

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2761 Session of  
1990

INTRODUCED BY RYBAK, VEON, MORRIS, NAILOR, STUBAN, JOHNSON,  
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LINTON AND ITKIN, JUNE 27, 1990

AS REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, SEPTEMBER 26, 1990

## AN ACT

1 Regulating the use of crash parts in motor vehicle repair.

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

4 Section 1. Short title.

5 This act shall be known and may be cited as the Crash Parts  
6 Law.

7 Section 2. Definitions.

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

11 "Aftermarket crash part" or "crash part." A non-mechanical  
12 motor vehicle replacement part, made of sheet metal, plastic or  
13 other material, which constitutes an exterior portion of a  
14 vehicle, including an inner or outer panel, and is generally  
15 repaired or replaced as the result of a collision.

1 "Department." The Office of Attorney General of the  
2 Commonwealth.

3 "Non-original equipment manufacturer ~~(Non-OEM)~~ (NON-OEM) <—  
4 aftermarket crash part." Aftermarket crash parts not made for  
5 or by the manufacturer of the motor vehicle.

6 Section 3. Repair invoice and written estimate.

7 (a) General rule.--All work done by a motor vehicle body and  
8 frame repair shop shall be recorded on an invoice and shall  
9 describe all service work done and parts supplied. If any used  
10 parts are supplied, the invoice shall clearly state that fact.  
11 If any component system installed is composed of new and used  
12 parts, such invoice shall clearly state that fact. One copy of  
13 the invoice shall be given to the customer, and one copy shall  
14 be retained by the motor vehicle body and frame repair shop.

15 (b) Written estimate.--Before commencing repair work, a  
16 motor vehicle body and frame repair shop shall make an estimate,  
17 in writing, of the parts and labor necessary for the repair work  
18 and shall not charge for the work done or parts supplied in  
19 excess of the estimate without the consent of such customer.

20 (1) In all instances where non-OEM aftermarket crash  
21 parts are intended for use by an insurer, the written  
22 estimate shall clearly identify each such part.

23 (2) A repair facility or installer shall not use non-OEM  
24 aftermarket crash parts to repair a vehicle, unless the  
25 consumer is provided a written estimate.

26 (3) If crash parts to be used in the repair work are not  
27 supplied by the original equipment manufacturer, the estimate  
28 shall include a statement in ten-point type or larger that  
29 says:

30 This estimate has been prepared based on the use of

1 one or more motor vehicle crash parts supplied by a  
2 source other than the manufacturer of your motor  
3 vehicle. THE USE OF A MOTOR VEHICLE CRASH PART NOT <—  
4 MADE BY THE ORIGINAL EQUIPMENT MANUFACTURER MAY  
5 INVALIDATE ANY REMAINING WARRANTIES OF THE ORIGINAL  
6 EQUIPMENT MANUFACTURER ON THAT MOTOR VEHICLE PART.  
7 Warranties on these replacement crash parts are  
8 provided by the parts manufacturer or distributor  
9 rather than by the manufacturer of your vehicle.

10 (4) AN INSURER SHALL NOT REQUIRE, DIRECTLY OR <—  
11 INDIRECTLY, WITHOUT THE CUSTOMER'S CONSENT, THAT A MOTOR  
12 VEHICLE BODY AND FRAME REPAIR SHOP USE ANY NON-OEM  
13 AFTERMARKET CRASH PARTS TO REPAIR A VEHICLE UNLESS THE PART  
14 IS AT LEAST EQUIVALENT TO THE PART BEING REPLACED. FOR  
15 PURPOSES OF THIS SECTION, AN AFTERMARKET CRASH PART IS AT  
16 LEAST EQUIVALENT TO THE PART BEING REPLACED IF THE  
17 AFTERMARKET CRASH PART IS THE SAME KIND OF PART, IS AT LEAST  
18 THE SAME QUALITY WITH RESPECT TO SAFETY, FIT, FINISH,  
19 FUNCTION AND CORROSION RESISTANCE, AND ITS USE RETURNS THE  
20 VEHICLE TO ITS PRELOSS CONDITION.

21 Section 4. Identification.

22 Any aftermarket crash part supplied by a non-original  
23 equipment manufacturer for use in this Commonwealth after the  
24 effective date of this act shall have the logo or name of its  
25 manufacturer affixed or attached to it or inscribed on it. The  
26 manufacturer's logo or name shall be visible after installation  
27 whenever practicable.

28 Section 5. Prohibited acts.

29 No motor vehicle body and frame shop may:

30 (1) Charge for repairs not actually performed or add the

1 cost of repairs not actually to be performed to any repair  
2 estimate.

3 (2) ~~Refuse~~ UPON REQUEST, REFUSE any insurer, or its <—  
4 insured, or the agents or employees of either, ~~reasonable~~ <—  
5 ~~access to any repair facility for the purpose of inspecting~~  
6 ~~or reinspecting the damaged vehicle and its parts during~~  
7 ~~usual business hours.~~ A REASONABLE OPPORTUNITY TO ENTER A <—  
8 REPAIR FACILITY AND EXAMINE COVERED REPAIRS BEING MADE TO A  
9 SPECIFIC INSURED'S VEHICLE DURING REGULAR BUSINESS HOURS.

10 Section 6. Enforcement.

11 The department shall promulgate the rules and regulations  
12 necessary to carry out this act. Any violation of this act is  
13 deemed to be a violation of the act of December 17, 1968  
14 (P.L.1224, No.387), known as the Unfair Trade Practices and  
15 Consumer Protection Law, and shall be subject to the penalties  
16 provided for in that act.

17 Section 7. Severability.

18 The provisions of this act are severable. If any provision of  
19 this act or its application to any person or circumstance is  
20 held invalid, the invalidity shall not affect other provisions  
21 or applications of this act which can be given effect without  
22 the invalid provision or application.

23 Section 8. Effective date.

24 This act shall take effect in 60 days.