

HOUSE No. 897

The Commonwealth of Massachusetts

PRESENTED BY:

Robert F. Fennell

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to automobile repair parts. .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Robert F. Fennell	10th Essex
Christine E. Canavan	10th Plymouth
Kathi-Anne Reinstein	16th Suffolk
Thomas M. McGee	Third Essex and Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 945 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO AUTOMOBILE REPAIR PARTS. .

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1. Chapter 90 of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by striking out section 34R and inserting in place thereof the
3 following section:—

4 Section 34R. (a) Definitions.

5 As used in this section, the following words shall have the following meanings:

6 “Crash part”, motor vehicle parts of sheet metal or plastic that constitute the visible
7 exterior of the vehicle, including inner and outer panels, which are to be replaced as the result
8 of a collision.

9 “Original manufacturer part”, any part of a motor vehicle, including, but not limited to,
10 crash parts, that was designed and manufactured by or under the authority of the manufacturer
11 of said vehicle and authorized to display the trademark of said original manufacturer.

12 “Non-original manufacturer part”, any part, including, but not limited to, crash parts that is
13 not an original manufacturer part.

14 (b) Whenever the replacement of a crash part is necessary for the repair of a motor vehicle, any
15 insurer or repairer, or agent thereof, shall prepare a written estimate of the cost of such repairs
16 which shall clearly identify each major replacement crash part to be used as either an original
17 manufacturer part or a non-original manufacturer part.

18 (c) Attached to any such estimate that specifies non-original manufacturer crash parts for
19 use as replacement parts shall be the following notice and authorization form, printed in not
20 less than 10-point type, to be signed by the vehicle owner:

21 **CONSUMER NOTICE & AUTHORIZATION FORM**

22 This repair estimate is based in part on the use of replacement parts that are not supplied by the
23 original manufacturer of the damaged parts in your vehicle. Warranties, if any, applicable to
24 these replacement parts are provided by their manufacturer or supplier rather than the
25 manufacturer of your vehicle.

26 Insurer/Repairer Comments: _____

27 _____

28 _____

29 _____

30 Repairs on your vehicle will not commence unless you have completed and signed this form. By
31 signing in the space provided below, you are stating the following:

32 1. I have reviewed and understand this notice and any comments provided herein by the
33 insurer/repairer with regard to the quality of the replacement parts specified in this estimate
34 that were not supplied by the manufacturer of my vehicle.

35 Date: _____ Signature: _____

36 (d) Failure to comply with the provisions of this section shall constitute an unfair or deceptive
37 trade act or practice pursuant to the provisions of chapter 93A.

38 SECTION 2. Chapter 90 of the General Laws, as appearing in the 2002 Official Edition, is
39 hereby amended by adding the following new section:

40 Section 34S. Aftermarket Parts-Identification.

41 All aftermarket parts manufactured after January 1, 2010, shall carry sufficient permanent
42 identification so as to identify its manufacturer. Such identification shall be accessible to the
43 extent possible after installation.