



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do NOT use for expedited rule making

**Agency:** Washington State Attorney General's Office

**Subject of possible rule making:** The Attorney General has adopted rules regarding the New Motor Vehicle Warranties Act, RCW 19.118, generally known as the "Lemon Law", in 1987, 1988, 1989, 1990, 1992, 1996, 2000, and 2002. The Attorney General is considering amending WAC 44-10 to reflect statutory changes enacted resulting from the passage of SHB 1215, Laws of 2009, Ch. 351. The Attorney General will consider amending the following rules: **See Attachment A.**

**Statutes authorizing the agency to adopt rules on this subject:** RCW 19.118.080(2); RCW 19.118.061.

**Reasons why rules on this subject may be needed and what they might accomplish:** WAC 44-10 must be amended to reflect changes to certain statutory provisions effective July 23, 2009, relating to: (1) arbitration procedures; (2) establishment of new procedures and directions for disclosures for dealer modifications to new motor vehicles; and (3) title requirements imposed on manufacturers upon reacquiring certain new motor vehicles.

Amended rules will assist:

- The Attorney General, New Motor Vehicle Arbitration Board, consumers, manufacturers, and others persons involved in arbitrations by establishing simplified arbitration processes and procedures consistent with RCW 19.118 as amended.
- Manufacturers by establishing clear directions and a process by which the Attorney General can be notified of compliance with new requirements to obtain title to certain manufacturer reacquired defective vehicles consistent with RCW 19.118 as amended.
- Manufacturers and post-manufacturing modifiers of new motor vehicles, including new motor vehicle dealers, by establishing directions and procedures applying new statutory provisions relating to warranty obligations and disclosures consistent with RCW 19.118 as amended.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The Attorney General's Office has sole enforcement and administrative authority under the statute. However, the Department of Licensing collects and processes the arbitration fees and creates the procedures for manufacturers to apply for and obtain title to certain reacquired defective vehicles.

The collection of arbitration fees and regulation of title procedures by the Department of Licensing will not be the subject of this rule making.

All proposed rules relating in any way to a manufacturer's compliance with requirement to obtain title to certain reacquired defective vehicles will be coordinated with the Department of Licensing, including requesting a review and comments.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) The Attorney General's Office will have discussions and exchange drafts of proposed rules with impacted stakeholders including new motor vehicle manufacturers and new motor vehicle dealers through their respective industry associations, consumers, and private attorneys participating in the arbitration process in the last 24 months,.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Interested parties should send comments or suggestions to:

Paul N. Corning, Lemon Law Administrator - Phone/voicemail: (206) 464-6372  
800 Fifth Ave Ste. 2000  
Seattle, Washington 98104

Facsimile transmissions: Attn: Paul N. Corning at (206) 464-6451; Internet electronic mail at [lemon@atg.wa.gov](mailto:lemon@atg.wa.gov)

Requests for invitations to a webinar to be schedule during the CR101 comment period should be sent to [lemon@atg.wa.gov](mailto:lemon@atg.wa.gov)

**DATE**

6/1/09

**NAME (TYPE OR PRINT)**

Rob McKenna

**SIGNATURE**

**TITLE**

Attorney General

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