

1 AN ACT concerning regulation.

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.  
5 However, this subsection is not intended to mandate the use of  
6 original equipment manufacturer repair parts that may be  
7 recommended in a repair specification or procedure by the  
8 original equipment manufacturer for those parts, and this  
9 subsection is not applicable to glass repair, replacement, and  
10 associated advanced driver assistance system calibration  
11 covered by the Automotive Repair Act.

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

13           Section 10. The Automotive Collision Repair Act is amended  
14 by changing Sections 15 and 80 as follows:

15           (815 ILCS 308/15)

16           Sec. 15. Disclosure to consumers; estimates.

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

20           (b) Every motor vehicle collision repair facility shall  
21 either (i) give to each consumer a written estimated price for  
22 labor and parts for a specific repair and shall not charge for  
23 work done or parts supplied in an amount that exceeds the  
24 estimate by more than 10% without oral or written consent from

1 the consumer; or (ii) give to each consumer a written price  
2 limit for each specific repair and shall not exceed that limit  
3 without oral or written consent of the consumer. The estimate  
4 shall include the total costs to repair the motor vehicle.

5 Estimates shall include all charges to be paid by the  
6 consumer to complete the repair, including any charges for  
7 estimates, diagnostics, storage, and administrative fees.

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

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

20 (e) If it is necessary to disassemble or partially  
21 disassemble a motor vehicle or motor vehicle component in order  
22 to provide the consumer a written estimate for required  
23 repairs, the estimate shall show the cost of any disassembly if  
24 the consumer elects not to proceed with the repair of the motor  
25 vehicle.

26 (f) The estimate shall include the date the estimate was

1 prepared or the date the motor vehicle was presented to the  
2 collision repair facility for repair and the odometer reading  
3 on the motor vehicle at the time the motor vehicle was left  
4 with the collision repair facility.

5 (g) No estimate may include the use of a non-original  
6 equipment manufacturer aftermarket crash parts unless  
7 authorized by the customer in writing.

8 (h) The estimate shall include the use of repair  
9 specifications and procedures by the original equipment  
10 manufacturer for those parts, and no repair facility or  
11 installer may use repair specifications or procedures that are  
12 not in compliance with the original equipment manufacturer for  
13 those parts. However, this subsection is not intended to  
14 mandate the use of original equipment manufacturer repair parts  
15 that may be recommended in a repair specification or procedure  
16 by the original equipment manufacturer for those parts.

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

18 (815 ILCS 308/80)

19 Sec. 80. Exemptions. This Act does not apply to automotive  
20 repair, automotive repair facilities, and motor vehicle repair  
21 facilities covered by the Automotive Repair Act, including  
22 advanced driver assistance system calibration associated with  
23 glass repair and replacement that is covered by the Automotive  
24 Repair Act.

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

1           Section 15. The Consumer Fraud and Deceptive Business  
2 Practices Act is amended by changing Sections 2M and 2Z as  
3 follows:

4           (815 ILCS 505/2M) (from Ch. 121 1/2, par. 262M)

5           Sec. 2M.

6           No person engaged in the business of performing services on  
7 merchandise shall advertise such services as factory  
8 authorized services unless such services are performed by  
9 factory authorized personnel, or in the case of repairs subject  
10 to the Illinois Automotive Collision Repair Act, performed  
11 pursuant to original equipment manufacturer specifications.  
12 Any person so advertising shall, upon request, supply proof of  
13 such authorization through manufacturer certification. Any  
14 person who violates this Section commits an unlawful practice  
15 within the meaning of this Act, and in addition to relief  
16 available under Section 7 of this Act, may be prosecuted for  
17 the commission of a Class C misdemeanor.

18           (Source: P.A. 78-589.)

19           (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

20           Sec. 2Z. Violations of other Acts. Any person who knowingly  
21 violates the Automotive Repair Act, the Automotive Collision  
22 Repair Act, Section 155.29 of the Illinois Insurance Code, the  
23 Home Repair and Remodeling Act, the Dance Studio Act, the

1 Physical Fitness Services Act, the Hearing Instrument Consumer  
2 Protection Act, the Illinois Union Label Act, the Installment  
3 Sales Contract Act, the Job Referral and Job Listing Services  
4 Consumer Protection Act, the Travel Promotion Consumer  
5 Protection Act, the Credit Services Organizations Act, the  
6 Automatic Telephone Dialers Act, the Pay-Per-Call Services  
7 Consumer Protection Act, the Telephone Solicitations Act, the  
8 Illinois Funeral or Burial Funds Act, the Cemetery Oversight  
9 Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the  
10 Illinois Pre-Need Cemetery Sales Act, the High Risk Home Loan  
11 Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud Act,  
12 subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act,  
13 subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax  
14 Act, the Electronic Mail Act, the Internet Caller  
15 Identification Act, paragraph (6) of subsection (k) of Section  
16 6-305 of the Illinois Vehicle Code, Section 11-1431, 18d-115,  
17 18d-120, 18d-125, 18d-135, 18d-150, or 18d-153 of the Illinois  
18 Vehicle Code, Article 3 of the Residential Real Property  
19 Disclosure Act, the Automatic Contract Renewal Act, the Reverse  
20 Mortgage Act, Section 25 of the Youth Mental Health Protection  
21 Act, the Personal Information Protection Act, or the Student  
22 Online Personal Protection Act commits an unlawful practice  
23 within the meaning of this Act.

24 (Source: P.A. 99-331, eff. 1-1-16; 99-411, eff. 1-1-16; 99-642,  
25 eff. 7-28-16; 100-315, eff. 8-24-17; 100-416, eff. 1-1-18;  
26 100-863, eff. 8-14-18.)