

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1209

H. P. 965

House of Representatives, March 13, 1979

On Motion of Mr. Carroll of Limerick, referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Vincent of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Regulating Motor Vehicle Repairs.

Be it enacted by the People of the State of Maine, as follows:

29 MRSA c. 5, sub-c. VI is enacted to read:

SUBCHAPTER VI

MOTOR VEHICLE REPAIRS

§ 491. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms shall have the following meanings:

1. **Customer.** "Customer" means any person, or his representative, who is seeking to have performed, is having performed, or has had performed, any repairs on a motor vehicle.

2. **Motor vehicle repair shop.** "Motor vehicle repair shop" or "shop" means an individual, corporation, partnership or other form of business organization engaged in the motor vehicle repair business and includes owners, officers, directors, agents, employees and representatives.

3. Repairs. “Repairs” means the improvement, adjustment, replacement, examination, diagnosis, maintenance, servicing, removal or installation of any part of a motor vehicle for which a shop charges \$10 or more, but does not include the supply or removal of motor fuel or motor oil.

§ 492. Authorization to begin repairs

A motor vehicle repair shop shall not perform any repairs unless it obtains the written authorization of the customer to proceed in the form of a repair order. The shop shall provide the customer with a copy of a dated repair order clearly stating the repairs to be performed and signed by the shop. If it is impracticable to obtain the customer’s written authorization to proceed with the repairs, the shop may orally advise the customer of the parts to be repaired and obtain his oral authorization to proceed.

§ 493. Written estimate

1. Estimate Required. Upon request of any customer and before the commencement of repairs, the shop shall provide the customer with a written estimate which shall contain an itemization of the repairs to be performed and an estimated charge for labor and parts necessary to complete the work.

2. Charge for Estimate. No shop may charge for making an estimate unless, before making the estimate, the shop discloses to the customer the amount of the charge or the basis on which the charge will be calculated.

3. Waiver of Estimate. No shop shall require or attempt to require any customer to waive his right to an estimate as a condition to the shop performing any repairs.

§ 494. Authorization to exceed estimate or undertake previously unauthorized repairs

1. Exceeding the Estimate. If the shop has given the customer an estimate, and the charge for the authorized repairs will exceed the estimate by more than 10%, the shop shall, before continuing with the repairs, inform the customer of the new estimate of the repair charges and obtain the customer’s written or oral authorization to continue with the repairs.

2. Additional Repairs. Before undertaking the repairs other than those previously authorized, the shop shall inform the customer of the proposed additional repairs together with an estimate of the charges for the proposed additional repairs. The shop may only undertake the additional repairs after obtaining the customer’s written or oral authorization to continue with the repairs.

3. Failure to Obtain Authorization. If the shop does not obtain the customer’s authorization to continue with the repairs, the shop shall either perform the repairs at the estimated charge as provided in section 493 or allow the customer to retake possession of the vehicle in at least as good a condition as it was when delivered to the shop and notify the customer accordingly.

4. Form of Authorization. A written authorization under this section shall be made on the repair order and shall specify newly authorized repairs as well as the newly authorized repair charge estimate. If authorization under this section is received orally, the shop shall specify on the repair order the newly authorized repairs and estimates. The shop shall also specify the date and time of authorization, the person providing authorization and telephone number called, if any.

§ 495. Return of parts

Parts from a customer's motor vehicle which are replaced by the shop shall be returned to the customer if they are requested at the time the customer authorized the repairs. Parts which must be returned to the manufacturer or distributor because of a warranty or exchange agreement need not be returned but shall instead, upon request, be made available for the customer's inspection when the customer retakes possession of his motor vehicle.

§ 496. Invoice required

1. Costs. The shop shall provide every customer, at the time the customer retakes possession of his motor vehicle, with a copy of a dated invoice detailing the costs including:

- A.** The cost of each part supplied for which the shop charges \$1 or more;
- B.** An identification of all parts replaced as being either new, used, rebuilt or reconditioned; and
- C.** The number of hours and the charge for all labor involved in performing the repairs.

2. Guarantee. The invoice shall state clearly whether or not the shop will guarantee the work and, if so, the terms of the guarantee and the period for which it will be in effect.

§ 497. Posted notice

The shop shall post a conspicuously located and easily readable sign which states:

"Before any repairs for which this repair shop charges \$10 or more are performed on your vehicle, you must sign a repair order authorizing these repairs.

You are entitled to an estimate of charges for these repairs if you request the estimate before the repairs are begun.

This estimate may not be exceeded by more than 10% without your authorization.

You are also entitled to have returned any replaced parts, except parts which must be returned to a manufacturer or distributor because of a warranty or exchange agreement.

You must request the parts at the time your order is taken.

Those parts which must be returned to the manufacturer or distributor will be made available to you for inspection when you pick up your vehicle if you request the parts at the time your order is taken.”

§ 498. Prohibited practices

1. **Misrepresentation.** No shop may misrepresent:
 - A. The cost of repairs authorized by the customer;
 - B. That repairs are necessary;
 - C. That repairs have been made; or
 - D. That the vehicle is in a dangerous condition or that the customer's continued use of the motor vehicle will be hazardous or harmful to the motor vehicle.
2. **Intentional alteration.** No shop may alter a customer's motor vehicle with intent to create a condition requiring repairs.
3. **Charges.** No shop may charge for:
 - A. Repairs not authorized either orally or in writing by the customer;
 - B. Repairs which the shop knew or reasonably ought to have known to be unnecessary; or
 - C. Repairs which have not been made.
4. **Refusal to return vehicle.** No shop may refuse to return a customer's motor vehicle because the customer has refused to pay for unauthorized repairs or because the customer has refused to pay repair charges in excess of 110% of the estimated charge, provided the customer pays the authorized charge for the authorized repairs. The burden of proving the work was authorized shall rest on the motor vehicle repair shop. Noncompliance with this section shall constitute lack of direction and consent under Title 10, section 3801.

§ 499. Remedies; penalties

1. **Unfair or deceptive act.** Any violation of any provision of this subchapter shall constitute an unfair or deceptive act or practice within the meaning of Title 5, section 207. Any right or remedy set forth in Title 5, chapter 10 may be used to enforce the provisions of this subchapter.
2. **Repaired motor vehicle returned without charge.** A violation of section 494 shall entitle the customer to the return of the repaired motor vehicle without

payment of the unauthorized charges, consequential damages and reasonable attorney's fees as determined by the court.

3. Liability. If a shop refuses return of a customer's replaced parts in violation of section 495, the shop shall be liable for the reasonable value of the replaced parts.

4. Remedies. The remedies of this section are to be construed as cumulative in addition to those provided by the common law and other statutes of this State.

STATEMENT OF FACT

The purpose of this bill is to require motor vehicle repair shops to obtain customer authorization before performing any repairs for which the shop will charge \$10 or more. This bill also entitles customers, upon request, to a written estimate of the repairs to be performed and to the return of replaced parts. Shops will also be required to provide customers with a detailed invoice. In addition, this bill prohibits certain misrepresentations to shop customers, intentional alterations of vehicles so as to require repairs and excessive charging.