
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

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YOUNGBLOOD, MARCH 12, 2001

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 12, 2001

AN ACT

1 Regulating auto body repair facilities; establishing and
2 conferring powers and duties on the Auto Body Repair Board;
3 providing for and establishing fees for the licensing of auto
4 body repair facilities; providing for enforcement; and
5 establishing penalties for violations.

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20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 CHAPTER 1

23 PRELIMINARY PROVISIONS

24 Section 101. Short title.

25 This act shall be known and may be cited as the Auto Body
26 Repair Act.

27 Section 102. Definitions.

28 The following words and phrases when used in this act shall
29 have the meanings given to them in this section unless the
30 context clearly indicates otherwise:

1 "Board." The Auto Body Repair Board established in section
2 301.

3 "Department." The Department of State of the Commonwealth
4 acting through the Commissioner of Professional and Occupational
5 Affairs.

6 Section 103. Applicability.

7 This act does not apply to:

8 (1) Employees of the Federal, State or county
9 governments.

10 (2) Employees of a commercial or business enterprise who
11 engage in auto body repair if the repairs are performed on
12 vehicles owned, maintained and operated exclusively by such
13 commercial or business enterprise and which are not leased or
14 rented to others.

15 CHAPTER 3

16 AUTO BODY REPAIR BOARD

17 Section 301. Auto Body Repair Board.

18 There is hereby established within the Department of State
19 the Auto Body Repair Board. The following shall apply:

20 (1) The board shall consist of seven members as follows:

21 (i) The Commissioner of Professional and
22 Occupational Affairs.

23 (ii) The Director of the Bureau of Consumer
24 Protection in the Office of Attorney General.

25 (iii) Two members connected with the auto body
26 repair industry.

27 (iv) Three members not connected with the auto body
28 repair industry.

29 (2) Members under paragraph (1)(iii) and (iv) shall be
30 appointed by the Governor with the advice and consent of a

majority of the members elected to the Senate.

(3) The board shall annually elect one of its members chairman.

(4) Members of the board shall not receive compensation for their services but shall be reimbursed for necessary expenses incurred in the performance of their duties.

Section 302. Powers and duties of board.

In addition to other powers and duties established by this act, the board shall:

(1) Establish such qualifications for the licensing of auto body repair facilities as may be necessary for the welfare of the public and the auto body repair industry, provided that no facility shall be licensed as an auto body repair facility without first receiving certification as provided by this act.

(2) Inquire into the practices and policies of the auto body repair industry and make such regulations with respect to such practices and policies as may be deemed important and necessary by the board for the welfare of the public and the auto body repair industry.

(3) Make, amend and repeal such regulations, not inconsistent with this act, as the board deems appropriate for effectuating the purpose of this act and for insuring the welfare of the public.

(4) Enforce this act and regulations adopted pursuant to this act.

Section 303. Executive secretary; other personnel.

The department may employ and remove such administrative, clerical, investigative and auditing personnel as the board may require and as may be necessary to carry out this act. The

1 department may prescribe the powers and duties of such
2 personnel.

3 (1) The department shall employ an executive secretary
4 of the board, who shall be employed with due regard to his
5 fitness, thorough administrative ability and knowledge of and
6 experience in auto body repair.

7 (2) The executive secretary shall, under the supervision
8 of the board:

9 (i) Administer this act and the regulations and
10 orders established pursuant to this act and perform such
11 other duties as the board or this act may require.

12 (ii) Attend but not vote at all meetings of the
13 board.

14 (iii) Be in charge of the offices of the board and
15 be responsible to the board for the preparation of
16 reports and the collection and dissemination of data and
17 other public information relating to the auto body repair
18 industry.

19 (3) The board may, by written order filed in its office,
20 delegate to the executive secretary any of its powers or
21 duties as it deems reasonable and proper for the effective
22 administration of this act, except the power to make
23 regulations. The delegated powers and duties shall be
24 exercised by the executive secretary in the name of the
25 board.

26 Section 304. Collection of evidence; complaints; spot checks.

27 The board shall, on its own initiative or in response to
28 complaints, investigate on a continuous basis and gather
29 evidence of violations of this act, and of any rule or
30 regulation adopted pursuant to this act, by any auto body repair

1 facility, whether licensed or not.

2 CHAPTER 5

3 LICENSURE

4 Section 501. Licensure required.

5 Beginning two years after the effective date of this act, it
6 shall be unlawful for any person to engage in auto body repair
7 for compensation without being licensed as an auto body repair
8 facility in accordance with this chapter.

9 Section 502. Powers to classify and limit licensure.

10 (a) General rule.--The board shall adopt regulations
11 necessary to effect the classification of auto body repair
12 facilities in a manner consistent with this act and shall limit
13 the auto body repair activities of a licensee to those areas for
14 which the licensee is certified. Facilities shall be licensed in
15 accordance with the following classifications:

16 (1) Facilities capable of performing total in-house
17 repairs.

18 (2) Facilities without frame equipment, but capable of
19 performing all nonstructural body repairs, including
20 nonstructural welding.

21 (3) Facilities capable of bolting on parts, but not
22 equipped with frame machines or paint booths.

23 (b) Multiple classifications.--An applicant may be licensed
24 in more than one classification if the applicant meets the
25 qualifications for licensure in an additional classification as
26 prescribed by the board. If the applicant is licensed in more
27 than one classification, the licensee shall pay the license fee
28 for a single classification and shall not be required to pay an
29 additional license fee.

30 Section 503. Fees; biennial renewals.

1 (a) Amount.--The fees for each original biennial license and
2 renewal thereof shall be \$100.

3 (b) Operation.--

4 (1) Any auto body repair business that maintains more
5 than one auto body repair facility shall separately license
6 each repair facility and pay a fee for each facility.

7 (2) The renewal fee shall be paid to the board on or
8 before June 30 of each even-numbered year. Failure, neglect
9 or refusal of any licensee to pay the biennial renewal fee
10 before such date shall constitute a forfeiture of the
11 license. A forfeited license may be restored upon written
12 application within one year and payment of the required fee
13 plus a penalty of 50% of the fee.

14 Section 504. Facility employees.

15 Technicians employed by an auto body repair facility shall
16 possess the skills and knowledge necessary to perform auto body
17 repairs consistent with the level of facility licensure, as
18 prescribed by the board.

19 Section 505. Display of certificate.

20 The board shall provide to each licensed facility a
21 certificate, which shall be posted in a prominent place at its
22 place of business.

23 CHAPTER 7

24 GENERAL REGULATION

25 Section 701. Invoices; supplying used parts; customer's copy.

26 All work done by an auto body repair facility shall be
27 recorded on an invoice and shall describe all service work done
28 and parts supplied. Service work and parts shall be listed
29 separately on the invoice, which shall also state separately the
30 subtotal prices for service work and for parts, and shall state

1 separately the tax, if any, applicable to parts and service
2 work. The following shall apply:

3 (1) If any used, rebuilt or reconditioned parts are
4 supplied, the invoice shall clearly state that fact.

5 (2) If a part of a component system is composed of new
6 and used, rebuilt or reconditioned parts, the invoice shall
7 clearly state that fact.

8 (3) One copy of the invoice shall be given to the
9 customer and one copy shall be retained by the auto body
10 repair facility.

11 Section 702. Return of replaced parts; exceptions.

12 Upon request of the customer at the time the work order is
13 taken, the auto body repair facility shall return replaced parts
14 to the customer at the time of the completion of the work,
15 excepting such parts as may be exempt from this requirement by
16 rule of the board because of size, weight or other similar
17 factors, and excepting parts that the auto body repair facility
18 is required to return to the manufacturer or distributor under a
19 warranty arrangement. If parts must be returned to the
20 manufacturer or distributor, the facility at the time the work
21 order is taken shall offer to show and, upon acceptance of the
22 offer, shall show the parts to the customer upon completion of
23 the work, except that the facility shall not be required to show
24 a replaced part when no charge is being made for the replacement
25 part.

26 Section 703. Estimate for labor and parts.

27 The auto body repair facility shall give the customer a
28 written estimated price for labor and parts necessary for a
29 specific job prior to commencement of the job, except that a
30 written estimated price need not be given if waived in writing

1 by the customer. No charge in excess of 15% of the estimated
2 price, if the estimated price is less than \$100, or 10% of the
3 estimated price, if the estimated price is in excess of \$100,
4 shall be charged for parts and labor supplied in excess of the
5 estimated price, without the prior written or oral consent of
6 the customer. Such consent shall be obtained after it is
7 determined that the estimated price is insufficient and before
8 the labor not estimated is performed or the parts not estimated
9 are supplied. This provision may be waived in writing by the
10 customer, provided that the waiver by its terms is effective
11 only after the facility has made reasonable efforts to contact
12 the customer. The form and content of any waiver shall be as
13 prescribed by rule of the board. Nothing in this section shall
14 be construed as requiring an auto body repair facility to give a
15 written estimated price if the facility does not agree to
16 perform the requested service. A reasonable fee may be charged
17 for making the estimate.

18 Section 704. Records required; inspection.

19 Each auto body repair facility shall maintain any records as
20 are required by regulations adopted by the board. The records
21 shall be open for reasonable inspection by the board or other
22 law enforcement officials. These records shall be maintained for
23 at least two years.

24 Section 705. Sign required concerning board; notice to
25 customer.

26 The board shall design and approve a sign which shall be
27 placed in all auto body repair facility locations in a place and
28 manner conspicuous to the public to give notice that inquiries
29 concerning service may be made to the board. The sign shall
30 contain the telephone number of the board and shall give notice

1 that the customer is entitled to a return of replaced parts upon
2 his request at the time the work order is taken.

3 Section 706. Procedures for accepting complaint.

4 The board shall establish procedures for accepting complaints
5 from the public against any licensee.

6 Section 707. Jurisdiction of court; procedure.

7 The court of common pleas of the county in which any person
8 carries on, or attempts to carry on, an auto body repair
9 business in violation of this chapter, or any regulation made
10 pursuant to this chapter, shall, on application of the board,
11 issue an injunction or other appropriate order restraining this
12 conduct. The board shall not be required to allege facts
13 necessary to show or tending to show lack of an adequate remedy
14 at law or irreparable injury.

15 Section 708. Licensure condition precedent to lien.

16 No facility required to be licensed pursuant to this act
17 shall have the benefit of any lien for labor or materials or the
18 right to sue on a contract for auto body repairs done by the
19 facility unless the facility was licensed at the time of
20 performance of the contract.

21 Section 709. Prohibited practices.

22 The following acts or omissions related to auto body repair
23 shall be grounds for invoking the enforcement procedures of this
24 chapter:

25 (1) Making or authorizing in any manner or by any means
26 whatever any statement, written or oral, which is untrue or
27 misleading and which is known, or which by the exercise of
28 reasonable care should be known, to be untrue or misleading.

29 (2) Performing auto body repairs inconsistent with the
30 classification level of the facility license.

1 (3) Causing or allowing a customer to sign any work
2 order which does not state the repairs requested by the
3 customer and does not state the automobile's odometer reading
4 at the time of repair.

5 (4) Failing or refusing to give to a customer a copy of
6 any document requiring his signature, as soon as the customer
7 signs the document.

8 (5) Any other conduct which constitutes fraud.

9 (6) Conduct constituting gross negligence.

10 (7) Failing to comply with this act or regulations
11 adopted pursuant thereto.

12 (8) Any willful departure from or disregard of accepted
13 practices or workmanship.

14 (9) Making false promises of a character likely to
15 influence, persuade or induce a customer to authorize an auto
16 body repair.

17 (10) Having repair work subcontracted without the
18 knowledge or consent of the customer unless the auto body
19 repair facility demonstrates that the customer could not
20 reasonably have been notified.

21 (11) Conducting the business of auto body repair in a
22 place other than stated on the certificate of licensure.

23 Section 710. Penalties; enforcement.

24 (a) General rule.--The board may levy a civil penalty or
25 suspend, revoke or refuse to renew the license of an auto body
26 repair facility for any violation of this chapter or regulations
27 adopted pursuant thereto. The board may also order restitution
28 as provided in subsection (c).

29 (b) Civil penalties.--Civil penalties shall be levied as
30 follows:

1 (1) For a first offense, \$75.

2 (2) For a second offense, \$150.

3 (3) For subsequent offenses, \$300 to \$1,000.

4 (c) Restitution.--In lieu of or in addition to the fine
5 imposed pursuant to this section, the board may order the auto
6 body repair facility to make restitution to the customer.
7 Restitution may be imposed in lieu of a fine even though the
8 amount may exceed the fine schedule set forth in subsection (b).

9 (d) Multiple facilities.--If an auto body repair business
10 operates more than one facility in this Commonwealth, the board,
11 pursuant to subsection (a), may revoke, suspend or refuse to
12 renew the license of only the specific facility which has
13 violated this chapter. The violation, or action by the board,
14 shall not affect in any manner the right of the auto body repair
15 business to operate other auto body repair facilities; but, the
16 board may suspend, revoke or refuse to renew the license of all
17 auto body repair facilities operated in this Commonwealth by an
18 auto body repair business upon a finding that the auto body
19 repair business has, or is, engaged in a course of repeated and
20 willful violations of this chapter, or regulations adopted
21 pursuant thereto.

22 (e) Expiration of license.--The expiration of a valid
23 license shall not deprive the board of jurisdiction to proceed
24 with any investigation or disciplinary proceeding against an
25 auto body repair facility or to render a decision suspending,
26 revoking or refusing to renew a license.

27 Section 711. Civil action.

28 Nothing in this chapter shall prohibit the bringing of a
29 civil action against an auto body repair facility by an
30 individual or by the Bureau of Consumer Protection.

1 Section 712. Failure to comply with chapter; misdemeanor.
2 Any person who fails to comply with the provisions of this
3 chapter commits a misdemeanor of the third degree.

4 CHAPTER 11

5 MISCELLANEOUS PROVISIONS

6 Section 1101. Effective date.

7 This act shall take effect in 60 days.