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**SENATE BILL 5610**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Keiser, Frame, Hunt, Kuderer, Pedersen, Stanford, Trudeau, and C. Wilson; by request of Attorney General

Read first time 01/27/23. Referred to Committee on Law & Justice.

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 paid for the purchase of  
10 the vehicle as listed in the sale agreement, plus any commissions  
11 related to financing or finance charges retained by the selling  
12 dealer, unused and refundable registration fees, payments made for  
13 credit life, accident, health, and damage insurance, refundable  
14 portions of service contracts, and the value of a trade-in not  
15 applied to the purchase price of the vehicle and not included as an  
16 over allowance of value on the trade-in.

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

20 (4) "Repurchase price" includes the purchase price, as defined in  
21 subsection (2) of this section, less any cash award that was made by

1 the used motor vehicle dealer in an attempt to resolve the dispute  
2 and was accepted by the consumer, any refunds or rebates to which the  
3 consumer is entitled, the reasonable value of damage to the vehicle  
4 after purchase not covered by this section, plus the reasonable costs  
5 of towing from point of breakdown up to 30 miles to obtain required  
6 repairs or return the vehicle.

7 (5) "Used motor vehicle" or "used vehicle," for the purposes of  
8 this chapter only, includes any vehicle driven more than the limited  
9 use necessary in moving or road testing a new vehicle prior to  
10 delivery to a consumer, including a demonstrator or executive use  
11 vehicle, except that it does not include motor homes, vehicles built  
12 primarily for off-road use, or any vehicle used primarily for  
13 business purposes.

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

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

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

28 (2) For a used motor vehicle which, at the time of sale, has been  
29 operated 40,000 miles or more, but less than 80,000 miles, 60 days or  
30 2,500 miles, whichever occurs first.

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

34 (4) If the used motor vehicle's true mileage is not known, the  
35 warranty period is determined by the age of the used motor vehicle in  
36 the following manner: A used motor vehicle three years old or less  
37 shall have a warranty as provided in subsection (1) of this section;  
38 a used motor vehicle more than three, but less than six years old,  
39 shall have a warranty as provided in subsection (2) of this section;

1 and a used motor vehicle six years old but less than 20 years old  
2 shall have a warranty as provided in subsection (3) of this section.  
3 A used motor vehicle's age is determined by subtracting the date of  
4 first sale, or the model year if unknown, from the date the warranty  
5 holder purchased said used vehicle. In calculating time under this  
6 subsection, a day on which the warranty is breached is excluded and  
7 all subsequent days in which the used motor vehicle fails to conform  
8 with the express warranty are also excluded. In calculating distance  
9 under this subsection, the miles driven to obtain or in connection  
10 with the repair or testing of the used motor vehicle that fails to  
11 conform with the express warranty are excluded.

12 NEW SECTION. **Sec. 3.** For the purposes of this chapter, the  
13 express warranty is met if a used motor vehicle is substantially free  
14 of any defects that significantly limit the use of the used motor  
15 vehicle for the ordinary purpose of transportation on any public  
16 highway for the durations set forth in section 2 of this act. The  
17 parts covered by the express warranty are:

18 (1) Engine. All lubricated parts, water pump, fuel pump,  
19 manifolds, engine block, cylinder head, rotary engine housings, and  
20 flywheel;

21 (2) Transmission. The transmission case, internal parts, and the  
22 torque converter;

23 (3) Drive axle. Front and rear drive axle housings and internal  
24 parts, axle shafts, propeller shafts, and universal joints;

25 (4) Brakes. Master cylinder, vacuum assist booster, wheel  
26 cylinders, hydraulic lines and fittings, and disc brake calipers;

27 (5) Radiator;

28 (6) Steering. The steering gear housing and all internal parts,  
29 power steering pump, valve body, piston, and rack;

30 (7) Alternator, generator, starter, and ignition system,  
31 excluding the battery;

32 (8) Rechargeable battery used to power electric or hybrid  
33 vehicles;

34 (9) Additional parts deemed integral to the safe and reliable  
35 operation of the vehicle adopted by rule by the attorney general.

36 NEW SECTION. **Sec. 4.** If the used motor vehicle remains subject  
37 to a manufacturer's warranty at time of sale, and the warranty has  
38 been duly assigned or transferred to the buyer, the duration of the

1 express warranty set forth in section 2 of this act is reduced by the  
2 remaining duration of the manufacturer's warranty.

3 NEW SECTION. **Sec. 5.** If the express warranty described in this  
4 chapter is breached, the purchaser shall give reasonable notice to  
5 the used motor vehicle dealer. Before the purchaser exercises any  
6 other remedies, the dealer shall have a reasonable opportunity to  
7 repair the vehicle or refund the full repurchase price, less a  
8 reasonable allowance for use. The purchaser's payment(s) for  
9 repair(s) described in this section is one-half of the cost of  
10 repairs. At no time, however, shall the purchaser's cumulative  
11 payments for repair(s) exceed \$200, subject to subsection (3) of this  
12 section.

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

17 (2) Regardless of the number of defects, if the used motor  
18 vehicle is out of service for a total of 45 days during the warranty  
19 period, the dealer shall accept return of the vehicle from the  
20 consumer and refund the full purchase price, less a reasonable  
21 allowance for use. The 45-day period does not include the time from  
22 when the defect manifested and when the purchaser notified the used  
23 car dealer of same.

24 (3) On September 30, 2023, and on each September 30th thereafter,  
25 the attorney general shall calculate an adjusted maximum cumulative  
26 payment for repair, reasonable allowance for use, and minimum  
27 applicable purchase price by increasing the current year's rates by  
28 the rate of inflation. The adjusted maximum rate shall be calculated  
29 to the nearest cent using the consumer price index for urban wage  
30 earners and clerical workers, CPI-W, or a successor index, for the 12  
31 months before each September 1st as calculated by the United States  
32 department of labor. Each adjustment calculated under this subsection  
33 takes effect on the following January 1st.

34 NEW SECTION. **Sec. 6.** (1) An agreement for the sale of a used  
35 motor vehicle by a used motor vehicle dealer is voidable at the  
36 option of the purchaser if the warranty is breached and the dealer is  
37 notified within 10 business days of the date the purchaser knew of  
38 such breach, and the dealer has not provided the following

1 conspicuous statement printed in bold faced 12-point or larger type  
2 set off from the body of the agreement or in a separate document at  
3 the time of sale:

4 If the vehicle you are purchasing is less than 20 years old,  
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 The warranty shall apply:

	<b>Used vehicle mileage</b>	<b>Required warranty term</b>
10		
11	< 40,000 miles	90 days or 3,750 miles
12	40,000 – 79,999 miles	60 days or 2,500 miles
13	80,000 – 124,999 miles	30 days or 1,250 miles
14	125,000 miles or more	No statutory warranty

15 **If the vehicle's true mileage is not known:**

	<b>Year purchased – Model Year</b>	<b>Required warranty term</b>
16		
17		
18	3 years	90 days or 3,750 miles
19	3-6 years	60 days or 2,500 miles
20	6-15 years	30 days or 1,250 miles
21	15 years or older	No statutory warranty

22 (2) The used motor vehicle dealer has the burden to prove by a  
23 preponderance of the evidence that the dealer complied with this  
24 section, if applicable.

25 NEW SECTION. **Sec. 7.** A used motor vehicle dealer shall disclose  
26 in writing to purchasers at the time of sale the existence of any  
27 open, unremedied recalls. The dealer is deemed to have complied with  
28 the disclosure requirement in this section by providing the purchaser  
29 a paper or electronic copy of a report obtained from the publicly  
30 accessible website safecar.gov, or a successor government website,  
31 based on the vehicle identification number search, the receipt of  
32 which the purchaser acknowledges with a physical or electronic  
33 signature.

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

7        NEW SECTION.    **Sec. 9.**    This chapter does not apply to any used  
8 motor vehicle that is more than 20 years old at the time of sale, as  
9 determined by subtracting the used motor vehicle's model year from  
10 the year in which it was sold by the used motor vehicle dealer, any  
11 used motor vehicle sold for a minimum applicable purchase price of  
12 \$1,000 or less or a maximum applicable purchase price of \$100,000 or  
13 more, subject to section 5(3) of this act, or any vehicle sold at  
14 wholesale. The used motor vehicle dealer has the burden of proof by a  
15 preponderance of the evidence that the dealer complied with this  
16 section, if applicable.

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

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

31        NEW SECTION.    **Sec. 12.**    This act may be known and cited as the  
32 used motor vehicles express warranties act.

1        NEW SECTION.    **Sec. 13.**    Sections 1 through 12 of this act  
2    constitute a new chapter in Title 46 RCW.

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