

ENGROSSED HOUSE
BILL NO. 1466

BY: RICE of the HOUSE

and

CAIN of the SENATE

AN ACT RELATING TO CONTRACTS; ENACTING THE
AFTERMARKET CRASH PARTS REGULATION ACT; SPECIFYING
PURPOSES; DEFINING TERMS; REQUIRING CERTAIN
AFFIXATION OF CERTAIN LOGOS OR NAME OF
MANUFACTURER; PROHIBITING CERTAIN ACTIONS;
REQUIRING WRITTEN NOTIFICATION AND DISCLOSURE
DOCUMENT; MAKING VIOLATIONS SUBJECT TO UNFAIR MODE
PRACTICE PROVISIONS; PROVIDING FOR CODIFICATION;
AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 951 of Title 15, unless there is
created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the Aftermarket
Crash Parts Regulation Act.

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 952 of Title 15, unless there is
created a duplication in numbering, reads as follows:

The purpose of the Aftermarket Crash Parts Regulation Act is to
regulate the use of aftermarket crash parts by:

1. requiring disclosure when any use is proposed of an aftermarket, non-original equipment manufacturer's crash part; and
2. requiring that the manufacturers of such aftermarket crash parts be identified.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 953 of Title 15, unless there is created a duplication in numbering, reads as follows:

For purposes of the Aftermarket Crash Parts Regulation Act:

1. "Insurer" means an insurance company authorized to do business in our state and any person authorized to represent the insurer with respect to a claim;
2. "Aftermarket crash part" means a replacement for any of the nonmechanical sheet metal or plastic parts which generally constitute the exterior of a motor vehicle, including inner and outer panels;
3. "Non-original equipment manufacturer aftermarket crash part" means aftermarket crash parts not made for or by the manufacturer of the motor vehicle;
4. "Repair facility" means any motor vehicle dealer, garage, body shop or other commercial entity which undertakes the repair or replacement of those parts that generally constitute the exterior of a motor vehicle; and
5. "Installer" means any person who actually does the work of replacing or repairing parts of a motor vehicle.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 954 of Title 15, unless there is created a duplication in numbering, reads as follows:

Any aftermarket crash part supplied by a non-original equipment manufacturer for use in this state after September 1, 1991, shall have affixed thereto or inscribed thereon the logo or name of its manufacturer. Such manufacturer's logo or name shall be visible after installation whenever practicable.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 955 of Title 15, unless there is created a duplication in numbering, reads as follows:

No insurer shall specify the use of non-original equipment manufacturer aftermarket crash parts in the repair of an insured's motor vehicle, nor shall a repair facility or installer use non-original equipment manufacturer aftermarket crash parts to repair a vehicle, unless the consumer is advised in writing. In all instances where non-original equipment manufacturer aftermarket crash parts are intended for use by an insurer:

1. the written estimate shall clearly identify each such part; and

2. a disclosure document containing substantially the following information in ten-point type or larger type shall appear on or be attached to the insured's copy of the estimate: "This estimate has been prepared based on the use of crash parts supplied by a source other than the manufacturer of your motor vehicle. Warranties applicable to these replacement parts are provided by the manufacturer or distributor of these parts rather than the manufacturer of your vehicle."

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 956 of Title 15, unless there is created a duplication in numbering, reads as follows:

Any violation of this act shall be subject to and enforced through the unfair trade practices provisions of Article 12 of Title 36 of the Oklahoma Statutes.

SECTION 7. This act shall become effective September 1, 1991.

Passed the House of Representatives the 27th day of February, 1991.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1991.

President of the Senate