

HOUSE BILL 683

Introduced by Simpkins, et al.

2/07	Introduced
2/07	Referred to Business & Economic Development
2/08	First Reading
2/20	Hearing
2/20	Committee Report--Bill Passed
2/21	Placed on consent Calendar
2/23	3rd Reading Passed
	Transmitted to Senate
2/25	First Reading
2/25	Referred to Business & Industry
3/05	Hearing
3/05	Committee Report--Bill Not Concurred as Amended
3/05	Adverse Committee Report Adopted

1 HOUSE BILL NO. 683
 2 INTRODUCED BY Senators
 3 Senators
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REGULATE THE USE OF
 5 AFTERMARKET CRASH PARTS NOT MANUFACTURED BY THE ORIGINAL
 6 MANUFACTURER OF THE MOTOR VEHICLE IN REPAIRING MOTOR
 7 VEHICLES BY REQUIRING DISCLOSURE FOR THE USE OF THOSE PARTS;
 8 PROVIDING PENALTIES; AMENDING SECTION 30-14-1104, MCA; AND
 9 PROVIDING AN EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. Section 1. Purpose. The purpose of
13 [sections 1 through 5] is to regulate the use of aftermarket
14 crash parts by requiring disclosure when any use is proposed
15 of a nonoriginal equipment manufacturer aftermarket crash
16 part and by requiring that the manufacturers of aftermarket
17 crash parts be identified.

18 NEW SECTION. Section 2. Definitions. As used in
19 [sections 1 through 5], the following definitions apply:

20 (1) "Aftermarket crash part" means a replacement for
21 any of the nonmechanical sheet metal or plastic parts that
22 generally constitute the exterior of a motor vehicle,
23 including inner and outer panels.

24 (2) "Insurer" means an insurance company and any person
25 authorized to represent the insurer with respect to a claim.

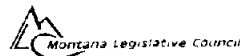
1 (3) "Nonoriginal equipment manufacturer aftermarket
2 crash part" means aftermarket crash parts not made for or by
3 the manufacturer of the motor vehicle.

4 (4) "Repair facility" means any motor vehicle dealer,
5 garage, body shop, or other commercial entity that
6 undertakes the repair or replacement of the parts that
7 generally constitute the exterior of a motor vehicle.

8 NEW SECTION. Section 3. Identification. Any
9 aftermarket crash part supplied by a nonoriginal equipment
10 manufacturer for use in this state must have affixed to the
11 part or inscribed on the part the logo or name of the part's
12 manufacturer. The logo or name must be visible after
13 installation whenever practicable.

14 NEW SECTION. Section 4. Disclosure. An insurer may not
15 specify the use of nonoriginal equipment manufacturer
16 aftermarket crash parts in the repair of an insured's motor
17 vehicle and a repair facility may not use nonoriginal
18 equipment manufacturer aftermarket crash parts to repair a
19 consumer's motor vehicle unless the insured or consumer is
20 advised in writing of the use of the part. In all instances
21 where nonoriginal equipment manufacturer aftermarket crash
22 parts are being provide for the intended use of a consumer
23 or an insured:

24 (1) the written estimate must clearly identify each
25 nonoriginal equipment manufacturer aftermarket crash part;



1 and

2 (2) a disclosure document containing the following
3 statement in 10-point type or larger type must appear on or
4 be attached to the written estimate: "This estimate has been
5 prepared based on the use of crash parts supplied by a
6 source other than the manufacturer of your motor vehicle.
7 Warranties applicable to these replacement parts are
8 provided by the manufacturer or the distributor of these
9 parts rather than the manufacturer of your vehicle".

10 NEW SECTION. Section 5. Enforcement. Any violation of
11 [section 3 or 4] is subject to the remedies and penalties
12 provided for in Title 30, chapter 14, part 11.

13 **Section 6.** Section 30-14-1104, MCA, is amended to read:
14 "30-14-1104. Scope. (1) Except as provided in
15 subsection (2), 30-14-1103 applies to any agreement in
16 connection with a consumer contract entered into in this
17 state between a consumer who is a resident of this state at
18 the time of the transaction and a seller, lessor, or lender.

19 (2) Section 30-14-1103 does not apply to:

20 (a) consumer contracts in which the value of the money,
21 property, or services bought, leased, or borrowed exceeds
22 \$50,000 at the time of the contract;

23 (b) consumer contracts in which securities or
24 commodities accounts are bought, leased, or borrowed;

25 (c) an insurance policy or contract that is subject to

1 the provisions of Title 33, except for a violation of
2 [section 3 or 4];

3 (d) a seller, lessor, or lender, if it is a government
4 agency or instrumentality;

5 (e) the provision of public utility service under
6 tariffs approved by the public service commission; or

7 (f) a transfer of real estate.

8 (3) The use of specific language expressly required or
9 authorized by a court decision, state or federal statute or
10 administrative rule, or governmental agency is not a
11 violation of this part; nor is a legal description of real
12 property a violation of this part."

13 NEW SECTION. Section 7. Severability. If a part of
14 [this act] is invalid, all valid parts that are severable
15 from the invalid part remain in effect. If a part of [this
16 act] is invalid in one or more of its applications, the part
17 remains in effect in all valid applications that are
18 severable from the invalid applications.

19 NEW SECTION. Section 8. Effective date. [This act] is
20 effective 60 days after passage and approval.

-End-

APPROVED BY COMM. ON BUSINESS AND ECONOMIC DEVELOPMENT

HOUSE BILL NO. 683

INTRODUCED BY *Simplex* *John Kelly*
John Kelly
A BILL FOR AN ACT ENTITLED: "AN ACT TO REGULATE THE USE OF AFTERMARKET CRASH PARTS NOT MANUFACTURED BY THE ORIGINAL MANUFACTURER OF THE MOTOR VEHICLE IN REPAIRING MOTOR VEHICLES BY REQUIRING DISCLOSURE FOR THE USE OF THOSE PARTS; PROVIDING PENALTIES; AMENDING SECTION 30-14-1104, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Purpose. The purpose of [sections 1 through 5] is to regulate the use of aftermarket crash parts by requiring disclosure when any use is proposed of a nonoriginal equipment manufacturer aftermarket crash part and by requiring that the manufacturers of aftermarket crash parts be identified.

NEW SECTION. Section 2. Definitions. As used in [sections 1 through 5], the following definitions apply:

(1) "Aftermarket crash part" means a replacement for any of the nonmechanical sheet metal or plastic parts that generally constitute the exterior of a motor vehicle, including inner and outer panels.

(2) "Insurer" means an insurance company and any person authorized to represent the insurer with respect to a claim.

(3) "Nonoriginal equipment manufacturer aftermarket crash part" means aftermarket crash parts not made for or by the manufacturer of the motor vehicle.

(4) "Repair facility" means any motor vehicle dealer, garage, body shop, or other commercial entity that undertakes the repair or replacement of the parts that generally constitute the exterior of a motor vehicle.

NEW SECTION. Section 3. Identification. Any aftermarket crash part supplied by a nonoriginal equipment manufacturer for use in this state must have affixed to the part or inscribed on the part the logo or name of the part's manufacturer. The logo or name must be visible after installation whenever practicable.

NEW SECTION. Section 4. Disclosure. An insurer may not specify the use of nonoriginal equipment manufacturer aftermarket crash parts in the repair of an insured's motor vehicle and a repair facility may not use nonoriginal equipment manufacturer aftermarket crash parts to repair a consumer's motor vehicle unless the insured or consumer is advised in writing of the use of the part. In all instances where nonoriginal equipment manufacturer aftermarket crash parts are being provide for the intended use of a consumer or an insured:

(1) the written estimate must clearly identify each nonoriginal equipment manufacturer aftermarket crash part;



1 and

2 (2) a disclosure document containing the following
3 statement in 10-point type or larger type must appear on or
4 be attached to the written estimate: "This estimate has been
5 prepared based on the use of crash parts supplied by a
6 source other than the manufacturer of your motor vehicle.
7 Warranties applicable to these replacement parts are
8 provided by the manufacturer or the distributor of these
9 parts rather than the manufacturer of your vehicle".

10 NEW SECTION. Section 5. Enforcement. Any violation of
11 [section 3 or 4] is subject to the remedies and penalties
12 provided for in Title 30, chapter 14, part 11.

13 **Section 6.** Section 30-14-1104, MCA, is amended to read:

14 "30-14-1104. **Scope.** (1) Except as provided in
15 subsection (2), 30-14-1103 applies to any agreement in
16 connection with a consumer contract entered into in this
17 state between a consumer who is a resident of this state at
18 the time of the transaction and a seller, lessor, or lender.

19 (2) Section 30-14-1103 does not apply to:

20 (a) consumer contracts in which the value of the money,
21 property, or services bought, leased, or borrowed exceeds
22 \$50,000 at the time of the contract;

23 (b) consumer contracts in which securities or
24 commodities accounts are bought, leased, or borrowed;

25 (c) an insurance policy or contract that is subject to

1 the provisions of Title 33, except for a violation of
2 [section 3 or 4];

3 (d) a seller, lessor, or lender, if it is a government
4 agency or instrumentality;

5 (e) the provision of public utility service under
6 tariffs approved by the public service commission; or

7 (f) a transfer of real estate.

8 (3) The use of specific language expressly required or
9 authorized by a court decision, state or federal statute or
10 administrative rule, or governmental agency is not a
11 violation of this part; nor is a legal description of real
12 property a violation of this part."

13 NEW SECTION. Section 7. Severability. If a part of
14 [this act] is invalid, all valid parts that are severable
15 from the invalid part remain in effect. If a part of [this
16 act] is invalid in one or more of its applications, the part
17 remains in effect in all valid applications that are
18 severable from the invalid applications.

19 NEW SECTION. Section 8. Effective date. [This act] is
20 effective 60 days after passage and approval.

-End-

1 *HOUSE* BILL NO. *683*
 2 INTRODUCED BY *Senators*
 3 *by*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REGULATE THE USE OF
 5 AFTERMARKET CRASH PARTS NOT MANUFACTURED BY THE ORIGINAL
 6 MANUFACTURER OF THE MOTOR VEHICLE IN REPAIRING MOTOR
 7 VEHICLES BY REQUIRING DISCLOSURE FOR THE USE OF THOSE PARTS;
 8 PROVIDING PENALTIES; AMENDING SECTION 30-14-1104, MCA; AND
 9 PROVIDING AN EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. Section 1. Purpose. The purpose of
13 [sections 1 through 5] is to regulate the use of aftermarket
14 crash parts by requiring disclosure when any use is proposed
15 of a nonoriginal equipment manufacturer aftermarket crash
16 part and by requiring that the manufacturers of aftermarket
17 crash parts be identified.

18 NEW SECTION. Section 2. Definitions. As used in
19 [sections 1 through 5], the following definitions apply:

20 (1) "Aftermarket crash part" means a replacement for
21 any of the nonmechanical sheet metal or plastic parts that
22 generally constitute the exterior of a motor vehicle,
23 including inner and outer panels.

24 (2) "Insurer" means an insurance company and any person
25 authorized to represent the insurer with respect to a claim.

1 (3) "Nonoriginal equipment manufacturer aftermarket
2 crash part" means aftermarket crash parts not made for or by
3 the manufacturer of the motor vehicle.

4 (4) "Repair facility" means any motor vehicle dealer,
5 garage, body shop, or other commercial entity that
6 undertakes the repair or replacement of the parts that
7 generally constitute the exterior of a motor vehicle.

8 NEW SECTION. Section 3. Identification. Any
9 aftermarket crash part supplied by a nonoriginal equipment
10 manufacturer for use in this state must have affixed to the
11 part or inscribed on the part the logo or name of the part's
12 manufacturer. The logo or name must be visible after
13 installation whenever practicable.

14 NEW SECTION. Section 4. Disclosure. An insurer may not
15 specify the use of nonoriginal equipment manufacturer
16 aftermarket crash parts in the repair of an insured's motor
17 vehicle and a repair facility may not use nonoriginal
18 equipment manufacturer aftermarket crash parts to repair a
19 consumer's motor vehicle unless the insured or consumer is
20 advised in writing of the use of the part. In all instances
21 where nonoriginal equipment manufacturer aftermarket crash
22 parts are being provide for the intended use of a consumer
23 or an insured:

24 (1) the written estimate must clearly identify each
25 nonoriginal equipment manufacturer aftermarket crash part;

1 and
 2 (2) a disclosure document containing the following
 3 statement in 10-point type or larger type must appear on or
 4 be attached to the written estimate: "This estimate has been
 5 prepared based on the use of crash parts supplied by a
 6 source other than the manufacturer of your motor vehicle.
 7 Warranties applicable to these replacement parts are
 8 provided by the manufacturer or the distributor of these
 9 parts rather than the manufacturer of your vehicle".

10 NEW SECTION. Section 5. Enforcement. Any violation of
 11 [section 3 or 4] is subject to the remedies and penalties
 12 provided for in Title 30, chapter 14, part 11.

13 **Section 6.** Section 30-14-1104, MCA, is amended to read:

14 **"30-14-1104. Scope.** (1) Except as provided in
 15 subsection (2), 30-14-1103 applies to any agreement in
 16 connection with a consumer contract entered into in this
 17 state between a consumer who is a resident of this state at
 18 the time of the transaction and a seller, lessor, or lender.

19 (2) Section 30-14-1103 does not apply to:

20 (a) consumer contracts in which the value of the money,
 21 property, or services bought, leased, or borrowed exceeds
 22 \$50,000 at the time of the contract;

23 (b) consumer contracts in which securities or
 24 commodities accounts are bought, leased, or borrowed;

25 (c) an insurance policy or contract that is subject to

1 the provisions of Title 33, except for a violation of
 2 [section 3 or 4];

3 (d) a seller, lessor, or lender, if it is a government
 4 agency or instrumentality;

5 (e) the provision of public utility service under
 6 tariffs approved by the public service commission; or

7 (f) a transfer of real estate.

8 (3) The use of specific language expressly required or
 9 authorized by a court decision, state or federal statute or
 10 administrative rule, or governmental agency is not a
 11 violation of this part; nor is a legal description of real
 12 property a violation of this part."

13 NEW SECTION. Section 7. Severability. If a part of
 14 [this act] is invalid, all valid parts that are severable
 15 from the invalid part remain in effect. If a part of [this
 16 act] is invalid in one or more of its applications, the part
 17 remains in effect in all valid applications that are
 18 severable from the invalid applications.

19 NEW SECTION. Section 8. Effective date. [This act] is
 20 effective 60 days after passage and approval.

-End-