

HB4926



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4926

by Rep. Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

215 ILCS 5/155.29
815 ILCS 308/15

from Ch. 73, par. 767.29

Amends the Illinois Insurance Code and the Automotive Collision Repair Act. Provides that the use of non-original equipment manufacturer aftermarket crash parts may not be included in an estimate for repair of a motor vehicle unless the customer is advised of that fact in writing. Requires the use of original equipment manufacturer specifications.

LRB100 18704 JLS 33936 b

A BILL FOR

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Insurance Code is amended by
5 changing Section 155.29 as follows:

6 (215 ILCS 5/155.29) (from Ch. 73, par. 767.29)

7 Sec. 155.29. (a) Purpose. The purpose of this Section is to
8 regulate the use of aftermarket crash parts by requiring
9 disclosure when any use of an aftermarket non-original
10 equipment manufacturer's crash part is proposed and by
11 requiring that the manufacturers of such aftermarket crash
12 parts be identified.

13 (b) Definitions. As used in this Section the following
14 terms have the following meanings:

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

19 "Non-original equipment manufacturer (Non-OEM) aftermarket
20 crash part" means an aftermarket crash part not made for or by
21 the manufacturer of the motor vehicle.

22 "Repair facility" means any motor vehicle dealer, garage,
23 body shop, or other commercial entity that undertakes the

1 repair or replacement of those parts that generally constitute
2 the exterior of a motor vehicle.

3 "Installer" means an individual who actually does the work
4 of replacing or repairing parts of a motor vehicle.

5 (c) Identification. Any aftermarket crash part supplied by
6 a non-original equipment manufacturer for use in this State
7 after the effective date of this Act shall have affixed thereto
8 or inscribed thereon the logo or name of its manufacturer. The
9 manufacturer's logo or name shall be visible after installation
10 whenever practicable.

11 (d) Disclosure. No insurer shall specify the use of non-OEM
12 aftermarket crash parts in the repair of an insured's motor
13 vehicle, nor shall any repair facility or installer use non-OEM
14 aftermarket crash parts to repair a vehicle unless the customer
15 is advised of that fact in writing. In all instances where an
16 insurer intends that non-OEM aftermarket crash parts be used in
17 the repair of a motor vehicle, the insurer shall provide the
18 customer with the following information:

19 (1) a written estimate that clearly identifies each
20 non-OEM aftermarket crash part; and

21 (2) a disclosure settlement incorporated into or
22 attached to the estimate that reads as follows: "This
23 estimate has been prepared based on the use of crash parts
24 supplied by a source other than the manufacturer of your
25 motor vehicle. Warranties applicable to these replacement
26 parts are provided by the manufacturer or distributor of

1 these parts rather than the manufacturer of your vehicle."

2 (e) Procedures. No repair facility or installer may use
3 repair specifications or procedures that are not in compliance
4 with the original equipment manufacturer for those parts unless
5 authorized by the customer in writing.

6 (Source: P.A. 86-1234; 86-1475.)

7 Section 10. The Automotive Collision Repair Act is amended
8 by changing Section 15 as follows:

9 (815 ILCS 308/15)

10 Sec. 15. Disclosure to consumers; estimates.

11 (a) No work for compensation that exceeds \$100 shall be
12 commenced without specific authorization from the consumer
13 after the disclosure set forth in this Section.

14 (b) Every motor vehicle collision repair facility shall
15 either (i) give to each consumer a written estimated price for
16 labor and parts for a specific repair and shall not charge for
17 work done or parts supplied in an amount that exceeds the
18 estimate by more than 10% without oral or written consent from
19 the consumer; or (ii) give to each consumer a written price
20 limit for each specific repair and shall not exceed that limit
21 without oral or written consent of the consumer. The estimate
22 shall include the total costs to repair the motor vehicle.

23 Estimates shall include all charges to be paid by the
24 consumer to complete the repair, including any charges for

1 estimates, diagnostics, storage, and administrative fees.

2 (c) Motor vehicle collision repair facilities shall
3 describe in the estimate the major parts needed to effectuate
4 the repair and shall designate the parts as either new parts,
5 used parts, rebuilt or reconditioned parts, or aftermarket
6 parts as set forth in Section 10 of this Act.

7 (d) Estimates shall indicate that the collision repair
8 facility may use a combination of industry standard flat rate
9 (time) manuals, actual time, or condition of the motor vehicle
10 to determine labor costs. This disclosure mandate may also be
11 fulfilled by means of a sign that provides the same information
12 to the consumer. The sign shall be posted at a location that
13 can be easily viewed by the consumer.

14 (e) If it is necessary to disassemble or partially
15 disassemble a motor vehicle or motor vehicle component in order
16 to provide the consumer a written estimate for required
17 repairs, the estimate shall show the cost of any disassembly if
18 the consumer elects not to proceed with the repair of the motor
19 vehicle.

20 (f) The estimate shall include the date the estimate was
21 prepared or the date the motor vehicle was presented to the
22 collision repair facility for repair and the odometer reading
23 on the motor vehicle at the time the motor vehicle was left
24 with the collision repair facility.

25 (g) No estimate may include the use of a non-original
26 equipment manufacturer aftermarket crash parts unless

1 authorized by the customer in writing.

2 (h) The estimate shall include the use of repair
3 specifications by the original equipment manufacturer for
4 those parts, and no repair facility or installer may use repair
5 specifications or procedures that are not in compliance with
6 the original equipment manufacturer for those parts unless
7 authorized by the customer in writing.

8 (Source: P.A. 93-565, eff. 1-1-04.)