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**HOUSE BILL 1184**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Hackney and Duerr; by request of Attorney General  
Prefiled 01/06/23.

1 AN ACT Relating to enacting the used motor vehicles express  
2 warranties act; and adding a new chapter to Title 46 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The definitions in this section apply  
5 throughout this chapter unless the context clearly requires  
6 otherwise.

7 (1) "Manufacturer's warranty" includes an express warranty issued  
8 by the manufacturer of a motor vehicle.

9 (2) "Purchase price" includes the total of all payments made for  
10 the purchase of the vehicle, including finance charges, registration  
11 fees, payments made for credit life, accident, health, and damage  
12 insurance, collision and related comprehensive insurance coverages  
13 and service contracts, and the value of a trade-in.

14 (3) "Reasonable allowance for use" is 15 cents for each mile the  
15 used motor vehicle has been operated between its sale and the  
16 dealer's repurchase.

17 (4) "Repurchase price" includes the purchase price, as defined in  
18 subsection (2) of this section, less any cash award that was made by  
19 the used motor vehicle dealer in an attempt to resolve the dispute  
20 and was accepted by the consumer, and less any refunds or rebates to

1 which the consumer is entitled, plus any incidental damages not  
2 previously reimbursed.

3 (5) "Used motor vehicle" or "used vehicle" includes any vehicle  
4 driven more than the limited use necessary in moving or road testing  
5 a new vehicle prior to delivery to a consumer, including a  
6 demonstrator vehicle, except that it does not include auto homes,  
7 vehicles built primarily for off-road use, motorcycles, or any  
8 vehicle used primarily for business purposes.

9 (6) "Used motor vehicle dealer" includes any person, firm,  
10 association, corporation, or trust, not excluded by RCW  
11 46.70.011(18), engaged in the business of buying, selling, listing,  
12 exchanging, offering, brokering, leasing with an option to purchase,  
13 auctioning, soliciting, or advertising the sale of used vehicles, or  
14 arranging or offering or attempting to solicit or negotiate on behalf  
15 of others, a sale, purchase, or exchange of an interest in used motor  
16 vehicles, irrespective of whether the used motor vehicles are owned  
17 by that person.

18 NEW SECTION. **Sec. 2.** The express warranties required in this  
19 section are of the following durations:

20 (1) For a used motor vehicle which, at the time of sale, has been  
21 operated less than 40,000 miles, 90 days or 3,750 miles, whichever  
22 occurs first.

23 (2) For a used motor vehicle which, at the time of sale, has been  
24 operated 40,000 miles or more, but less than 80,000 miles, 60 days or  
25 2,500 miles, whichever occurs first.

26 (3) For a used motor vehicle which, at the time of sale, has been  
27 operated 80,000 miles or more, but less than 125,000 miles, 30 days  
28 or 1,250 miles, whichever occurs first.

29 (4) If the used motor vehicle's true mileage is not known, the  
30 warranty period is determined by the age of the used motor vehicle in  
31 the following manner: A used motor vehicle three years old or less  
32 shall have a warranty as provided in subsection (1) of this section;  
33 a used motor vehicle more than three, but less than six years old,  
34 shall have a warranty as provided in subsection (2) of this section;  
35 and a used motor vehicle six years old or more shall have a warranty  
36 as provided in subsection (3) of this section. A used motor vehicle's  
37 age is determined by subtracting its model year from the year in  
38 which the warranty holder purchased said used vehicle. In calculating  
39 time under this subsection, a day on which the warranty is breached

1 is excluded and all subsequent days in which the used motor vehicle  
2 fails to conform with the express warranty are also excluded. In  
3 calculating distance under this subsection, the miles driven to  
4 obtain or in connection with the repair, servicing, or testing of the  
5 used motor vehicle that fails to conform with the express warranty  
6 are excluded.

7 NEW SECTION. **Sec. 3.** For the purposes of this chapter, the  
8 express warranty is met if a used motor vehicle is substantially free  
9 of any defects that significantly limits the use of the used motor  
10 vehicle for the ordinary purpose of transportation on any public  
11 highway for the durations set forth in section 2 of this act. A  
12 defect significantly limits the use of the used motor vehicle if the  
13 vehicle cannot be operated with reasonable safety, efficiency, and  
14 comfort.

15 NEW SECTION. **Sec. 4.** If the used motor vehicle remains subject  
16 to a manufacturer's warranty at time of sale, and the warranty has  
17 been duly assigned or transferred to the buyer, the duration of the  
18 express warranty set forth in section 2 of this act is reduced by the  
19 remaining duration of the manufacturer's warranty.

20 NEW SECTION. **Sec. 5.** If the express warranty described in this  
21 chapter is breached, the purchaser shall give reasonable notice to  
22 the used motor vehicle dealer. Before the purchaser exercises any  
23 other remedies, the dealer shall have a reasonable opportunity to  
24 repair the vehicle. The purchaser's payment(s) for repair(s)  
25 described in this section is one-half of the cost of repairs. At no  
26 time, however, shall the purchaser's cumulative payments for  
27 repair(s) exceed \$200.

28 (1) If the used motor vehicle dealer or its agent fails to repair  
29 the same defect after three attempts, the dealer shall accept return  
30 of the vehicle from the purchaser and refund the full repurchase  
31 price, less a reasonable allowance for use.

32 (2) Regardless of the number of defects, if the used motor  
33 vehicle is out of service for a total of 45 days during the warranty  
34 period, the dealer shall accept return of the vehicle from the  
35 consumer and refund the full purchase price, less a reasonable  
36 allowance for use. The 45-day period does not include the time from

1 when the defect manifested and when the purchaser notified the used  
2 car dealer of same.

3 NEW SECTION. **Sec. 6.** (1) An agreement for the sale of a used  
4 motor vehicle by a used motor vehicle dealer is voidable at the  
5 option of the purchaser unless it either contains on its face, or is  
6 accompanied by, the following conspicuous statement printed in bold  
7 faced twelve-point or larger type set off from the body of the  
8 agreement:

9 The seller hereby provides an express warranty covering  
10 certain costs of both parts and labor necessary to repair any  
11 defect that significantly limits the use of this vehicle for  
12 the ordinary purpose of transportation on any public highway.  
13 The warranty shall apply:

14 (1) For a used motor vehicle which, at the time of sale,  
15 has been operated less than 40,000 miles, 90 days or 3,750  
16 miles, whichever occurs first.

17 (2) For a used motor vehicle which, at the time of sale,  
18 has been operated 40,000 miles or more, but less than 80,000  
19 miles, 60 days or 2,500 miles, whichever occurs first.

20 (3) For a used motor vehicle which, at the time of sale,  
21 has been operated 80,000 miles or more, but less than 125,000  
22 miles, 30 days or 1,250 miles, whichever occurs first.

23 (4) If the used motor vehicle's true mileage is not  
24 known, the warranty period is determined by the age of said  
25 used motor vehicle in the following manner: A used motor  
26 vehicle three years old or less has a warranty as provided in  
27 subsection (1) of this form; a used motor vehicle more than  
28 three, but less than six years old, has a warranty as  
29 provided in subsection (2) of this form; and a used motor  
30 vehicle six years old or more has a warranty as provided in  
31 subsection (3) of this form. A used motor vehicle's age is  
32 determined by subtracting its model year from the year in  
33 which the warranty holder purchased the used vehicle.

34 (2) A used motor vehicle dealer may comply with this section by  
35 providing the purchaser at the time of sale with an electronic copy  
36 of this statement, if the purchaser acknowledges receipt of such  
37 statement by electronic signature. If the used motor vehicle dealer  
38 provides the statement in this section to the purchaser

1 electronically, the agreement for the sale of a used motor vehicle  
2 shall include the following conspicuous statement printed in bold  
3 faced twelve-point or large type set off from the body of the  
4 agreement:

5           The seller hereby provides an express warranty covering  
6 certain costs of both parts and labor necessary to repair any  
7 defect that significantly limits the use of this vehicle for  
8 the ordinary purpose of transportation on any public highway,  
9 as set forth in a statement the seller will provide to the  
10 purchaser electronically.

11           (3) The used motor vehicle dealer has the burden to prove by a  
12 preponderance of the evidence that the dealer complied with this  
13 section, if applicable.

14           NEW SECTION.   **Sec. 7.** A used motor vehicle dealer shall disclose  
15 in writing to purchasers at the time of sale the existence of any  
16 open, unremedied recalls. The dealer is deemed to have complied with  
17 the disclosure requirement in this section by providing the purchaser  
18 a paper or electronic copy of a report obtained from the publicly  
19 accessible website safecar.gov, or a successor government website,  
20 based on the vehicle identification number search, the receipt of  
21 which the purchaser acknowledges with a physical or electronic  
22 signature.

23           NEW SECTION.   **Sec. 8.** Except as provided in section 9 of this  
24 act, any agreement entered into by a consumer for the purchase of a  
25 used motor vehicle that the used motor vehicle dealer waives, limits,  
26 or disclaims rights set forth in this chapter is void as contrary to  
27 public policy. The rights extend to a transferee of the used motor  
28 vehicle.

29           NEW SECTION.   **Sec. 9.** This chapter does not apply to any used  
30 motor vehicle that is more than 20 years old at the time of sale, as  
31 determined by subtracting the used motor vehicle's model year from  
32 the year in which it was sold by the used motor vehicle dealer. The  
33 used motor vehicle dealer has the burden of proof by a preponderance  
34 of the evidence that the dealer complied with this section, if  
35 applicable.

1        NEW SECTION.    **Sec. 10.**    This chapter does not apply to any used  
2 motor vehicle sold by a used motor vehicle dealer to a consumer if  
3 the car is not roadworthy and that fact is disclosed in writing at  
4 the time of sale. The used motor vehicle dealer has the burden of  
5 proof by a preponderance of the evidence that the dealer complied  
6 with this section, if applicable.

7        NEW SECTION.    **Sec. 11.**    The express warranty described in this  
8 chapter does not extend to damage that occurs after the sale of the  
9 used motor vehicle and that is the result of any abuse, misuse,  
10 neglect, failure to perform regular maintenance, or to maintain  
11 adequate oil, coolant, or other required fluid or lubricant or off-  
12 road use, racing, or towing. The used motor vehicle dealer has the  
13 burden to prove by a preponderance of the evidence if relying on this  
14 section.

15        NEW SECTION.    **Sec. 12.**    The legislature finds that the practices  
16 covered by this chapter are matters vitally affecting the public  
17 interest for the purpose of applying the consumer protection act,  
18 chapter 19.86 RCW. A violation of this chapter is not reasonable in  
19 relation to the development and preservation of business and is an  
20 unfair or deceptive act in trade or commerce and an unfair method of  
21 competition for purposes of applying the consumer protection act,  
22 chapter 19.86 RCW.

23        NEW SECTION.    **Sec. 13.**    This act may be known and cited as the  
24 used motor vehicles express warranties act.

25        NEW SECTION.    **Sec. 14.**    Sections 1 through 13 of this act  
26 constitute a new chapter in Title 46 RCW.

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