

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-877)
109TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1777, L.D. 1878, Bill, "AN ACT Relating to Motor Vehicle Warranties and Repairs."

Amend the bill in section 1 by striking out all of the 2nd underlined sentence and inserting in its place the following:

'Further, the franchisor shall reimburse the franchisee for any labor so performed at the retail rate customarily charged by that franchisee for the same labor when not performed in satisfaction of a warranty; provided that the franchisee's rate for labor not performed in satisfaction of a warranty is routinely posted in a place conspicuous to its service customer.'

Further amend the bill by striking out all of sections 2 and 3.

Further amend the bill by striking out all of section 4 and inserting in its place the following:

'SEC. 2. 29 MRSA c. 23 is enacted to read:

CHAPTER 23

MOTOR VEHICLE REPAIR

§2601. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Customer. "Customer" means an individual, corporation or other legal entity, including an agent, who contracts with a repair facility for repair of a motor vehicle.

2. Flat rate. "Flat rate" means any method of calculating charges for labor that is not based upon the amount of time actually spent repairing a motor vehicle.

3. Motor vehicle. "Motor vehicle" means "motor vehicle" as defined in section 1, subsection 7.

4. Repair. "Repair" means the examination, maintenance, servicing, adjustment, improvement, replacement, removal or installation of any part of a motor vehicle, including body work and painting and incidental services such as storage and towing, but excluding the sale of motor fuel.

5. Repair facility. "Repair facility" means an individual, corporation or other legal entity which repairs motor vehicles for the general public for compensation.

§2602. Maximum charge for repair

1. Written designation by customer. Before a repair facility begins repairing a customer's motor vehicle, the customer shall have a right to designate in writing a specific amount of charges for repair in excess of which the customer does not agree to be liable without further specific agreement, either oral or written.

2. No liability without agreement. A customer shall not be liable for any charge for repair in excess of the specific amount designated in accordance with subsection 1 without further specific agreement, either oral or written.

§2603. Replaced parts

Before payment of any charge is demanded, the customer shall have a right to inspect any replaced parts. Further, the customer shall have a right to the return of any replaced parts which he requests unless the facility is required to return the parts to the manufacturer or distributor under a bona fide warranty or exchange arrangement.

§2604. Used parts

No repair facility may install a used, reconditioned or rebuilt part unless the customer specifically agrees before that part is installed.

§2605. Notices

A repair facility shall post the following notice in a place where it is reasonably likely to be seen by its repair customers. The notice shall be completed with information on charges and printed so that it is conspicuous and can be read by the average person.

" NOTICE TO OUR CUSTOMERS
REQUIRED UNDER STATE LAW

Before we begin making repairs, you have a right to put in writing the total amount you agree to pay for repairs. You will not have to pay anything over that amount unless you agree to it when we contact you later.

Before you pay your bill, you have a right to inspect any replaced parts. You have a right to take with you any replaced parts, unless we are required to return the parts to our distributor or manufacturer.

We cannot install any used or rebuilt parts unless you specifically agree in advance.

You cannot be charged any fee for exercising these rights.

WE CHARGE \$ _____ PER HOUR FOR LABOR.

(We round off the time to the nearest _____.)"

The notice shall also contain the following if its applies:

"We also charge a flat rate for some repairs. Our service manager will explain what a flat rate is and show you how much it may cost you."

§2606. Fee prohibited

No repair facility may, directly or indirectly, charge any fee for its performance of any obligation or for the exercise of any right in accordance with this chapter.

§2607. Unfair trade practice

A repair facility's failure to comply with this chapter constitutes an unfair trade practice under Title 5, chapter 10.

§2608. Waiver prohibited

Unless specifically provided otherwise, the duties imposed by and rights created under this chapter may not be waived or otherwise modified. Any waiver or modification is contrary to public policy and ← → is void and unenforceable.

§2609. Savings clause

This chapter is in addition to, and does not ← ——— limit or replace in any way, rights or procedures provided to customers either by statute or by common law.

Statement of Fact

The purpose of this amendment is to make a technical change in the wording of section 1 of the bill, to eliminate the proposed changes in the law of implied warranties and to make minor clarifications in the bill's auto repair provisions.

Reported by the Committee on Business Legislation
Reproduced and distributed under the direction of the Clerk of the House
3/11/80 (Filing No. H-877)