

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1322

By: Stone

AS INTRODUCED

An Act relating to contracts; amending 15 O.S. 2011, Sections 952, 953 and 955, which relate to the Aftermarket Crash Parts Regulation Act; modifying purpose to include regulation of used manufacturer aftermarket crash parts; defining term; prohibiting insurers from specifying the use of certain used parts; requiring certain disclosures; and providing an effective date.

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

SECTION 1. AMENDATORY 15 O.S. 2011, Section 952, is amended to read as follows:

Section 952. 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~~ nonoriginal equipment manufacturer's crash ~~part~~ parts and used manufacturer aftermarket crash parts; and

2. Requiring that the manufacturers of ~~such~~ nonoriginal equipment manufacturer aftermarket crash parts be identified.

SECTION 2. AMENDATORY 15 O.S. 2011, Section 953, is amended to read as follows:

1 Section 953. For purposes of the Aftermarket Crash Parts
2 Regulation Act:

3 1. "Insurer" means an insurance company authorized to do
4 business in our state and any person authorized to represent the
5 insurer with respect to a claim;

6 2. "Aftermarket crash part" means a replacement for any of the
7 nonmechanical sheet metal or plastic parts which generally
8 constitute the exterior of a motor vehicle, including inner and
9 outer panels;

10 3. ~~"Non-original"~~ Nonoriginal equipment manufacturer aftermarket
11 crash part" means aftermarket crash parts not made for or by the
12 manufacturer of the motor vehicle;

13 4. "Used manufacturer aftermarket crash part" means an original
14 manufacturer aftermarket crash part or component removed from a
15 motor vehicle of similar make, model and condition without the
16 benefit of being rebuilt or remanufactured;

17 5. "Repair facility" means any motor vehicle dealer, garage,
18 body shop or other commercial entity which undertakes the repair or
19 replacement of those parts that generally constitute the exterior of
20 a motor vehicle; and

21 ~~5.~~ 6. "Installer" means any person who actually does the work
22 of replacing or repairing parts of a motor vehicle.

23 SECTION 3. AMENDATORY 15 O.S. 2011, Section 955, is
24 amended to read as follows:

1 Section 955. No insurer shall specify the use of ~~non-original~~
2 nonoriginal equipment manufacturer aftermarket crash parts or used
3 manufacturer aftermarket crash parts in the repair of an insured's
4 motor vehicle, nor shall a repair facility or installer use ~~non-~~
5 ~~original~~ nonoriginal equipment manufacturer aftermarket crash parts
6 or used manufacturer aftermarket crash parts to repair a vehicle,
7 unless the consumer is advised in writing. In all instances where
8 ~~non-original~~ nonoriginal equipment manufacturer aftermarket crash
9 parts or used manufacturer aftermarket crash parts are intended for
10 use by an insurer:

11 1. The written estimate shall clearly identify each such part;
12 and

13 2. When nonoriginal equipment manufacturer aftermarket crash
14 parts are used, a disclosure document containing substantially the
15 following information in ten-point type or larger type shall appear
16 on or be attached to the insured's copy of the estimate: "This
17 estimate has been prepared based on the use of crash parts supplied
18 by a source other than the manufacturer of your motor vehicle.
19 Warranties applicable to these replacement parts are provided by the
20 manufacturer or distributor of these parts rather than the
21 manufacturer of your vehicle"."

22 SECTION 4. This act shall become effective November 1, 2017.
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