

MAINE STATE LEGISLATURE

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(AFTER DEADLINE)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2064

S.P. 787 In Senate, January 14, 1988
Approved for Introduction by a Majority of the Legislative
Council pursuant to Joint Rule 27.
Reference to the Committee on Business Legislation
suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.
Cosponsored by Representative ALLEN of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 **AN ACT Concerning Crash Parts Used to Repair**
2 **Damaged Motor Vehicles.**
3

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

6 Sec. 1. 24-A MRSA §2164-E is enacted to read:

7 §2164-E. Aftermarket crash parts

1 1. Definitions. "Crash part" and "aftermarket
2 crash part" have the same meanings as provided in
3 Title 29, section 2601-A.

4 2. Use. No insurer, domestic or foreign, or its
5 agent or employee, may require, directly or
6 indirectly, the use of an aftermarket crash part in
7 the repair of an insured's motor vehicle, except as
8 provided in Title 29, section 2604-A.

9 3. Unfair claims practice. Violation of this
10 section constitutes an unfair claims practice under
11 section 2164-D.

12 Sec. 2. 29 MRSA §2601, as enacted by PL 1979,
13 c. 698, §2, is repealed.

14 Sec. 3. 29 MRSA §2601-A is enacted to read:

15 §2601-A. Definitions

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

19 1. Aftermarket crash part. "Aftermarket crash
20 part" means a crash part not made for or supplied by
21 the original equipment manufacturer of the motor
22 vehicle.

23 2. Crash part. "Crash part" means a replacement
24 for any nonmechanical sheet metal or plastic part
25 which generally constitutes the exterior of a motor
26 vehicle, including inner and outer panels.

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

31 4. Flat rate. "Flat rate" means any method of

1 calculating charges for labor that is not based upon
2 the amount of time actually spent repairing a motor
3 vehicle.

4 5. Installer. "Installer" means a person who
5 actually performs the work of replacing or repairing
6 parts of a motor vehicle.

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

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

15 8. Repair facility. "Repair facility" means an
16 individual, corporation or other legal entity which
17 repairs motor vehicles for the general public for
18 compensation.

19 Sec. 4. 29 MRSA §2604-A is enacted to read:

20 §2604-A. Aftermarket crash parts

21 1. Identification. Any aftermarket crash part
22 used in this State after the effective date of this
23 section shall have the logo or name of its
24 manufacturer affixed or inscribed on the part. The
25 manufacturer's logo or name shall be visible after
26 installation whenever practicable.

27 2. Disclosure. Notwithstanding sections 2603 and
28 2604, no repair facility or installer may use an
29 aftermarket crash part to repair a vehicle unless the
30 customer is advised in writing and consents to the use
31 of that part before repairs are made. Whenever any
32 aftermarket crash part is intended for use by an
33 insurer under Title 24-A, section 2164-E, the
34 following must be disclosed to the insured:

35 A. A written estimate, which shall:

1 (1) Clearly identify each aftermarket crash
2 part, including the name of the manufacturer
3 and country of origin for each part; and

4 (2) Provide the cost of any modifications
5 solely attributable to the use of aftermarket
6 crash parts that are necessary to attain
7 satisfactory fit, finish and corrosion
8 protection; and

9 B. A disclosure document, which shall contain the
10 following information in 10 point or larger type
11 and which shall be attached to the insured's copy
12 of the estimate:

13 "THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE
14 OF CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE
15 MANUFACTURER OF YOUR MOTOR VEHICLE. THESE
16 AFTERMARKET CRASH PARTS THEREFORE MAY VARY IN
17 TERMS OF QUALITY, FIT, PERFORMANCE AND WARRANTY
18 FROM THE ORIGINAL PARTS SUPPLIED ON THE VEHICLE.
19 FAILURE OF THESE PARTS AND OTHER PARTS OF YOUR
20 VEHICLE THAT ARE ATTRIBUTABLE TO THE USE OF
21 AFTERMARKET CRASH PARTS MAY NOT BE COVERED BY YOUR
22 VEHICLE MANUFACTURER'S WARRANTY."

23 STATEMENT OF FACT

24 This bill requires motor vehicle insurers and
25 repairers to identify clearly in any written estimate
26 concerning the repair of the exterior sheet metal or
27 plastic parts of a damaged motor vehicle, each major
28 replacement part to be used that is not made by the
29 vehicle's original manufacturer. The bill also
30 requires that a printed notice stating that the
31 estimate is partly based on use of replacement parts
32 not made by the original manufacturer be attached to
33 the estimate and that a copy of both be given to the
34 person requesting the estimate.

35 This bill also makes any violation of the notice
36 requirement by an insurer an unfair insurance claims



1 practice, and by a repairer, an unfair trade practice.



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