

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2748** Session of  
1980

INTRODUCED BY GANNON, HALVERSON, RASCO, MADIGAN, GRUPPO, PERZEL,  
MOWERY, VROON, KOWALYSHYN, MICHLOVIC, DAWIDA AND MURPHY,  
JUNE 18, 1980

REFERRED TO COMMITTEE ON INSURANCE, JUNE 18, 1980

AN ACT

1 Relating to motor vehicle repair practices, prescribing  
2 penalties and providing for damages.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the "Motor  
7 Vehicle Repair Fair Practices Act."

8 Section 2. Refusal to allow insurer to inspect and photograph.

9 (a) It shall be unlawful for any motor vehicle dealership,  
10 repair garage, body shop, specialty shop or service facility to  
11 deny access to, or otherwise prevent inspections and photographs  
12 of any damaged motor vehicle in or on its premises by any  
13 representative of any insurer that has been or may be called  
14 upon to pay for the repair of such damages under the collision  
15 or comprehensive coverage of its insurance policy.

16 (b) Such inspections and photographs may be made only during  
17 regular business hours.

1 Section 3. Failure to repair in accordance with agreement.

2 It shall be unlawful for any person to knowingly fail to  
3 install the kind, quality and quantity of parts or perform  
4 corrective or repair operations upon any motor vehicle, all as  
5 agreed upon in writing with the insurer, or if uninsured, with  
6 the vehicle owner, without first obtaining the approval of the  
7 insurer or owner with whom the original repair agreement was  
8 made and without appropriate adjustment in the final bill.

9 Section 4. Attempts to conceal deductibles.

10 It shall be unlawful for any person to overstate, in any  
11 estimate or bill for motor vehicle repairs done, or to be done,  
12 the true, reasonable and proper charge for such repair, in order  
13 to conceal any deductible provided for under any insurance  
14 contract.

15 Section 5. Illusory estimates.

16 It shall be unlawful for any person to create the illusion of  
17 competitive estimates by preparing separate estimates for the  
18 repair of the same motor vehicle on separate letterheads or  
19 other separate stationery of separate business entities, whether  
20 or not under common or related ownership or management.

21 Section 6. Penalties.

22 Any person who violates sections 2, 3, 4 or 5 shall:

23 (1) for the first offense, be sentenced to pay a fine of  
24 not more than \$200;

25 (2) for the second offense, be sentenced to pay a fine  
26 of not more than \$500, or to undergo imprisonment for a term  
27 of not more than 60 days or both; and

28 (3) for the third or subsequent offense, be sentenced to  
29 pay a fine of not more than \$1,000 and to undergo  
30 imprisonment for a term of not more than six months.

1 Section 7. Damages.

2 Any insurer or owner of a motor vehicle may recover from any  
3 person who violates this act civil damages up to the amount of  
4 any excessive charge paid as a result of this violation, plus  
5 costs and attorney fees.

6 Section 8. Severability.

7 If any provision of this act or the application thereof to  
8 any person or circumstances is held invalid, such invalidity  
9 shall not affect other provisions or applications of the act  
10 which can be given effect without the invalid provision or  
11 application, and to this end the provisions of this act are  
12 declared to be severable.

13 Section 9. Effective date.

14 This act shall take effect in 60 days.