

2 **SB 6194** - S COMM AMD
3 By Committee on Commerce & Labor

4
5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. Sec. 1. Unless the context clearly requires
8 otherwise, the definitions in this section apply throughout this
9 chapter.

10 (1) "Adjustment program" means a program or policy that expands or
11 extends the consumer's warranty beyond its stated limit or under which
12 a manufacturer offers to pay for all or a part of the cost of
13 repairing, or to reimburse consumers for all or a part of the cost of
14 repairing, a condition that may substantially affect vehicle
15 durability, reliability, or performance, other than service provided
16 under a safety or emission-related recall campaign. "Adjustment
17 program" does not include adjustments made by a manufacturer on a case-
18 by-case basis.

19 (2) "Consumer" means the purchaser, other than for purposes of
20 resale, of a motor vehicle, a lessee of a motor vehicle, a person to
21 whom the motor vehicle is transferred during the duration of an express
22 warranty applicable to the motor vehicle, and a person entitled by the
23 terms of the warranty to enforce the obligations of the warranty.

24 (3) "Manufacturer" means a person engaged in the business of
25 constructing or assembling new motor vehicles or engaged in the
26 business of importing new motor vehicles into the United States for the
27 purpose of selling or distributing new motor vehicles to new motor
28 vehicle dealers.

1 (4) "New motor vehicle" means a new self-propelled vehicle,
2 including a new motorcycle, primarily designed for the transportation
3 of persons or property over the public highways that, after original
4 retail purchase or lease in this state, was initially registered in
5 this state or for which a temporary motor vehicle license was issued
6 pursuant to RCW 46.16.460, but does not include vehicles purchased or
7 leased by a business as part of a fleet of ten or more vehicles. If
8 the motor vehicle is a motor home, this chapter shall apply to the
9 self-propelled vehicle and chassis, but does not include those portions
10 of the vehicle designated, used, or maintained primarily as a mobile
11 dwelling, office, or commercial space. "New motor vehicle" does not
12 include trucks with nineteen thousand pounds or more gross vehicle
13 weight rating. "New motor vehicle" includes a demonstrator or lease-
14 purchase vehicle as long as a manufacturer's warranty was issued as a
15 condition of sale.

16 (5) "New motor vehicle dealer" means a person who holds a dealer
17 agreement with a manufacturer for the sale of new motor vehicles, who
18 is engaged in the business of purchasing, selling, servicing,
19 exchanging, or dealing in new motor vehicles, and who is licensed as a
20 dealer by the state of Washington.

21 (6) "Service bulletin" means a document or other communication
22 issued by a manufacturer pertaining to: (a) An adjustment program; or
23 (b) to a condition that may substantially affect vehicle durability,
24 reliability, or performance."

25 "NEW SECTION. **Sec. 2.** A manufacturer shall establish a
26 procedure in this state whereby a consumer (1) is informed of an
27 adjustment program applicable to the consumer's motor vehicle and (2)
28 is entitled to receive a copy of a service bulletin or index thereof
29 upon request."

1 (1) (INSERT MANUFACTURER'S NAME) HAS ISSUED A SERVICE BULLETIN FOR
2 THE FOLLOWING VEHICLES. (LIST YEAR(S) AND MODEL(S) OF VEHICLE(S).) A
3 SPECIAL ADJUSTMENT PROGRAM MAY PAY ALL OR PART OF THE COST OF CERTAIN
4 REPAIRS BEYOND THE TERMS OF THE WARRANTY.

5 (2) CHECK WITH YOUR DEALER TO DETERMINE WHETHER AN ADJUSTMENT
6 PROGRAM IS APPLICABLE TO YOUR VEHICLE.

7 The first line of each sign shall be in letters not less than one
8 and one-half inch in height and the remaining lines shall be in letters
9 not less than one inch in height."

10 "NEW SECTION. Sec. 7. A manufacturer shall establish and
11 maintain a toll-free telephone system. The system shall provide that
12 after obtaining the consumer's name and address and the vehicle
13 information as is deemed necessary by the manufacturer, the
14 manufacturer's telephone representative shall: (1) Inform the consumer
15 of the existence of any adjustment program which may be applicable to
16 the consumer's motor vehicle; and (2) advise the consumer that upon
17 payment of the specified fee, if any, the consumer may obtain, by mail,
18 a copy of service bulletins or an index thereof. The telephone
19 representative shall furnish the consumer with the manufacturer's
20 address to which requests for the service bulletins or index may be
21 made."

22 "NEW SECTION. Sec. 8. Manufacturers shall implement and follow
23 procedures necessary to assure reimbursement of each consumer who is
24 eligible under a particular adjustment program and who incurred
25 expenses for repair of the condition subject to the program prior to
26 acquiring knowledge of the program. The reimbursement shall be
27 consistent with the terms and conditions of the particular program. A

1 properly documented and complete claim for reimbursement under this
2 chapter shall be made in writing to the manufacturer within two years
3 of the date of the consumer's payment of repairs for the condition. If
4 a claim is submitted which is not properly documented and complete, the
5 two-year period shall be extended for a reasonable length of time
6 necessary to document and complete the claim, but in no case beyond an
7 additional sixty days. The manufacturer shall notify the consumer in
8 writing within twenty-one business days of receiving a claim for
9 reimbursement whether the claim will be allowed or denied. If the
10 claim is denied, the specific reasons for the denial shall be stated in
11 writing."

12 "NEW SECTION. Sec. 9. The fair resolution of adjustment
13 programs is a matter affecting the public interest for the purpose of
14 applying chapter 19.86 RCW. The unfair resolution of adjustment
15 programs is not reasonable in relation to the development and
16 preservation of business. A violation of this chapter constitutes an
17 unfair or deceptive act or practice in trade or commerce for the
18 purpose of applying chapter 19.86 RCW."

19 "NEW SECTION. Sec. 10. Sections 1 through 9 of this act shall
20 constitute a new chapter in Title 19 RCW."

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24 On page 1, line 1 of the title, after "programs;" strike the
25 remainder of the title and insert "and adding a new chapter to Title 19
26 RCW."