

HOUSE No. 3469

By Mr. Fagan of Taunton, petition of James H. Fagan for legislation to further regulate the use of generic crash parts, so-called in the repair of motor vehicles. Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT PROVIDING ADDITIONAL CONSUMER PROTECTIONS IN THE REPAIR OF DAMAGED MOTOR VEHICLES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 90 of the General Laws, as appearing in the 2004 Official
2 Edition, is hereby amended by striking out Section 34R and inserting
3 in place thereof the following section:—

4 Section 34R. (a) Whenever repairs are necessary to the visible
5 exterior sheet metal or plastic parts of a damaged motor vehicle, any
6 insurer or repairer preparing a written estimate of the cost of such
7 repairs shall clearly identify in such estimate each major generic
8 crash part to be used which is not manufactured or supplied by the
9 original manufacturer of the motor vehicle.

10 For the purposes of this section, “crash parts” shall mean motor
11 vehicle parts of sheet metal or plastic that constitute the visible exte-
12 rior of the vehicle, including inner and outer panels, which are to be
13 repaired or replaced as the result of a collision.

14 For the purposes of this section, “generic crash parts” shall mean
15 motor vehicle parts of sheet metal or plastic that constitute the vis-
16 ible exterior of the vehicle, including inner and outer panels, which
17 are to be repaired or replaced as the result of a collision and which
18 are not manufactured by the original manufacturer of the motor
19 vehicle.

20 (b) A notification shall be attached to, or included in, the estimate
21 and shall contain the following information in no smaller than ten
22 point type:—

23 TH OF CRASH PARTS SUPPLIED BY THE MANUFAC-
24 Turer of your vehicle or on generic crash parts

25 SUPPLIED BY AN INDEPENDENT MANUFACTURER. ALL
26 GENERIC CRASH PARTS USED IN THE PREPARATION OF
27 THIS ESTIMATE ARE WARRANTED BY YOUR INSURER
28 AND THE MANUFACTURER AND/OR DISTRIBUTOR OF
29 SUCH PARTS.

30 (c) The insurer or repairer, as the case may be, shall give a copy
31 of such estimate and such notice to the person for whom the estimate
32 is prepared.

33 (d) The repairer shall, on the customer's repair order or repair cer-
34 tification form, identify by name the manufacturer or supplier of any
35 non-original manufacturer crash parts used in making the actual
36 repairs.

37 (e) All crash parts, both original equipment manufacturer parts
38 and generic crash parts, manufactured after January 1, 2004 shall
39 carry sufficient permanent identification so as to identify its manu-
40 facturer. Such identification shall be accessible to the extent possible
41 after installation.