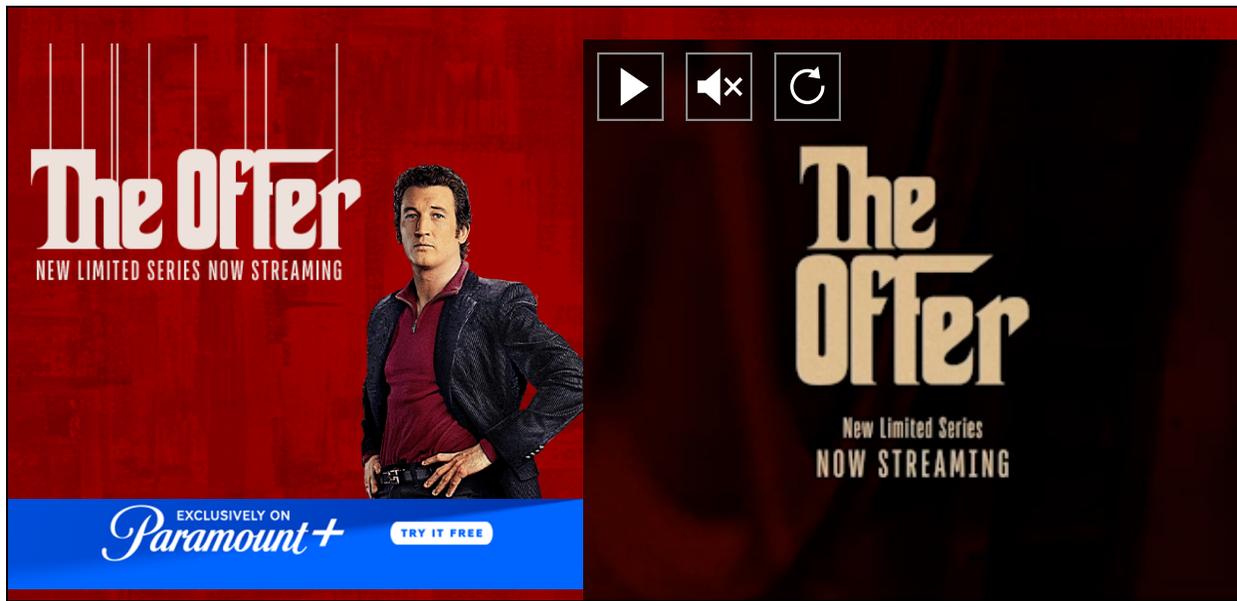


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BUSINESS

# Warranties usually start on purchase date, not delivery date

BY DAVID LAZARUS | COLUMNIST

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For Gavin Yee, it all came down to the eight days between when he purchased a Whirlpool dryer and when it was delivered to his Azusa home.

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was tough luck.

But Yee, 47, felt this was unfair. Had his warranty begun when the dryer was installed, rather than on the purchase date, he'd still be covered.

“What if you’re remodeling your house and don’t receive an appliance for six months?” he asked. “Have you lost half your warranty?”

It's an intriguing question, one that has implications for many corporate warranties. A Google search suggests that beginning coverage on the date of purchase, rather than the delivery date, is the norm for U.S. businesses.

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Federal and California laws say this is a buyer-beware situation. If a warranty states that coverage starts at the time of purchase, there it is.

“Those are the terms,” said Brian Strange, a Los Angeles lawyer who represents businesses in warranty claims. “You’re agreeing to those terms when you make the purchase.”

Dan Warshaw, an L.A. lawyer who represents consumers in class actions, agreed.

“If the manufacturer’s warranty contains language that says the warranty starts from the date of sale rather than the date of delivery, that’s a binding contract,” he said.

“Is it right? It is fair? No,” Warshaw said. “But it’s a contract.”

These contracts clearly favor the manufacturer over the consumer. And U.S. lawmakers appear to have no problem with that.

In Europe, a manufacturer's warranty is required by law to last a minimum of two years, not just one as in the United States. And a European warranty begins when a product is received, not purchased.

Some U.S. businesses do start warranties on the delivery date. Carpet installers, for example, typically operate this way. But for most retail transactions, the clock starts ticking as soon as the cash register closes.

Yee purchased his dryer for about \$900 from a Home Depot in Monrovia on Dec. 28, 2012. It was delivered to his home on Jan. 4, 2013.

He said he repeatedly had to replace a faulty fuse in the machine and purchased a \$40 extended warranty in October 2013, increasing coverage for an additional year.

The extended warranty, as measured from the original purchase date, expired Dec. 28. On Jan. 3, Yee said, the dryer broke down again.

He called Whirlpool and asked that the warranty date be adjusted to the delivery date. A service rep said the company couldn't do that.

"I said, 'What if I bought something and couldn't take delivery for a month? Do I lose a month of my warranty?' They said yes," he said. "That seems really stupid."

Federal law and Federal Trade Commission [rules](#) require that businesses "state certain specified information about the coverage of your warranty in a single, clear and easy-to-read document."

But there's no requirement about the start of coverage, only a presumption that it begins on the purchase date unless otherwise specified.

Under state law, a warranty must be extended for the duration of any time required for a product to be repaired. So if you have to take back a computer, say, for two weeks worth of fixes, your warranty will be extended by two weeks.

That doesn't seem to apply in Yee's case because the fuse in his dryer was replaced each time at his home.

Kristine Vernier, a Whirlpool spokeswoman, said the company's warranty makes clear that coverage begins on the purchase date. She also said that the warranty will end exactly a year later, regardless of when you took possession of your appliance.

"However," Vernier said, "cases are reviewed individually, and Whirlpool Corp. attempts to make considerations based on customers' circumstances."

In Yee's case, it took a service rep only a few seconds to conclude that no special considerations applied.

Lawrence Hutchens, a Bellflower lawyer who handles consumer cases, said businesses feel as if they're calling all the shots with warranties because they're seldom challenged in court.

"How many people would get a lawyer to fight over a \$100 microwave? No one," he said.

"How many lawyers would take such a case? No one."

But he said companies in Whirlpool's position are foolish to squander a customer's goodwill.

"They're being astoundingly stupid, PR-wise, regardless of the law," Hutchens said.

The [FTC says](#) it's up to consumers to read the fine print of warranty documents before making a big-ticket purchase.

“Check the warranty to see when it begins and when it expires, as well as any conditions that may void coverage,” the agency advises.

Also look to see whether the seller or the manufacturer is on the hook for any repairs, and whether a warranty covers both parts and labor.

As for extended warranties, you might want to think twice before splurging on extra coverage. According to Consumer Reports, “products usually don’t break during the two-to-three-year period after the manufacturer’s warranty expires and the service plan is in effect.”

One more tip: Check with your credit card issuer. Many cards automatically extend a manufacturer’s warranty an extra year.

As it happens, Whirlpool decided that Yee was worthy of some special considerations after all — after a little media attention entered the picture. He said the company has changed its mind and is now willing to revise the start of his warranty to the delivery date.

Unfortunately, Yee said, he’s back to square one: He’s still trying to convince the company behind his dryer’s extended warranty, Federal Warranty Service, that it should honor Whirlpool’s decision.

“The merry-go-round just keeps on spinning,” he said.

*David Lazarus’ column runs Tuesdays and Fridays. He also can be seen daily on KTLA-TV Channel 5 and followed on Twitter @Davidlaz. Send your tips or feedback to [david.lazarus@latimes.com](mailto:david.lazarus@latimes.com).*



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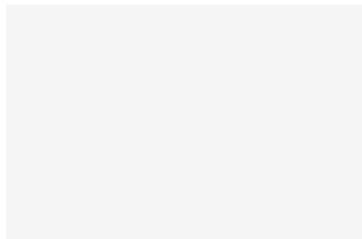


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David Lazarus is a former business columnist for the Los Angeles Times who focused on consumer affairs. He appears daily on KTLA-TV Channel 5. His award-winning work has appeared in newspapers across the country and resulted in a variety of laws protecting consumers.

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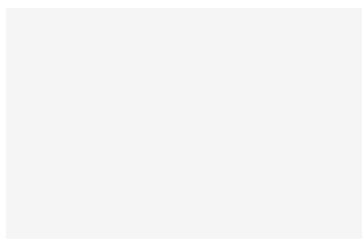
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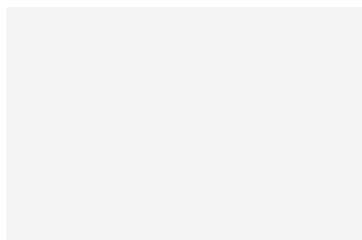
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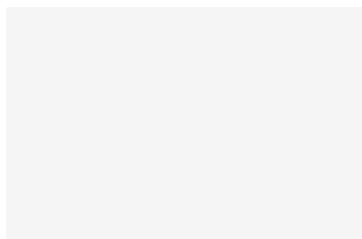
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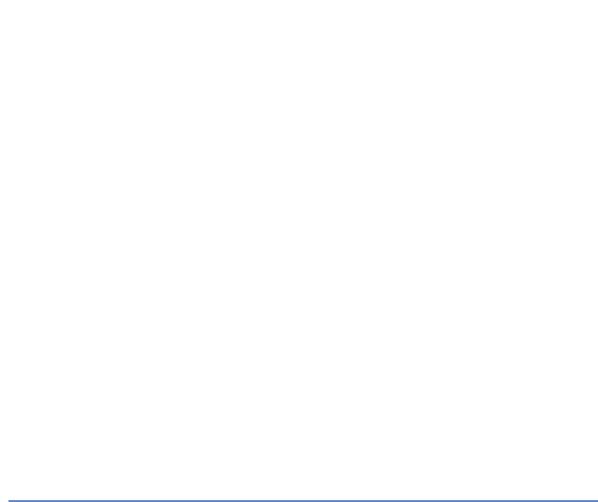
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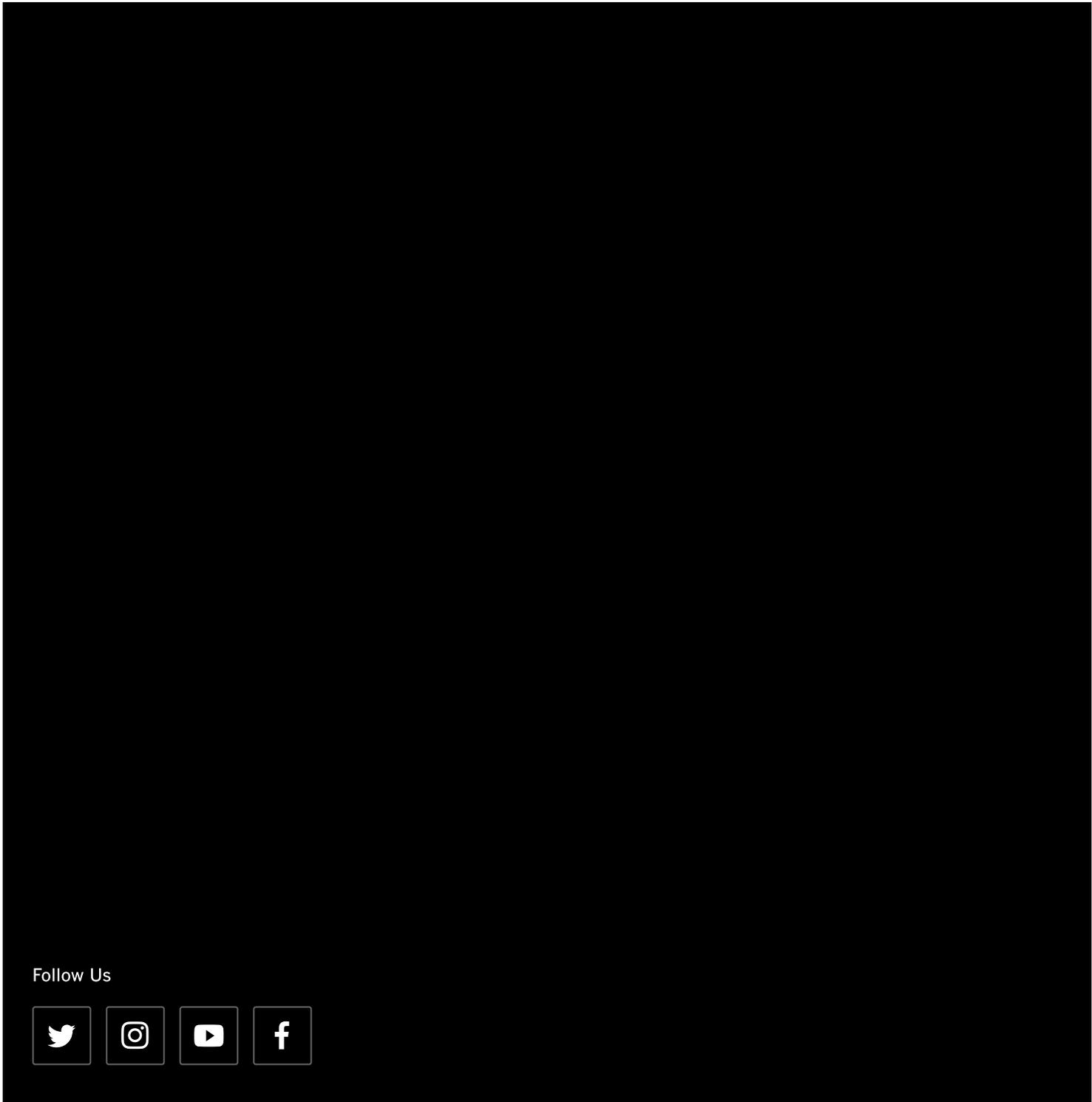
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