# CHAPTER 6 REPAIR OF CONSUMER GOODS

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## 600 ADMINISTRATION

600.1 The primary responsibility for the administration of the licensing program established pursuant to this chapter shall rest with the Department of Consumer and Regulatory Affairs (which is also referred to in this chapter as the "Department").

600.2 The Department shall perform the following functions:

(a) Conduct investigations and public hearings from time to time to determine the need for regulation of additional repair industry categories;

(b) Establish license classifications for consumer goods repair dealers and supervisory inspectors licensed by this chapter;

(c) Establish, in its discretion, advisory panels for each repair industry category required by this regulation to serve as technical consultants to the Department and to assist in the preparation of competency examinations;

(d) Develop, after appropriate study, a recommended fee system for repair dealer and supervisory inspector licensees for adoption by the Mayor;

(e) Devise and administer a competency examination system for the licensing of supervisory inspectors in each repair industry category or specialty covered by this regulation; and

(f) Establish pursuant to the D.C. Administrative Procedure Act (D.C. Code §1-1501 *et seq.* (1981)), the necessary rules to carry out the provisions of this chapter.

600.3 License classifications established under §600.2(b) shall include the following:

(a) The designation of repair industry specialties within their respective repair industry categories and specific consumer goods repair services within their appropriate specialties; and

(b) The type of repair industry license required by each consumer goods repair dealer and the type of supervisory inspector to be required by each such dealer.

600.4 Each advisory panel established under §600.2(c) shall consist of three (3) members, who shall be appointed by the Mayor from recommendations submitted to the Mayor by the Department.

600.5 Two (2) members of each advisory panel shall be representatives of the relevant repair industry category or specialty, and one (1) member shall not be affiliated with any repair industry category but shall have relevant technical expertise.

600.6 Tenure for advisory panel members shall be determined by the Mayor.

600.7 The fee system developed by the Department shall be devised in accordance with D.C. Code §47-2842 (1981), so that the license fee is commensurate with the cost to the District of the inspection, competency testing, and other regulatory functions required by this chapter. The fee system shall be structured to fairly apportion these costs among the licensees.

600.8 A person who violates any provision of this chapter shall be subject to a fine or imprisonment pursuant to D.C. Code §47-2846 (1981).

**AUTHORITY:** Unless otherwise noted, the authority for this chapter is a Joint Resolution to regulate licenses to proprietors of theatres in the city of Washington, District of Columbia, and for other purposes, approved February 26, 1892.

**SOURCE:** Sections 202 and 203 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

**EDITOR'S NOTE:** Section 2 of the Consumer Goods Repair Board Act of 1977, 23 DCR 8220 (April 22, 1977), abolished the Board of Consumer Goods Repair Services and transferred its functions to the Office of Consumer Protection. Section 2 of the District of Columbia Protection Procedures Act Amendment Act of 1990, D.C. Law 8-234, 28 DCR 296, amended

title 28 of the D.C. Code. The effect of the amendment act was to transfer the functions of the Office of Consumer Protection to the Department of Consumer and Regulatory Affairs.

## 601 COMPETENCY EXAMINATION SYSTEM

601.1 In carrying out the competency examination system function, the Department shall prepare and conduct, at least semi-annually, practical examinations which measure diagnostic and performance ability rather than written and communicative skills.

601.2 Written components in the tests shall be kept to a minimum.

601.3 The content of the examinations shall be determined by the Department with the assistance of the appropriate advisory panels.

601.4 In place of an examination prepared by the Department, the Department may certify the use of privately developed examinations, or other appropriate examinations, for the licensing of supervisory inspectors in any given repair industry category or specialty.

601.5 A competency examination not developed by the Department shall be certified only when it meets the following requirements:

(a) The exam is conducted at least semi-annually in the District;

(b) The exam is approved by the Department as a reliable indicator of performance ability, and is reviewed regularly by the Department; and

(c) The exam is administered with the participation of the Department or according to standards approved by the Department.

601.6 If an examination certified by the Department is wholly or primarily in written form, the Department shall make available a practical examination as specified in §601.1.

601.7 If more than one examination has been made available or certified by the Department, an applicant shall have the option to choose which examination to take.

SOURCE: Section 203(e) of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 602 REPAIR DEALER LICENSE

602.1 Each consumer goods repair dealer who provides repair services in the District in the motor vehicles repair category, pursuant to §611, and each consumer goods repair dealer who provides services in the electronics equipment repair category pursuant to §612, shall obtain a license from the Department pursuant to the provisions of this section.

602.2 At such time as consumer goods repair dealer licensure becomes mandatory in repair industry categories other than the motor vehicle and electronics categories, each consumer goods repair dealer shall be required to secure a separate license for each

repair industry category subject to this chapter and in which the dealer provides repair services.

602.3 If a dealer confines repair services to one (1) or more specialties within a category, that dealer shall be required to secure a license only for each specialty in which the dealer provides repair services.

602.4 If a consumer goods repair dealer operates more than one (1) place of business offering repair services subject to this chapter, the dealer shall obtain a separate consumer goods repair dealer license for each separate place of business.

602.5 Each applicant for a consumer goods repair dealer license shall demonstrate to the Department that the applicant conducts or intends to conduct repair services in the District, and that the applicant has supplied the Department with any other information required by §604 or the Department.

602.6 Each applicant for a consumer goods repair dealer license who employs five (5) or fewer repairmen shall file with the Department a corporate surety bond in the amount of two thousand dollars ($2,000).

602.7 Each applicant dealer who employs more than five (5) repairmen shall file a corporate surety bond in the amount of five thousand dollars ($5,000).

602.8 The corporate surety bond shall serve as protection for any person aggrieved by violation of this chapter, in accordance with the provisions of D.C. Code §47-2844 (1981).

SOURCE: Sections 301(a) and 302 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 603 SUPERVISORY INSPECTOR LICENSE

603.1 Each motor vehicle and electronics equipment repair dealer shall be licensed as a supervisory inspector or shall be required to employ, pursuant to §631, a supervisory inspector who shall be licensed pursuant to the requirements of this section.

603.2 The Department shall establish a program for competency testing and registration of motor vehicles and electronics equipment supervisory inspectors.

603.4 Any individual who has successfully passed the appropriate competency test and has otherwise complied with the licensing requirements for supervisory inspectors shall be designated by the Department as a "Registered Automotive Supervisory Inspector" or a "Registered Electronics Supervisory Inspector," as the case may be, in the appropriate repair industry category or in a designated repair specialty within that category.

603.5 Failure to obtain a license as required by this section and by §602 may be raised as an affirmative defense to any suit brought by a consumer goods repair dealer or supervisory inspector seeking to collect payment for services performed by the dealer or inspector in that person's area of licensure.

603.6 Each applicant for a supervisory inspector license shall demonstrate to the Department, in a manner to be prescribed by the Department, the following:

(a) That the applicant is at least eighteen (18) years of age;

(b) The applicant is physically fit to perform the duties of a supervisory inspector;

(c) The applicant has successfully passed the competency examination administered or certified by the Department under this chapter; and

(d) The applicant is of good moral character.

603.7 An applicant shall be presumed to be of good moral character unless he or she has been convicted of a crime which the Department finds has a substantial relationship to the functions and responsibilities to be performed by a supervisory inspector, and that the applicant has not demonstrated good moral character subsequent to the conviction.

SOURCE: Sections 301(b) and (c), and 303 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 604 APPLICATION FOR LICENSE

604.1 Each applicant for a consumer goods repair dealer or supervisory inspector license shall file with the Department, on a form provided by the Department, an application for licensure.

604.2 Each applicant for a consumer goods repair dealer license shall, in addition, submit to the Department a copy of the "written estimate" and "final bill" forms required by §§633 and 637.

604.3 If there is a change in any information submitted to the Department pursuant to this title, the applicant shall furnish new, corrected information to the Department within twenty (20) days of the change.

604.4 Each application for a consumer goods repair dealer or supervisory inspector license, or for renewal of a license, shall be accompanied by the required license fee, as set by the Mayor pursuant to §600.

SOURCE: Sections 304(a) and (b), and 305 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 605 RENEWAL OF LICENSE

605.1 Each license issued pursuant to this chapter shall be valid for a period of twelve (12) months from the date of issuance.

605.2 Application for renewal of a license, on a form to be provided by the Department, shall be filed with the Department no later than sixty (60) days before the expiration date of the license, accompanied by the license fee required by §604.4.

SOURCE: Section 307 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 606 DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE

606.1 The Board may deny an application for a consumer goods repair dealer or supervisory inspector license, or the renewal of a license, if it finds that the applicant:

(a) Has failed to meet any of the applicable qualifications for licensure provided in §602 (for consumer goods repair dealers) and §603 (for supervisory inspectors);

(b) Was previously the holder of a license issued pursuant to this chapter which has been revoked, and the grounds for revocation have not been removed or remedied;

(c) Has engaged in any of the prohibited conduct specified in §650;

(d) Has failed to comply with an order issued pursuant to §623;

(e) Has intentionally made a false, misleading, or fraudulent statement of material fact in his application.

606.2 Pursuant to §622, the Department may suspend, revoke, or refuse to renew a license issued by it when the licensee has violated any applicable provision of this chapter or has failed to comply with an order issued pursuant to §623.

SOURCE: Sections 306 and 308 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 607 APPOINTMENT OF RESIDENT AGENT

607.1 Each consumer goods repair dealer licensed pursuant to this chapter who is not a resident of the District shall, upon issuance of the license, immediately appoint a resident agent who resides or who has an office in the District, and shall promptly notify the Department of the name and address of the resident agent.

607.2 The Department shall be notified within five (5) days of any change in the appointment of the resident agent.

607.3 All judicial or other legal process intended for the non-resident licensee and related to the scope of this chapter or other laws or regulations relating to consumer goods repair transactions shall be served upon the resident agent.

607.4 If a non-resident consumer goods dealer fails to appoint or maintain a registered agent in the District, or whenever any registered agent cannot with reasonable diligence be found at the agent's office in the District, or whenever the appointment of the agent is revoked and no new agent is named, the Director of Department of Consumer and Regulatory Affairs or the Director's designee (also referred to in this chapter as the "Director") shall be the agent upon whom any process or other legal notice may be served and upon whom any notice or demand required or permitted by law to be served upon that person may be served.

607.5 Service on the Director of any process, notice, or demand shall be made by delivering to and leaving duplicate copies of the process notice, or demand with the Director.

607.7 If the Director is served, the Director shall cause one copy of the process, notice, or demand to be forwarded by certified mail to the last known address of the non-resident consumer goods repair dealer.

607.7 The Director shall keep a record of all processes, notices, and demands served upon the Director under this section and shall record the time of the service and the action taken.

SOURCE: Section 309 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 608 CONDITIONS OF LICENSURE

608.1 No consumer goods repair dealer or supervisory inspector license shall be transferred from the person to whom it was issued.

608.2 A consumer goods repair dealer or supervisory inspector license shall be prominently displayed by the licensee at the licensee's place of business or employment.

SOURCE: Sections 310 and 311 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 609 [RESERVED]

## 610 CLASSIFICATION OF SERVICES

610.1 The Department shall establish definitions and practice and procedure requirements for the repair industry categories of "motor vehicles" and "electronics equipment" in accordance with §§611 and 612.

610.2 The Department shall identify specific consumer goods which fall within the categories set forth in §610.3 and designate, at its discretion, additional repair industry categories for Department investigation and hearings.

610.3 The following repair industry categories shall be subject to investigation and hearings by the Department to determine the need for further regulation:

(a) Major electrical and gas appliances (such as refrigerators and freezers, clothes washers and dryers, ranges and ovens, humidifiers, and room air conditioning units);

(b) Small electrical appliances (such as electric irons, toasters and waffle irons, electric fry pans, food and beverage blenders, coffee makers, hair dryers, electric shavers, small motors, sewing machines, lamps, and electric tools);

(c) Burglar alarms and fire alarms;

(d) Bicycles;

(e) Camera equipment and optical goods;

(f) Clocks and watches;

(g) Furniture;

(h) Garden equipment;

(i) Jewelry;

(j) Musical instruments; and

(k) Safes and locks.

SOURCE: Section 603 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 611 REPAIR OF MOTOR VEHICLES

611.1 The repair industry category designated as "motor vehicles" shall include any passenger vehicle fully or partially powered by an internal combustion engine or an electric motor, and intended primarily as a means of transportation, and shall include trailers which are intended primarily for attachment to passenger vehicles.

611.2 The Department shall establish and publish appropriate technical definitions, practices and procedural requirements consistent with this chapter and designed to assure public safety in the field of automotive repair.

611.3 The Department shall identify motor vehicle repair services to be included within the scope of this chapter, including but not limited to repairing or changing tires; lubrication; installing light bulbs, batteries, windshield wiper blades, and other minor accessories; cleaning, adjusting, and replacing spark plugs; replacing fan belts, oil, and air filters; and other minor services which require mechanical expertise to be performed properly and have given rise to a high incidence of fraud or deceptive practices or involve a part of the motor vehicle essential to its safe operation.

611.4 The Department shall establish repair industry specialties within the category of motor vehicles repair and identify the specific types of motor vehicles repair services to be included in each specialty.

611.5 The Department shall establish definitions of the following automotive repair terms and services, along with other terms and services that the Department may deem appropriate:

(a) Motor: Minimum overhaul, engine overhaul, and tuneup;

(b) Brake System: Brake adjustment and replacement, replace brake drum, turn brake drum, renew drum brake linings, rebuild wheel cylinder, rebuild master cylinder;

(c) Visibility: Replace sealed beam, aim headlights, replace speedometer cable, replace windshield wiper motor;

(d) Steering and Suspension: Replace ball joint, replace shock absorber, replace wheel bearing, balance wheel, front end alignment, recondition power steering gear, replace power steering house;

(e) Exhaust System: Replace tailpipe, replace muffler, replace exhaust pipe;

(f) Ignition System: Replace cable set, replace or clean spark plugs (set), tune-up, replace points and condenser, retiming; and

(g) Fuel System: Replace carburetor, replace fuel pump, replace fuel filter, replace air cleaner.

SOURCE: Section 601 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 612 REPAIR OF ELECTRONICS EQUIPMENT

612.1 There shall be repair industry category designated as "electronics equipment" which shall include television receivers, radios, audio or video tape recorders or players, phonographs, amplifiers, speakers, transmitters, receiver systems, and any associated electronic components normally used or sold for use in the home.

612.2 The Department shall establish repair industry specialties within the electronics equipment repair category (such as TV repair, sound reproduction equipment, etc.) and identify the types of electronics equipment repair services included in each specialty.

612.3 The Department shall establish technical definitions, practices, and procedural requirements consistent with this chapter, including definitions of the following electronics equipment repair terms and services along with others that the Department may deem appropriate:

(a) Service call;

(b) The terms "rebuilt," "reconditioned," and "rejuvenation";

(c) Alignment of television, and picture tube brightener; and

(d) Grades and component description schedules.

SOURCE: Section 602 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 613 - 619 [RESERVED]

## 620 INVESTIGATIONS

620.1 For purposes of administering, or discovering violations of this chapter, the Department shall be authorized to conduct investigations and hearings that it deems necessary.

620.2 The Department may at any time during normal business hours inspect records relating to matters within the scope of this chapter of any person subject to this chapter.

620.3 If the records are located outside the District, a person subject to this chapter shall, at that person's option, either make the records available to the Department at a convenient location within the District or pay the reasonable and necessary expenses for the Department to examine them at the place where they are maintained.

620.4 The Department may designate representatives, including comparable officials of the State in which the records are located, to inspect the records on its behalf.

620.5 Each consumer goods repair dealer shall prepare and maintain, at the appropriate place of business, records on each repair job.

620.7 Records of repair jobs shall be available for inspection by the Department under this section for a minimum period of four (4) years and shall include the following:

(a) A copy of each written estimate, as required by §633;

(b) A copy of each final bill, as required by §637;

(c) The name and address of the customer ordering the repair work;

(d) A description of the article repaired, including type, serial number, or license tag number in the case of motor vehicles, and other information that would reasonably identify the repaired item; and

(e) All changes of significant identifying numbers.

**SOURCE:** Section 401 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 621 COMPLAINT HANDLING PROCEDURES

621.1 A complaint or class of complainants may file with the Director a complaint alleging violation of this chapter; Provided, that no person may file such a complaint with the Department if that person has previously brought that same complaint before a court of law.

621.2 All complaints alleging violation of this chapter which are received by the Department, or any other agency or office of the D.C. government, shall be submitted to the Director for preliminary action.

621.3 If a complaint remains unresolved after mediation by the Department, or when the Department determines that action involving denial, suspension or revocation of a

license or refusal to renew may be appropriate, or when a pattern of complaints arises against a person, the matter shall then be referred, with recommendations for disposition for further action.

SOURCE: Section 402 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 622 DEPARTMENTAL ACTION ON COMPLAINTS

622.1 In response to a complaint filed by a complainant or a class of complainants who failed to obtain relief pursuant to §621, or upon its own initiative, the Department may do any of the following:

(a) Deny, suspend, revoke or refuse to renew any license issued pursuant to this chapter;

(b) Issue a cease and desist order against persons the Department determines to be in violation of this chapter, pursuant to §623; or

(c) Refer the complaint, when the Department determines that immediate legal action may be necessary, to the Corporation Counsel, who shall seek restraining action, including temporary or permanent injunctions, or initiate other appropriate legal action.

622.2 The Department shall provide notice to the applicant or licensee of its intended action and shall notify the applicant or licensee of the right to a hearing relating to Department action authorized by §622.1.

622.3 All hearings conducted by the Department shall be conducted pursuant to chapter 1 of Title 17 of the *D.C. Municipal Regulations* (DCMR) and shall be consistent with the provision of the D.C. Administrative Procedure Act (D.C. Code, Title 1, chapter 15).

622.4 For purposes of hearings held pursuant to this section, the Department shall have the power to issue subpoenas in the name of the Chief Judge of the Superior Court of the District of Columbia to compel witnesses to appear and testify or to produce all books, records, papers or documents before the Department.

SOURCE: Section 403 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 623 CEASE AND DESIST ORDERS

623.1 Upon a finding by the Department that a person is in violation of this chapter, and that the violation has an immediate impact on that person's customers, the Department may issue an order requiring that person to cease and desist from such conduct and to take affirmative action, including restitution equivalent to but not exceeding, the decrease in value of the consumer goods resulting from the violation.

623.2 If the Department determines that a cease and desist order issued under this section has not resulted in corrective action within fifteen (15) days following issuance of the order, the Department shall refer the matter to the Corporation Counsel, and to

other interested District government agents, who shall initiate appropriate legal action.

SOURCE: Section 404 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 624 - 629 [RESERVED]

## 630 GENERAL CONSUMER PROTECTION REQUIREMENTS

630.1 All consumer goods repair dealers shall display a sign, designed and approved by the Department, summarizing the major requirements which govern the consumer goods repair industry in the District. The sign shall be conspicuously posted in the business transaction areas of all repair service facilities.

630.2 Prior to making any home visit for the purpose of making repairs or estimating the cost of repairs, a consumer goods repair dealer shall fully disclose any service charge or other fees which will be imposed whether or not repair services are performed.

630.3 A consumer goods repair dealer may reserve the right to require customers to authorize in writing any substantive changes in or additions to repairs authorized by the customer.

630.4 If there is a dispute between the customer and the consumer goods repair dealer regarding charges, adequacy of service, or compliance with any of the provisions of this chapter, the consumer goods repair dealer shall have a lien by operation of law on the goods, if the customer refuses to pay the charges itemized on the written estimate, until the dispute has been resolved by referral to and action by the Department, as provided in §§620 through 623, unless the customer posts a bond or security according to rules promulgated by the Department.

630.5 If a repair dealer subcontracts repair services on consumer goods or parts of those goods to other consumer goods repair dealers, the original dealer shall be responsible and liable for the quality and adequacy of the subcontracted work and all of the parts involved.

630.6 If a new part is installed in making repairs, the warranty card covering the new part, if any, shall be delivered to the customer by attaching the warranty card to the final bill.

SOURCE: Sections 501, 503, 509, 514, 516 and 517 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 631 SUPERVISORY INSPECTORS

631.1 For each consumer goods repair category or specialty for which a consumer goods repair dealer has been issued a license under this chapter, the dealer shall retain the

services of at least one (1) supervisory inspector licensed under §603 to serve in that category or specialty, except as otherwise provided in this section.

631.2 If a repair dealer is licensed to perform repair services in a single repair industry category which includes several specialties, that dealer need not retain a licensed supervisory inspector licensed in that category if that consumer goods repair dealer employs for each and every specialty in which the dealer provides services a supervisory inspector licensed to serve in that specialty.

631.3 Repair dealers who perform no repair services within their establishments or provide repair services in specific categories only through subcontract with other repair dealers shall not be required to employ or designate supervisory inspectors in those categories.

SOURCE: Section 502 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 632 RECEIVING ITEMS TO BE REPAIRED

632.1 Upon taking possession of goods to be repaired, whether received at a consumer goods dealer location or taken from a home, a consumer goods repairman shall give the customer a receipt fully disclosing the following:

(a) The name, business address, and telephone number of the consumer goods repair dealer (as that information appears on the license) who is taking possession of the goods or whose agent is taking possession of the goods;

(b) The name and signature of the person who actually takes the goods into custody, and the date the item was received for repair; and

(c) A description of the goods, including make and model number or other features that reasonably identify the goods.

632.2 If it is possible to give the customer a written estimate, as defined in §633, or any other document which fully discloses all information required by §632.1 when taking custody of the item, that document may be supplied in lieu of the receipt required by this section.

SOURCE: Section 504 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 633 WRITTEN ESTIMATES

633.1 Prior to initiating any repair work, the consumer goods repair dealer shall provide to the customer a written estimate and receive written authorization from the customer to make repairs on the basis of that written estimate, unless the customer chooses to waive the right to a written estimate prior to authorizing repairs, pursuant to §634.

633.2 The written estimate shall be signed by the customer and the consumer goods repair dealer, or the appropriate supervisory inspector, and shall contain the following:

(a) The name, address, and telephone number of the repair dealer (as shown on the dealer's license) for the specific place of business in which the goods are accepted for repair or to which they will be taken if picked up at a residence or commercial organization;

(b) The name and address of the customer;

(c) Identification and description of the item to be repaired;

(d) The date the item was received for repair (odometer reading for motor vehicles on this date), the date the estimate was issued, and the promised completion date of the repair;

(e) A notation of all malfunctions, as described by the customer;

(f) A notation by the dealer or supervisory inspector of all repairs required to correct the malfunctions described by the customer;

(g) A general description of all repairs authorized by the customer;

(h) A general description of the labor required for the completion of the authorized repairs, and the cost of that labor;

(i) A general description of the parts to be replaced or added to complete the authorized repairs, and the total cost of the parts;

(j) A statement of all additional charges, itemized as follows:

(1) **CHARGE FOR SUPPLYING THE ESTIMATE** (in bold type);

(2) Service call charges;

(3) Service and handling charges;

(4) Tax; and

(5) Other charges;

(k) The total charges to the customer [items (h), (i) and (j) of this subsection] and a form statement that the final bill will not exceed these total charges by more than twenty percent (20%) for repairs costing three hundred dollars ($300) or less, or by more than ten percent (10%) for repairs costing in excess of three hundred dollars ($300), subject to the provisions of §633.3;

(l) The following statement: "Bond Filed with the Department of Consumer and Regulatory Affairs";

(m) The following inscription in bold type: **SAVE THIS DOCUMENT. TO MAKE INQUIRIES, CONTACT THE D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS BETWEEN** (hours of operation) **AT** (address and telephone number);

(n) A form statement and accompanying check-off box whereby the customer may indicate, when signing the estimate or authorizing repairs orally, whether he or she does or does not wish to waive the right to the return of any replaced part; and

(o) A separate waiver section, as specified in §634, whereby the customer may authorized oral communication of the information required on the written estimate by signing his or her initials separately in a designated spot below the waiver option.

633.3 The total cost for repair services shall not exceed the total cost quoted on the estimate (written and, if applicable, oral), by more than twenty percent (20%) for repairs costing three hundred dollars ($300) or less, or by more than ten percent (10%) for repairs costing more than three hundred dollars ($300), unless the customer, subsequent to oral acceptance of an estimate or after signing a written estimate, agrees orally or in writing to modification of the estimated cost beyond the allowable excess.

633.4 Any change in estimated cost agreed to orally by the customer shall be noted by the dealer on the written estimate along with the date, time, and manner in which the agreement to change was reached.

**SOURCE:** Sections 505 and 507 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 634 ORAL COMMUNICATION OF WRITTEN ESTIMATES

634.1 If the customer chooses, the customer may modify the right to receive a written estimate prior to authorizing repairs by signing the separate waiver provision on the written estimate form.

634.2 The waiver of written estimate provision shall be in a form required by the Department and shall provide the customer with the option to authorize repair on the basis of the consumer goods repair dealer's oral communication of the estimated repair cost and the other information required on the written estimate.

634.3 The customer shall exercise the option by signing his or her name and the date in the space provided for waiver option.

634.4 It shall be the responsibility of the customer who signs a waiver to contact the consumer goods repair dealer or supervisory inspector for oral communication of the estimate.

634.5 The waiver of written estimate shall also contain the following:

(a) On the top in bold letters the following statement: **YOU HAVE THE RIGHT TO RECEIVE A WRITTEN ESTIMATE WHICH IS SIGNED BY YOU AND THE DEALER BEFORE REPAIR SERVICES ARE AUTHORIZED AND BEGUN;**

(b) A statement of any charges which will be made in the event that the customer, upon receiving the estimate orally, elects not to proceed with the repairs;

(c) An instruction to the customer to indicate, on the appropriate space on the written estimate form or waiver form, whether he or she does or does not wish to receive the replaced parts; and

(d) The date and time after which storage charges will be imposed if the customer fails to contact the consumer goods repair dealer for oral communication of the estimate.

634.5 Oral communication of the information required on the written estimate shall in no way be considered a substitute for a written estimate.

634.6 If a customer chooses to authorize repairs on the basis of an oral communication, the written estimate required by §633 shall be completed by the dealer at the time of the oral communication and presented to the customer along with the final bill.

634.7 If a customer chooses to authorize repairs on the basis of an oral communication of the information contained on the written estimate, the customer's oral consent shall be sufficient authorization to initiate repairs; Provided, that the date, time, and manner in which the oral consent was received shall be recorded on the written estimate and a copy of the written estimate shall be given to the customer along with the final bill.

SOURCE: Section 506 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 635 EXEMPTIONS FROM ESTIMATE REQUIREMENTS

635.1 The following shall be exempt from the estimate requirements of §§633 and 634:

(a) Repairs, the estimated cost of which is fifteen dollars ($15) or less, including service charges and other miscellaneous items;

(b) Repairs which, because of parts and labor warranty or other reason, are performed at no cost to the customer; and

(c) Repairs performed totally in a residence; Provided that the customer upon calling the consumer goods repair dealer to come to the customer's home, specifically waives the estimate requirement because neither the customer nor an authorized adult agent for the customer will be present in the home when the goods are inspected and repairs performed.

635.2 The final costs for repairs exempt under §635.1(a) shall not exceed the original estimate by more than twenty percent (20%), including tax and other charges.

635.3 The previous waiver of the estimate requirement under §635.1(c) shall be inapplicable if the customer or an agent previously authorized by the customer is present when the goods are inspected for repair.

SOURCE: Section 508 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 636 RETURN OF REPLACED PARTS

636.1 The consumer goods repair dealer shall deliver to the customer in the container in which a new part was packed any part replaced by that new part, unless the customer expressly waives this requirement by so indicating on the written estimate as provided in §§633 and 634.

636.2 Exhibit and tender of a replaced part to the customer is sufficient in the following circumstances:

(a) The part is too large to be easily moved;

(b) The part must be returned to the manufacturer if the customer wishes to take advantage of a parts warranty; or

(c) The part can be rebuilt and the repairman purchases it from the customer for that purpose.

SOURCE: Section 510 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 637 TENDER OF GOODS AND FINAL BILL

637.1 In each repair transaction the consumer goods repair dealer shall present to the customer, at time of return of repaired goods, a properly signed copy of the final bill, as specified in this section.

637.2 If the final bill is on reverse side of the written estimate form or otherwise a part of the written estimate form, items (a), (b), (c), (k) and (l) of the final bill, as itemized in §637.4, need not be repeated in the final bill if they are clearly stated on the written estimate.

637.3 Tender of consumer goods as repaired shall constitute certification by the dealer that the dealer has fulfilled the dealer's obligations according to the provisions of this chapter.

637.4 The final bill shall be a written statement signed by the dealer or appropriate supervisory inspector, and shall contain the following:

(a) The name, address and telephone number of the repair dealer (as stated on the dealer's license) for the specified place of business in which the goods were accepted for repair or to which taken after pick-up at a residence or commercial organization;

(b) The name and address of the customer;

(c) Identification and description of the item repaired;

(d) The date the item was received for repair, the date the estimate was issued, and date on which the repair was completed;

(e) A general notation of each stage of labor required to complete the authorized repairs, the amount of time required to complete each stage, and the total cost of the labor;

(f) An itemization of each part added to or replaced in the repaired goods and a specific disclosure if any parts are rebuilt, used, or reconditioned; a description by name, factory part, number or by name, class and type, of each part added or replaced; and the charges levied for each part added or replaced. No miscellaneous designations (such as "shop supplies" or "shop materials") shall be used;

(g) An itemized statement of all additional charges, including but not limited to charges for supplying an estimate, service calls, storage, service and handling, taxes, and other charges;

(h) Identification of each repairman who performed all or part of the repairs on the consumer goods and identification of the specific stage of repair for which each repairman named was partially or wholly responsible;

(i) A statement identifying any and all work which was subcontracted to any other repair dealer including, when requested by the customer, the name and address of any subcontractors who have performed repair work on all or part of the consumer goods;

(j) A statement describing the exact nature of any warranty on the repairs performed, including labor and parts, unless the warranty is attached to the final bill. If there is no warranty, that fact shall be disclosed;

(k) The statement: "Bond Filed with the Department of Consumer and Regulatory Affairs";

(l) This statement is bold type, on either side of the final bill form: **SAVE THIS DOCUMENT. TO MAKE INQUIRIES, CONTACT THE D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS BETWEEN** (hours of operation) **AT** (address and telephone number); and

(m) This statement in bold type: **ALL LABOR PERFORMED AND PARTS ADDED OR REPLACED WHERE NECESSARY TO PERFORM THE REPAIRS AUTHORIZED BY THE CUSTOMER.**

SOURCE: Section 511 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 638 PROMISED REPAIR COMPLETION DATE

638.1 The consumer goods repair dealer shall make available to the customer the repaired goods, together with the final bill, on or before the promised date specified on the written estimate (or specified orally and noted on the written estimate) unless the customer is notified of a delay, and the new anticipated completion date is provided, in advance of the original date on which the goods were promised.

638.2 If a repair is delayed beyond the promised completion date, the customer shall have the right upon request to prompt return of the goods.

638.3 In requesting a return under §638.2, the customer shall specify whether the goods should be reassembled in such a manner as not to be inferior to their condition at the time they were presented for repair, or in such a lesser condition of assembly as the customer shall designate as acceptable.

638.4 Regardless of the state of assembly of the goods chosen by the customer under §638.3, if the delay is caused solely by circumstances beyond the control of the consumer goods repair dealer, the repair dealer shall be entitled to charge the customer for the value of the services and parts supplied.

638.5 An exact accounting of all services and parts shall be given to the customer.

SOURCE: Section 512 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 639 RETURN OF UNREPAIRED CONSUMER GOODS

639.1 If authorized repairs are not completed because of the repair dealer's inability, unwillingness or failure to perform the repairs or the customer's unwillingness to accept an increase in the cost of repairs beyond the percentage increase allowed in §633, the customer shall have the right to prompt return of the goods with all parts properly reassembled and in a condition which is in no way inferior to the condition of the goods when they were presented for repair.

639.2 If repairs are not completed for any of the reasons set forth in §639.1, there shall be no charge to the customer other than those charges, as specified in the written estimate, which cover such items as the supplying of the estimate, service calls, or storage charges.

639.3 If previously authorized repairs are not completed because of the customer's decision not to proceed with the repairs, for reasons other than the customer's unwillingness to accept an increase in the cost of repairs beyond the percentage allowed in §633, the customer shall have the right to prompt return of the goods; Provided, that whether the customer demands the return of the goods or not, the consumer goods repair dealer shall be entitled to charge the customer for the value of the services and parts supplied.

639.4 An exact accounting of all services and parts shall be given to the customer.

SOURCE: Section 513 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 640 STORAGE CHARGES

640.1 Storage charges may be charged by a consumer goods repair dealer in the following circumstances:

(a) If the customer has been notified of the following:

(1) That repairs have been completed;

(2) The date after which storage charges will begin to accrue; and

(3) The cost of the storage charges;

(b) If the customer has failed to call the dealer for oral communication of an estimate as required in §634; or

(c) If the Department, upon review pursuant to §622, has determined that the dealer is entitled to storage charges.

SOURCE: Section 515 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 641 - 649 [RESERVED]

## 650 PROHIBITED PRACTICES AND CONDUCT

650.1 A licensee shall not make or authorize any written or oral statement which is untrue or misleading; or any oral or written statement which is known to be untrue or misleading, or which by the exercise of reasonable diligence should be known to be untrue or misleading.

650.2 Advertising deemed to be misleading or untrue shall include, but not be limited to, advertising which fails to conform to the requirements of §651.

650.3 A licensee shall not fail or refuse to give the customer a copy of the final bill or any document requiring the customer's signature, as soon as the customer signs the document.

650.4 A licensee shall not commit any act related to the operation of consumer repair services involving dishonesty, fraud, or deceit.

650.5 A licensee shall not follow any course of conduct which constitutes gross negligence.

650.6 A licensee shall not make false promises of a character likely to influence, persuade, or induce a customer to authorize the repair, service, or maintenance of consumer goods.

650.7 A licensee shall not aid or abet an associate, employer, or partner in the commission of any of the acts prohibited under this chapter.

650.8 A licensee shall not condone or affirm the commission by an employee of any act prohibited by this chapter.

650.9 A licensee shall not exhibit a persistent pattern of conduct which departs from or disregards accepted trade standards.

650.10 A licensee shall not fail in any material respect to comply with the applicable provisions of this chapter or the rules adopted pursuant to this chapter.

SOURCE: Section 518 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 651 ADVERTISING BY REPAIR DEALERS

651.1 Advertisements by consumer goods repair dealers shall contain the following information:

(a) The name of the business enterprise, as shown on the license; and

(b) The business telephone number as listed in the local telephone directory.

651.2 The use of words such as "guarantee," "guaranteed," "no-fix-no-pay," or words of like import are prohibited, unless the terms or qualifications are clearly and completely stated, including the disclosure of the following:

(a) The nature and extent of the guarantee as to time, parts, and labor; and

(b) The identity of the guarantor (e.g., surety), clearly identifying whether the consumer goods repair dealer, the manufacturer, the retailer, or any combination of these is the guarantor.

651.3 If terms such as "repaired in the home" are included in an advertisement, that advertisement shall disclose any additional charges for repairs not completed in the home as contemplated.

SOURCE: Sections 519(a), (b) and (c) of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).

## 699 DEFINITIONS

699.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

**Consumer goods** - chattels owned and normally used by an individual for personal, family, or household purposes; and those chattels, normally used for personal, family, or household purposes, which are acquired or used for commercial or business purposes other than for sale or resale.

**Consumer goods repair dealer** - any person who for compensation undertakes to perform or have performed repair services on consumer goods in the District, unless that person performs those services solely in the course of carrying out his or her duties as a salaried employee of an organization or public agency. Persons licensed pursuant to D.C. Code provisions or other federal laws or regulations relating to the rendering of repair services are exempt from this definition unless they perform other repair services not covered by the statute or regulation and are otherwise subject to this chapter.

**Customer** - the person who presents consumer goods for repair cost estimates or repairs, or the person in whose name the written estimate and final bill, as defined in §633 and §637, respectively, of this chapter.

**Director** - the Director of the D.C. Department of Consumer and Regulatory Affairs or the Director's representative, agent, or designee.

**Organization** - a corporation, agency, trust, estate, partnership, cooperative association, or individually owned business.

**Person** - a natural person or an organization.

**Repair industry category** - consumer goods repair services which fall into a broad class or into a category of related consumer goods as established and defined by the Department.

**Repair services** - any kind of activity, including labor, performed or agreed to be performed for compensation involving inspection, pick-up, installation, adjustment, servicing, modification, replacement of parts, or improvement of consumer goods in the District unless that activity is performed in fulfillment of a long-term commercial service contract with a business or commercial organization.

**Repair specialty** - consumer goods repair services which fall into a subcategory of a repair industry category as specified and defined by the Department.

**Supervisory inspector** - a repair technician, service manager, or other employee, agent or independent contractor licensed pursuant to §603 and authorized by a licensed consumer goods repair dealer to ascertain on behalf of that dealer that all work performed on consumer goods by that dealer within the supervisory inspector's repair industry category or specialty has been performed properly, in accordance with accepted standards of that repair industry category or specialty and in conformity with all regulations governing repair services in the District.

SOURCE: Section 101 of the Consumer Goods Repair Regulation, Regulation No. 74-3, 20 DCR 897 (March 26, 1974).