

(c) Requiring paper products that may be recycled or reused to be purchased if the quality, price, and grade are otherwise equal to other paper products.

(2) The recycled paper content specifications shall be reviewed annually to consider increasing the percentage of recycled paper.

(3) The director of general administration shall report to the legislature about the revision of specifications under this section by the first day of each annual legislative session.

NEW SECTION. Sec. 3. There is added to Title 39 RCW a new section to read as follows:

A governmental unit shall, to the maximum extent economically feasible, purchase paper products which meet the specifications established by the department of general administration under section 2 of this act.

NEW SECTION. Sec. 4. There is added to chapter 39.30 RCW a new section to read as follows:

Any contract by a governmental unit shall require the use of paper products to the maximum extent economically feasible that meet the specifications established by the department of general administration under section 2 of this act.

Passed the House February 2, 1982.

Passed the Senate March 7, 1982.

Approved by the Governor March 26, 1982.

Filed in Office of Secretary of State March 26, 1982.

## CHAPTER 62

[House Bill No. 375]

### AUTOMOTIVE REPAIRS—WRITTEN ESTIMATES—POSTING OF CUSTOMER RIGHTS—APPROPRIATIONS

AN ACT Relating to automotive repair; amending section 1, chapter 280, Laws of 1977 ex. sess. and RCW 46.71.010; amending section 3, chapter 280, Laws of 1977 ex. sess. and RCW 46.71.030; amending section 4, chapter 280, Laws of 1977 ex. sess. and RCW 46.71.040; amending section 5, chapter 280, Laws of 1977 ex. sess. and RCW 46.71.050; amending section 6, chapter 280, Laws of 1977 ex. sess. and RCW 46.71.060; amending section 7, chapter 280, Laws of 1977 ex. sess. and RCW 46.71.070; adding new sections to chapter 46.71 RCW; and making appropriations.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 280, Laws of 1977 ex. sess. and RCW 46.71.010 are each amended to read as follows:

For purposes of this chapter:

(1) "Automotive repairman" means a person who for compensation engages in the business of automotive repairing and/or diagnosing malfunctions of motor vehicles (~~((for compensation))~~) subject to RCW 46.16.010; and

(2) "Automotive (~~((repairing))~~) repairs" includes but is not limited to:

(a) All repairs to vehicles subject to RCW 46.16.010 which are commonly performed in a repair shop by a motor vehicle mechanic including the installation, exchange, or repair of mechanical parts or units for any vehicle or the performance of any electrical or mechanical adjustment to any vehicle; and

(b) All work ~~((performed))~~ in shops that ~~((are limited to any specialty))~~ perform one or more specialties within the automotive repair trade including but not limited to body, frame, front-end, brake repair, transmission, tune-up, and electrical repair work, and muffler installation~~((, and~~

~~(c) "Automotive repairing" should not include the change or repair of tires; the lubrication of vehicles; the installation of light bulbs, batteries, windshield wiper blades, and other minor accessories; the cleansing, adjustment, and replacement of spark plugs; the replacement of fan belts, oil and oil filters; and other minor services which are customarily performed by gasoline service stations)).~~

Sec. 2. Section 3, chapter 280, Laws of 1977 ex. sess. and RCW 46.71-.030 are each amended to read as follows:

Upon request of the customer when the work order is taken, except for parts covered by a manufacturer's warranty, the automotive repairman shall return replaced parts to the customer at the time the work is completed.

If a customer requests the return of a part that must be returned to the manufacturer or distributor under the terms of a warranty agreement, the repairman shall offer to show the part to the customer at the time the work is completed. ~~((The repairman shall show the part to the customer when the work is completed if the customer accepts the offer.))~~ The repairman ~~((shall not be required to))~~ need not show a replaced part when no charge is being made for the replacement part.

Sec. 3. Section 4, chapter 280, Laws of 1977 ex. sess. and RCW 46.71-.040 are each amended to read as follows:

(1) If the price of the automotive repairs is estimated to exceed ~~((fifty))~~ seventy-five dollars and the repairman chooses to preserve any right to assert a possessory or chattel lien or if the customer requests a written price estimate, the automotive repairman shall, prior to the commencement of supplying any parts or the performance of any labor, provide the customer a written price estimate or the following choice of estimate alternatives:

**"YOU ARE ENTITLED TO A WRITTEN PRICE ESTIMATE FOR THE REPAIRS YOU HAVE AUTHORIZED. YOU ARE ALSO ENTITLED TO REQUIRE THE REPAIRMAN TO OBTAIN YOUR ORAL OR WRITTEN ~~((CONSENT))~~ AUTHORIZATION TO EXCEED THE WRITTEN PRICE ESTIMATE. YOUR SIGNATURE OR INITIALS WILL INDICATE YOUR SELECTION.**

1. I request an estimate in writing before you begin repairs. Contact me if the price will exceed this estimate by more than ten percent.

.....

2. Proceed with repairs but contact me if the price will exceed \$.....

3. I do not want a written estimate. .... "

These alternatives shall not be required when the customer's motor vehicle has been brought to the automotive repairman without face-to-face contact between the customer and the automotive repairman or the repairman's representative at the repairman's regular place of business. A repairman is not required to provide a customer with a written price estimate or a choice of estimate alternatives except as required by this subsection.

(2) ~~If the customer signs or initials alternative 1 ((or if none of the alternatives is signed or initialed by the customer)),~~ the automotive repairman shall, prior to supplying any parts or performing any labor, give to the customer a written price estimate for the labor and parts necessary for the specific repair requested. If the customer signs or initials either alternative 2 or 3, no written price estimate is required unless the repairman chooses to preserve any right to assert a possessory or chattel lien. The repairman may not charge for work done or parts supplied which are not a part of the written price estimate and may not charge the customer more than one hundred ten percent, exclusive of retail sales tax, of the total shown on the written price estimate: **PROVIDED,** That neither of these limitations shall apply if, prior to performing the additional labor and/or supplying the additional parts, the repairman obtains either the oral or written authorization of the customer to exceed the written price estimate. The repairman or his agent shall note on the written price estimate the date and time of obtaining an oral authorization.

(3) If the price of the automotive repairs is estimated to be less than seventy-five dollars and, after the repairs commence, it is determined that the final price will exceed this amount, the automotive repairman must obtain the oral or written authorization of the customer to exceed a final price of seventy-five dollars. No repairman may charge a customer more than seventy-five dollars for repairs under this subsection unless authorized orally or in writing by the customer.

**NEW SECTION.** Sec. 4. There is added to chapter 46.71 RCW a new section to read as follows:

An automotive repairman shall post in a prominent place on the business premises one or more signs, readily visible to customers, in the following form:

**YOUR CUSTOMER RIGHTS**  
**ON REQUEST, YOU ARE ENTITLED BY LAW TO:**

- (1) A WRITTEN ESTIMATE OF REPAIRS WHICH WILL COST MORE THAN SEVENTY-FIVE DOLLARS;
- (2) RETURN OR INSPECTION OF ALL REPLACED PARTS; AND
- (3) AUTHORIZE ANY REPAIRS WHICH EXCEED THE ESTIMATED PRICE BY MORE THAN TEN PERCENT.

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

NEW SECTION. Sec. 5. There is added to chapter 46.71 RCW a new section to read as follows:

If an automotive repairman is required by section 3 of this act to provide the customer a written price estimate or a choice of estimate alternatives, the repairman is barred from recovering in an action to recover for automotive repairs any amount in excess of one hundred ten percent of the amount authorized by the customer unless the repairman proves by a preponderance of the evidence that his or her conduct was reasonable, necessary, and justified under the circumstances. In any action to recover for automotive repairs the prevailing party may, in the discretion of the court, recover the costs of the action and a reasonable attorneys' fee.

Sec. 6. Section 5, chapter 280, Laws of 1977 ex. sess. and RCW 46.71-.050 are each amended to read as follows:

A repairman who performs work or supplies parts which are not a part of the written price estimate or which together exceed one hundred ten percent of the written price estimate, without the oral or written ((consent)) authorization of the customer or who is not required by section 3 of this act to provide the customer with a written price estimate or a choice of estimate alternatives shall be barred from asserting a possessory or chattel lien for the amount of the unauthorized parts or labor upon the motor vehicle. A repairman who supplies used, rebuilt, or reconditioned parts in violation of RCW 46.71.020 or who fails or refuses to return replaced parts as required by RCW 46.71.030 shall be barred from asserting a possessory or chattel lien for the amount charged for that replacement part upon the motor vehicle.

Sec. 7. Section 6, chapter 280, Laws of 1977 ex. sess. and RCW 46.71-.060 are each amended to read as follows:

Every automotive repairman shall retain and make available for inspection upon request by the customer or the customer's authorized representative true copies of the written price estimates and invoices required under ((RCW 46.71.020 and 46.71.040)) this chapter for at least one year after the date on which the ((motor vehicle was repaired)) repairs were performed.

NEW SECTION. Sec. 8. There is added to chapter 46.71 RCW a new section to read as follows:

An automotive repairman shall not materially understate or misstate the estimated price of automotive repairs.

Sec. 9. Section 7, chapter 280, Laws of 1977 ex. sess. and RCW 46.71-.070 are each amended to read as follows:

~~((The assertion of a possessory or chattel lien in))~~ A violation of this chapter ((shall be)) is an unfair act or practice ((under)) in violation of the consumer protection act, chapter 19.86 RCW. In an action under chapter 19.86 RCW due to an automotive repairman's charging or attempt to charge a customer an amount in excess of one hundred ten percent of the amount authorized by the customer, a violation shall not be found if the automotive repairman proves by a preponderance of the evidence that his or her conduct was reasonable, necessary, and justified under the circumstances.

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

NEW SECTION. Sec. 10. There is added to chapter 46.71 RCW a new section to read as follows:

Whenever a vehicle license renewal form under RCW 46.16.210 is given to the registered owner of any vehicle, the department of licensing shall give to the owner written notice of the provisions of this chapter in a manner prescribed by the director of licensing.

NEW SECTION. Sec. 11. There is added to chapter 46.71 RCW a new section to read as follows:

When the department of revenue issues a registration certificate under RCW 82.32.030 to an automotive repairman, it shall give written notice to the person of the requirements of this chapter in a manner prescribed by the director of revenue. The department of revenue shall thereafter give the notice on an annual basis in conjunction with the business and occupation tax return provided to each person holding a registration certificate as an automotive repairman.

NEW SECTION. Sec. 12. There is appropriated to the department of licensing from the general fund for the biennium ending June 30, 1983, the sum of eleven thousand seven hundred dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 13. There is appropriated to the department of revenue from the general fund for the biennium ending June 30, 1983, the

sum of two thousand six hundred dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

Passed the House January 21, 1982.

Passed the Senate March 7, 1982.

Approved by the Governor March 26, 1982.

Filed in Office of Secretary of State March 26, 1982.

## CHAPTER 63

[House Bill No. 454]

### VOCATIONAL REHABILITATION—INDUSTRIAL INSURANCE— APPROPRIATIONS

AN ACT Relating to industrial insurance; amending section 51.12.020, chapter 23, Laws of 1961 as last amended by section 3, chapter 128, Laws of 1981 and RCW 51.12.020; amending section 51.12.090, chapter 23, Laws of 1961 as last amended by section 20, chapter 350, Laws of 1977 ex. sess. and RCW 51.12.090; amending section 6, chapter 14, Laws of 1980 and RCW 51.12.110; amending section 51.32.050, chapter 23, Laws of 1961 as last amended by section 42, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.050; amending section 10, chapter 14, Laws of 1980 and RCW 51.32.095; amending section 3, chapter 286, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 231, Laws of 1979 ex. sess. and RCW 51.32.220; amending section 51.36.020, chapter 23, Laws of 1961 as last amended by section 57, chapter 350, Laws of 1977 ex. sess. and RCW 51.36.020; amending section 51.44.040, chapter 23, Laws of 1961 as last amended by section 21, chapter 323, Laws of 1977 ex. sess. and RCW 51.44.040; amending section 51.48.010, chapter 23, Laws of 1961 as last amended by section 69, chapter 350, Laws of 1977 ex. sess. and RCW 51.48.010; amending section 51.48.030, chapter 23, Laws of 1961 as amended by section 64, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.030; amending section 51.52.120, chapter 23, Laws of 1961 as last amended by section 81, chapter 350, Laws of 1977 ex. sess. and RCW 51.52.120; amending section 51.52.130, chapter 23, Laws of 1961 as amended by section 82, chapter 350, Laws of 1977 ex. sess. and RCW 51.52.130; adding a new section to chapter 51.32 RCW; adding a new chapter to Title 51 RCW; making appropriations; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. The purpose of rehabilitation in workers' compensation is to return the injured worker to suitable gainful employment as soon as possible. The policy of the state is to provide early notification and referral of qualified injured workers to vocational rehabilitation services, development of comprehensive rehabilitation plans, and independent review and evaluation of service delivery. This policy shall be implemented with the express intent of assisting the qualified injured worker while avoiding expensive litigation and unnecessary time lost from work.

**NEW SECTION.** Sec. 2. For purposes of this chapter, a "qualified injured worker" means an employee who because of the effects of work-related injury or disease, whether or not combined with the effects of a prior industrial injury or disability:

(1) Is permanently precluded or likely to be precluded from engaging in the usual occupation or position in which the worker was engaged at the time of injury; and