
SUBSTITUTE HOUSE BILL 2536

State of Washington

52nd Legislature

1992 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Heavey, Jones and Haugen; by request of Attorney General)

Read first time 02/07/92.

1 AN ACT Relating to automotive repair; amending RCW 46.71.060,
2 46.71.070, and 46.71.090; adding new sections to chapter 46.71 RCW;
3 repealing RCW 46.71.010, 46.71.020, 46.71.030, 46.71.040, 46.71.043,
4 46.71.047, 46.71.050, and 46.71.065; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that improved
7 communications and accurate representations between automotive repair
8 shops and consumers will considerably increase the likelihood that
9 necessary maintenance, repair, and diagnosis will be effected in a
10 manner that will result in safe and reliable operation of motor
11 vehicles.

12 NEW SECTION. **Sec. 2.** For purposes of this chapter:

1 (1) "Automotive repair shop" or "repair shop" means any person,
2 firm, association, or corporation who for compensation engages in the
3 business of automotive repair or diagnosis, or both, of malfunctions of
4 motor vehicles subject to licensure under chapter 46.16 RCW; and

5 (2) "Automotive repair" includes but is not limited to:

6 (a) All diagnosis and repairs to vehicles subject to chapter 46.16
7 RCW which are commonly performed in a repair shop by a motor vehicle
8 mechanic including the installation, exchange, or repair of mechanical
9 or electrical parts or units for any vehicle or the performance of any
10 electrical or mechanical adjustment to any vehicle; and

11 (b) All work in shops that perform one or more specialties within
12 the automotive repair trade including, but not limited to, body, brake,
13 electrical, exhaust repair or installation, frame, front-end,
14 radiators, tires, transmission, tune-up, and windshield.

15 NEW SECTION. **Sec. 3.** (1) All estimates that exceed seventy-
16 five dollars shall be in writing and include the following information:
17 The name, address, and telephone number of the repair shop; the name,
18 address, and telephone number, if available, of the customer or the
19 customer's designee; the date the vehicle was delivered for repair; the
20 year, make, and model of the vehicle; the vehicle license plate number;
21 the odometer reading of the vehicle; a description of the problem
22 reported by the customer or the specific repairs requested by the
23 customer; and a choice of alternative described in section 5 of this
24 act.

25 (2) Whether or not a written estimate is required, parts and labor
26 provided by an automotive repair shop, including all warranty work,
27 shall be clearly and accurately recorded in writing on an invoice and
28 shall include, in addition to the information listed in subsection (1)
29 of this section, the following information: An itemized list of the

1 repair or maintenance services performed on the vehicle; an itemized
2 list of all parts supplied, identified by name and part number, part
3 kit description or recognized package, and an indication whether the
4 part supplied was other than new, that is, used, reconditioned, or
5 rebuilt; the price per part charged and the total amount charged for
6 all parts; the number of hours of labor charged for the repair work,
7 identified as either flat rate or actual hours worked; the total amount
8 charged for all labor; and the total charge for parts and labor.

9 (3) A copy of the estimate, unless waived, shall be provided to the
10 customer prior to providing parts or labor as required under section 5
11 of this act. A copy of the invoice shall be provided to the customer
12 upon completion of the repairs. One copy of the estimate and the
13 invoice shall be retained, either in hard copy or electronic medium, by
14 the repair shop as required under section 11 of this act.

15 NEW SECTION. **Sec. 4.** (1) Except for parts covered by a
16 manufacturer's warranty, the repair shop shall return replaced parts to
17 the customer at the time the work is completed, if the customer
18 requested the parts at the time of authorization of the repair.

19 (2) If a customer requests the return of a part that must be
20 returned to the manufacturer, distributor, or remanufacturer, or if the
21 part is to be rebuilt by the repair shop, the repair shop shall offer
22 to show the part to the customer at the time the work is completed.
23 The customer shall sign a written acknowledgment that he or she was
24 shown the part.

25 NEW SECTION. **Sec. 5.** (1) Except as provided in subsection (3)
26 of this section, a repair shop shall provide a written price estimate
27 of the cost of all parts and labor necessary for the repair. Prior to
28 providing parts or labor, the automotive repair shop shall provide the

1 customer with a written price estimate including the following
2 disclosure options:

3 YOU ARE ENTITLED TO REQUIRE THE REPAIR SHOP TO OBTAIN YOUR ORAL
4 OR WRITTEN AUTHORIZATION TO EXCEED THE WRITTEN PRICE ESTIMATE.
5 YOUR SIGNATURE OR INITIALS WILL INDICATE YOUR SELECTION.

6 1. Contact me, or a designated person, if the price will exceed
7 this estimate by more than ten percent.
8 DATE:.....

9 2. Contact me, or a designated person, if the price will exceed
10 this estimate by more than \$.....
11 DATE:.....

12 3. I do not want a written estimate.
13 DATE:.....

14 (2) The repair shop may not charge for parts and labor provided
15 which are not a part of the written price estimate and may not charge
16 the customer more than one hundred ten percent, exclusive of retail
17 sales tax, of the total shown on the written price estimate. Neither
18 of these limitations apply if, prior to providing additional parts or
19 labor the repair shop obtains either the oral or written authorization
20 of the customer, or the customer's designee, to exceed the written
21 price estimate. The repair shop or its representative will note on the
22 estimate the date and time of obtaining an oral authorization, the
23 additional parts and labor required, the estimated cost of the
24 additional parts and labor, the name of the employee who obtains the
25 authorization, and the name and telephone number of the person
26 authorizing the additional costs.

27 (3) A written estimate shall not be required when the customer's
28 motor vehicle has been brought to an automotive repair shop's regular
29 place of business without face-to-face contact between the customer and
30 the repair shop. However, prior to providing parts and labor, the
31 repair shop must obtain either the oral or written authorization of the
32 customer or the customer's designee. The repair shop or its

1 representative shall note on the estimate the date and time of
2 obtaining an oral authorization, the parts and labor required, the
3 estimated cost of the parts and labor, the name or identification
4 number of the employee who obtains the authorization, and the name of
5 the person authorizing the repairs.

6 NEW SECTION. **Sec. 6.** (1) An automotive repair shop shall post
7 in a prominent place on the business premises one or more signs,
8 readily visible to customers, in the following form:

9 YOUR CUSTOMER RIGHTS

10 YOU ARE ENTITLED BY LAW TO:

- 11 1. A WRITTEN ESTIMATE FOR REPAIRS WHICH WILL COST MORE THAN
12 SEVENTY-FIVE DOLLARS, UNLESS THERE IS NO FACE-TO-FACE
13 CONTACT BETWEEN YOU AND THE REPAIR SHOP;
- 14 2. RETURN OR INSPECTION OF ALL REPLACED PARTS IF REQUESTED AT
15 TIME OF REPAIR AUTHORIZATION UNLESS COVERED BY WARRANTY OR
16 MANUFACTURER POLICY;
- 17 3. AUTHORIZE ORALLY OR IN WRITING ANY REPAIRS WHICH EXCEED THE
18 ESTIMATED TOTAL PRESALES TAX COST BY MORE THAN TEN PERCENT;
19 AND
- 20 4. AUTHORIZE ANY REPAIRS ORALLY OR IN WRITING IF YOUR VEHICLE
21 IS LEFT WITH THE REPAIR SHOP WITHOUT FACE-TO-FACE CONTACT
22 BETWEEN YOU AND THE REPAIR SHOP PERSONNEL.

23 IF YOU HAVE AUTHORIZED A REPAIR IN ACCORDANCE WITH THE ABOVE
24 INFORMATION YOU ARE EXPECTED TO PAY FOR THE COSTS OF THE REPAIR.

25 (2) An automotive repair shop shall post in a prominent place on
26 the business premises one or more signs, readily visible to customers,
27 in the following form:

28 REPAIR CHARGES

- 29 1. WE CHARGE \$..... PER HOUR FOR REPAIRS USING THE (FLAT
30 RATE) (ACTUAL HOUR) METHOD.
- 31 2. WE DO CHARGE FOR ESTIMATES AND DIAGNOSTICS; IF, AFTER
32 DIAGNOSIS, YOU DECIDE NOT TO HAVE THE REPAIR WORK DONE, YOU
33 WILL BE CHARGED FOR REASSEMBLING YOUR VEHICLE IF NECESSARY.
- 34 WE DO NOT CHARGE FOR ESTIMATES AND DIAGNOSTICS.

1 3. WE CHARGE FOR STORAGE OF VEHICLES AT THE RATE OF \$.....
2 PER DAY. IF YOU DO NOT PICK UP YOUR VEHICLE AFTER BEING
3 NOTIFIED ORALLY OR IN WRITING OF OUR COMPLETION OF REPAIRS,
4 CHARGES WILL START TWENTY-FOUR HOURS FOLLOWING NOTIFICATION
5 OF COMPLETION OF REPAIRS.

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

9 NEW SECTION. **Sec. 7.** An automotive repair shop that fails to
10 comply with the estimate requirements of section 5 of this act is
11 barred from recovering in an action to recover for automotive repairs
12 any amount in excess of one hundred ten percent of the amount
13 authorized by the customer, or the customer's designee, unless the
14 repair shop proves by a preponderance of the evidence that his or her
15 conduct was reasonable, necessary, and justified under the
16 circumstances. In an action to recover for automotive repairs the
17 prevailing party may, at the discretion of the court, recover the costs
18 of the action and reasonable attorneys' fees.

19 NEW SECTION. **Sec. 8.** (1) A repair shop that provides parts or
20 labor which are not a part of the written price estimate, or whose
21 final charges exceed one hundred ten percent of the written price
22 estimate, without the oral or written authorization of the customer, or
23 the customer's designee, required under section 5 of this act, shall be
24 barred from asserting a possessory or chattel lien for the amount of
25 the unauthorized parts or labor upon the motor vehicle.

26 (2) A repair shop that fails to comply with the provisions of
27 section 3 or 4 of this act shall be barred from asserting a possessory
28 or chattel lien for the amount charged for any part used in the repair
29 of the motor vehicle.

1 (3) Subsections (1) and (2) of this section shall not apply to
2 fleet repair or maintenance transactions where the vehicles that are
3 subject to repair are used primarily for business purposes.

4 NEW SECTION. **Sec. 9.** Each of the following acts or practices
5 are considered unfair or deceptive:

6 (1) Advertising or making any statement, directly or by
7 implication, that the repair shop knows, or should have known, to be
8 false, deceptive, or misleading;

9 (2) Materially understating, underestimating, lowballing, or
10 misstating the estimated price of automotive repairs;

11 (3) Misrepresenting the safety or reliability of a vehicle to a
12 customer to induce approval for unnecessary repairs;

13 (4) Making performance of any repair or service contingent upon a
14 customer's waiver of any rights created in this chapter;

15 (5) Representing that repairs have been performed or parts replaced
16 or installed on a vehicle when that is not true;

17 (6) Charging a customer for parts not installed or repairs that
18 have not actually been performed;

19 (7) Unauthorized use or conversion of a customer's vehicle or
20 property;

21 (8) Failing or refusing to provide a customer, upon request, an
22 exact copy, at no charge, of any document signed by the customer;

23 (9) Charging both the customer and the warranty or extended service
24 contract provider for the same covered component, part, or labor.

25 NEW SECTION. **Sec. 10.** The repair shop shall deliver to the
26 customer, with the invoice, a copy of all warranties that apply to
27 parts and labor provided.

1 **Sec. 11.** RCW 46.71.060 and 1982 c 62 s 7 are each amended to read
2 as follows:

3 Every automotive (~~repairman~~) repair shop shall retain and make
4 available for inspection upon request by the customer or the customer's
5 authorized representative true copies of the written price estimates
6 and invoices required under this chapter for at least one year after
7 the date on which the repairs were performed.

8 **Sec. 12.** RCW 46.71.070 and 1982 c 62 s 9 are each amended to read
9 as follows:

10 The legislature finds that the practices covered by this chapter
11 are matters vitally affecting the public interest for the purpose of
12 applying the consumer protection act, chapter 19.86 RCW. Violations of
13 this chapter are not reasonable in relation to the development and
14 preservation of business. A violation of this chapter is an unfair
15 (~~act or practice in violation of~~) or deceptive act in trade or
16 commerce and an unfair method of competition for the purpose of
17 applying the consumer protection act, chapter 19.86 RCW. In an action
18 under chapter 19.86 RCW due to an automotive (~~repairman's~~) repair
19 shop's charging or attempt to charge a customer an amount in excess of
20 one hundred ten percent of the amount authorized by the customer, a
21 violation shall not be found if the automotive (~~repairman~~) repair
22 shop proves by a preponderance of the evidence that (~~his or her~~) its
23 conduct was reasonable, necessary, and justified under the
24 circumstances.

25 Notwithstanding RCW 46.64.050, no violation of this chapter shall
26 give rise to criminal liability under that section.

27 **Sec. 13.** RCW 46.71.090 and 1982 c 62 s 11 are each amended to read
28 as follows:

1 When the department of revenue issues a registration certificate
2 under RCW 82.32.030 to an automotive ((~~repairman~~)) repair shop, it
3 shall give written notice to the person of the requirements of this
4 chapter in a manner prescribed by the director of revenue. The
5 department of revenue shall thereafter give the notice on an annual
6 basis in conjunction with the business and occupation tax return
7 provided to each person holding a registration certificate as an
8 automotive ((~~repairman~~)) repair shop.

9 NEW SECTION. Sec. 14. If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

13 NEW SECTION. Sec. 15. The following acts or parts of acts are
14 each repealed:

15 (1) RCW 46.71.010 and 1982 c 62 s 1 & 1977 ex.s. c 280 s 1;

16 (2) RCW 46.71.020 and 1977 ex.s. c 280 s 2;

17 (3) RCW 46.71.030 and 1982 c 62 s 2 & 1977 ex.s. c 280 s 3;

18 (4) RCW 46.71.040 and 1982 c 62 s 3 & 1977 ex.s. c 280 s 4;

19 (5) RCW 46.71.043 and 1982 c 62 s 4;

20 (6) RCW 46.71.047 and 1982 c 62 s 5;

21 (7) RCW 46.71.050 and 1982 c 62 s 6 & 1977 ex.s. c 280 s 5; and

22 (8) RCW 46.71.065 and 1982 c 62 s 8.

23 NEW SECTION. Sec. 16. Sections 1 through 10 of this act are
24 each added to chapter 46.71 RCW.

25 NEW SECTION. Sec. 17. This act shall take effect January 1,
26 1993.