

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

WASHINGTON STATE ATTORNEY GENERAL'S OFFICE

(Agency name)

Administrative Order No. 88-6

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

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

- New Section 44-10-165 Technical Expert Pre-Hearing Inspection Report
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 for 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 requires that the public welfare be safeguarded by disclosure of motor vehicle nonconformities found pursuant to the Lemon Law when such vehicles are resold. The statute further requires a warranty of any correction of nonconformities. The immediate adoption of the rules cited above is necessary to implement the statute and to properly protect the public interest. 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 19.118.061 and 19.118.080 which directs that the

Washington State 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 April 19, 19 88

STATE OF WASHINGTON FILED

By Kenneth O. Eikenberry Attorney General of Washington Title

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CODE REVISER'S OFFICE WSR 88-09-065

NEW SECTION

WAC 44-10-165 TECHNICAL EXPERT PRE-HEARING INSPECTION REPORT. (1) In the event a technical expert is assigned to a dispute and conducts an inspection of the vehicle prior to hearing per WAC 44-10-160(2), any written report or results of such inspection shall be supplied to the parties as soon as it is available.

(2) In the event a technical expert conducts an inspection of the vehicle prior to hearing, said technical expert shall be present at the hearing or shall be available by telephone at the time of hearing, and may be examined by either party or the arbitrator.

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, its agent or motor vehicle dealer to whom a motor vehicle with a serious safety defect is returned, 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, its agent or motor vehicle dealer 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. The motor vehicle dealer shall ensure that the purchaser of a motor vehicle signs the Consumer Disclosure form and that a signed copy is delivered to the Attorney General's Office. The purchaser shall receive a copy of the signed disclosure form.

(c) The manufacturer must ensure that a copy of the signed Certificate of Correction and Warranty is received by the motor vehicle dealer that is to sell the vehicle, the Vehicle Service Division of the Washington State Department of Licensing and the State Attorney General's Office. Upon sale of the vehicle, the motor vehicle dealer shall provide a copy of the Certificate of Correction and Warranty to the consumer.

(2) (a) If a manufacturer delivers a motor vehicle that has been found to have a serious safety defect under the Lemon Law, to a motor vehicle dealer outside of Washington State, the manufacturer shall fill out an Out of State Disposition Postcard indicating the Vehicle Identification Number and the destination state, and send the postcard to the Attorney General's Office.

(b) If a motor vehicle dealer in Washington State has received, for purposes of resale, a motor vehicle that has been found to have a Serious Safety Defect, and such dealer sells, delivers or disposes of such vehicle outside of Washington State, the motor vehicle dealer shall fill out an Out of State Disposition Postcard indicating the Vehicle Identification Number and

destination state, and send the postcard to 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, its agent or motor vehicle dealer to whom a motor vehicle with a nonconformity is returned 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, its agent or motor vehicle dealer 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. The motor vehicle dealer shall ensure that the purchaser of a motor vehicle signs the Consumer Disclosure form and that a signed copy is delivered to the Attorney General's Office. The purchaser shall receive a copy of the signed disclosure form.

(c) The manufacturer, if it chooses to have the nonconformity corrected, must ensure that a copy of the signed Certificate of Correction and Warranty is received by the motor vehicle dealer that is to sell the vehicle, the Vehicle Services Division of the Washington State Department of Licensing and Attorney General's Office. Upon sale of the vehicle, the motor vehicle dealer shall provide a copy of the Certificate of Correction and Warranty to the consumer.

(2) (a) If a manufacturer delivers a motor vehicle that has been found to have a nonconformity under the Lemon Law, to a motor vehicle dealer outside of Washington State, the manufacturer shall fill out an Out of State Disposition Postcard indicating the Vehicle Identification Number and the destination state, and send the postcard to the Attorney General's Office.

(b) If a motor vehicle dealer in Washington State has received, for purposes of resale, a motor vehicle that has been found to have a nonconformity, and such dealer sells, delivers or disposes of such vehicle outside of Washington State, the motor vehicle dealer shall fill out an Out of State Disposition Postcard indicating the Vehicle Identification Number and destination state, and send the postcard to the Attorney General's Office.

NEW SECTION

WAC 44-10-240 WARRANTY PERIOD FOR CERTIFICATE OF CORRECTION AND WARRANTY. Any warranty of a correction of a defect 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.