

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

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Legislative Document

No. 533

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S.P. 217

In Senate, March 3, 1989

Reference to the Committee on Business Legislation suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.  
Cosponsored by Representative JACKSON of Harrison.

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### STATE OF MAINE

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

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An Act Concerning Crash Parts Used to Repair Damaged Motor Vehicles.

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

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

5 §2164-E. Aftermarket crash parts

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

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

15 3. Unfair claims practice. Violation of this section  
17 constitutes an unfair claims practice under section 2164-D.

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repealed.

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

23 §2601-A. Definitions

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

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

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

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

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

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

49 6. Repair. "Repair" means the examination, maintenance,  
51 servicing, adjustment, improvement, replacement, removal or  
installation of any part of a motor vehicle, including body work

1 and painting and incidental services such as storage and towing,  
2 but excluding the sale of motor fuel.

3  
4 7. Repair facility. "Repair facility" means an individual,  
5 corporation or other legal entity which repairs motor vehicles  
6 for the general public for compensation.

7  
8 **Sec. 4. 29 MRSA §2604-A is enacted to read:**

9  
10 **§2604-A. Aftermarket crash parts**

11  
12 1. Identification. Any aftermarket crash part used in this  
13 State after the effective date of this section shall have the  
14 logo or name of its manufacturer affixed or inscribed on the  
15 part. The manufacturer's logo or name shall be visible after  
16 installation whenever practicable.

17  
18 2. Disclosure. Notwithstanding sections 2603 and 2604, no  
19 repair facility or installer may use an aftermarket crash part to  
20 repair a vehicle unless the customer is advised in writing and  
21 consents to the use of that part before repairs are made.  
22 Whenever any aftermarket crash part is intended for use by an  
23 insurer under Title 24-A, section 2164-E, the following must be  
24 disclosed to the insured:

25  
26 A. A written estimate, which shall:

27  
28 (1) Clearly identify each aftermarket crash part,  
29 including the name of the manufacturer and country of  
30 origin for each part; and

31  
32 (2) Provide the cost of any modifications solely  
33 attributable to the use of aftermarket crash parts that  
34 are necessary to attain satisfactory fit, finish and  
35 corrosion protection; and

36  
37 B. A disclosure document, which shall contain the following  
38 information in 10 point or larger type and which shall be  
39 attached to the insured's copy of the estimate:

40  
41 "THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF CRASH  
42 PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF  
43 YOUR MOTOR VEHICLE. THESE AFTERMARKET CRASH PARTS THEREFORE  
44 MAY VARY IN TERMS OF QUALITY, FIT, PERFORMANCE AND WARRANTY  
45 FROM THE ORIGINAL PARTS SUPPLIED ON THE VEHICLE. FAILURE OF  
46 THESE PARTS AND OTHER PARTS OF YOUR VEHICLE THAT ARE  
47 ATTRIBUTABLE TO THE USE OF AFTERMARKET CRASH PARTS MAY NOT  
48 BE COVERED BY YOUR VEHICLE MANUFACTURER'S WARRANTY."  
49

1  
3  
STATEMENT OF FACT

5 This bill requires motor vehicle insurers and repairers to  
7 identify clearly in any written estimate concerning the repair of  
9 the exterior sheet metal or plastic parts of a damaged motor  
11 vehicle, each major replacement part to be used that is not made  
13 by the vehicle's original manufacturer. The bill also requires  
that a printed notice stating that the estimate is partly based  
on use of replacement parts not made by the original manufacturer  
be attached to the estimate and that a copy of both be given to  
the person requesting the estimate.

15 This bill also makes any violation of the notice requirement  
17 by an insurer an unfair insurance claims practice, and by a  
repairer, an unfair trade practice.