, a "Lemon Law Resale Notice", Consumer Disclosure form and an Out-of-State Disposition postcard.

NEW SECTION

WAC 44-10-220 RESALE OF MOTOR VEHICLE DETERMINED OR ADJUDICATED AS HAVING A SERIOUS SAFETY DEFECT.

(1) Resale of a motor vehicle in the State of Washington, pursuant to RCW 19.118.061(1), must conform to the following procedures:

(a) A manufacturer, to whom a motor vehicle with a serious safety defect is returned for replacement or repurchase, shall affix a "Lemon Law Resale Notice" to the lower center of the front windshield of the vehicle in a manner so as to be readily visible from the exterior of such vehicle. The "Lemon Law Resale Notice" will set forth that the vehicle was determined to have a serious safety defect and the specific serious safety defect(s) shall be enumerated. The "Lemon Law Resale Notice" shall be supplied by the Attorney General's Office. The "Lemon Law Resale Notice" may only be removed by the manufacturer or its agent upon receipt of a signed copy of the Consumer Disclosure form.

(b) The Consumer Disclosure form sets forth the specific serious safety defect found in the motor vehicle and outlines the procedures that can be taken pursuant to resale of the vehicle. The purchaser of a motor vehicle must sign the Consumer Disclosure form. The purchaser shall receive a copy of the signed disclosure form. The purchaser shall also receive a copy of the manufacturer's Certificate of Correction and Warranty.

(c) The manufacturer must send a copy of the signed Certificate of Correction and Warranty to the appropriate divisions of the Washington State Department of Licensing and State Attorney General. The Attorney General's Office must also receive a copy of the signed Consumer Disclosure form.

(2) If a motor vehicle is not to be resold in Washington, the manufacturer shall fill out an Out-of-State Disposition postcard indicating the Vehicle Identification Number and the destination State and any other information as may be required by the Attorney General's Office.

NEW SECTION

WAC 44-10-230 RESALE OF MOTOR VEHICLE DETERMINED OR ADJUDICATED AS HAVING A NONCONFORMITY.

(1) Resale of a motor vehicle in the State of Washington, pursuant to RCW 19.118.061(3) and 19.118.061(4), must conform to the following procedures:

(a) A manufacturer, to whom a motor vehicle with a nonconformity is returned for replacement or repurchase, shall affix a "Lemon Law Resale Notice" to the lower center of the front windshield of the vehicle in a manner so as to be readily visible from the exterior of such vehicle. The "Lemon Law Resale Notice" will set forth that the vehicle was determined to have a nonconformity and the specific nonconformity(ies) shall be enumerated. The "Lemon Law Resale Notice" shall be supplied by the Attorney General's Office. The "Lemon Law Resale Notice" may only be removed by the manufacturer or its agent upon receipt of a signed copy of the Consumer Disclosure form.

(b) The Consumer Disclosure form sets forth the specific nonconformity found in the motor vehicle and outlines the procedures that can be taken pursuant to resale of the vehicle. The purchaser of a motor vehicle must sign the Consumer Disclosure form. The purchaser shall receive a copy of the signed disclosure form. The purchaser shall also receive a copy of the manufacturer's Certificate of Correction and Warranty if the manufacturer has corrected the nonconformity.

(c) The manufacturer, if it chooses to correct the nonconformity, must send a copy of the signed Certificate of Correction and Warranty to the appropriate divisions of the Washington State Department of Licensing and State Attorney General. The Attorney General's Office must also receive a copy of the signed Consumer Disclosure form.

(2) If a motor vehicle is not to be resold in Washington, the manufacturer shall fill out an Out-of-State Disposition postcard indicating the Vehicle Identification Number and the destination State and any other information as may be required by the Attorney General's Office.

NEW SECTION

WAC 44-10-240 WARRANTY PERIOD FOR CERTIFICATE OF CORRECTION AND WARRANTY. Any warranty issued pursuant to the provisions of RCW 19.118.061 shall be for the duration of one year from the date of resale or an additional twelve thousand miles from the date of resale, whichever occurs first.