

HOUSE No. 1041

The Commonwealth of Massachusetts

PRESENTED BY:
Robert P. Spellane

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:
An Act providing additional consumer protections in the repair of damaged motor vehicles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Robert P. Spellane	13th Worcester

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1098 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
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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:*

Chapter 90 of the General Laws is hereby amended by striking out section 34R and inserting in
place thereof the following section:-

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

For the purposes of this section, "crash parts" shall mean motor vehicle parts of sheet metal or
plastic that constitute the visible exterior of the vehicle, including inner and outer panels, which
are to be repaired or replaced as the result of a collision.

For the purposes of this section, "generic crash parts" shall mean motor vehicle parts of sheet
metal or plastic that constitute the visible exterior of the vehicle, including inner and outer

panels, which are to be repaired or replaced as the result of a collision and which are not manufactured by the original manufacturer of the motor vehicle.

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

THIS REPAIR ESTIMATE HAS BEEN PREPARED IN PART BASED ON THE USE OF CRASH PARTS SUPPLIED BY THE MANUFACTURER OF YOUR VEHICLE OR ON GENERIC CRASH PARTS SUPPLIED BY AN INDEPENDENT MANUFACTURER. ALL GENERIC CRASH PARTS USED IN THE PREPARATION OF THIS ESTIMATE ARE WARRANTED BY YOUR INSURER AND THE MANUFACTURER AND/OR DISTRIBUTOR OF SUCH PARTS.

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

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

(e) All crash parts, both original equipment manufacturer parts and generic crash parts, manufactured after January 1, 2010 shall carry sufficient permanent identification so as to identify its manufacturer. Such identification shall be accessible to the extent possible after installation.