

HOUSE BILL No. 6053

September 19, 1990, Introduced by Reps. Weeks, Sofio, Kosteva, Hart, Webb, Gire, Niederstadt, Maynard, Kulchitsky, Ciaramitaro, DeBeaussaert, Owen, Hertel and Gubow and referred to the Committee on Insurance.

A bill to provide for certain disclosures with respect to the use of aftermarket crash parts in the repair of motor vehicles; to prescribe the powers and duties of repair facilities and installers with respect to the use of aftermarket crash parts; and to provide for remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "aftermarket crash parts act".

3 Sec. 2. As used in this act:

4 (a) "Aftermarket crash part" means a replacement part for a
5 nonmechanical sheet metal part or plastic part that generally
6 constitutes part of the exterior of a motor vehicle, including,
7 but not limited to, an inner or outer panel.

8 (b) "Installer" means an individual who replaces or repairs
9 parts of a motor vehicle.

1 (c) "Insurer" means an insurance company authorized to
2 transact property, fire, or casualty insurance in this state and
3 an agent of the insurer and includes an insurance association,
4 pool, or facility created under the insurance code of 1956, Act
5 No. 218 of the Public Acts of 1956, being sections 500.100 to
6 500.8302 of the Michigan Compiled Laws.

7 (d) "Motor vehicle" means a self-propelled device by which a
8 person or property may be transported upon a public highway.
9 Motor vehicle does not include a tractor, motorcycle, moped,
10 trailer, semitrailer, bus, truck, power shovel, road machinery,
11 agricultural machinery, or other machinery or vehicle not
12 designed primarily for highway transportation, but which may
13 incidentally transport persons or property on a public highway.
14 Motor vehicle also does not include a device that moves upon or
15 is guided by a track.

16 (e) "Nonoriginal equipment manufacturer aftermarket crash
17 part" or "non-OEM aftermarket crash part" means an aftermarket
18 crash part not made by or for the manufacturer of a motor
19 vehicle.

20 (f) "Repair facility" means any motor vehicle dealer,
21 garage, body repair shop, or other commercial entity that under-
22 takes the repair or replacement of parts that generally consti-
23 tute the exterior of a motor vehicle.

24 Sec. 3. If an insurer requests the use of non-OEM after-
25 market crash parts in the repair of an insured's motor vehicle, a
26 repair facility or installer may use non-OEM aftermarket crash
27 parts to repair a vehicle only if the insured receives a written

1 estimate of repairs that clearly identifies each non-OEM
2 aftermarket crash part and that contains or has attached to it in
3 not less than 10-point bold type the following information:

4 "This estimate has been prepared based on the use of
5 crash parts supplied by a source other than the manu-
6 facturer of your motor vehicle. Warranties that apply
7 to these replacement parts are provided by the manu-
8 facturer, distributor, or insurer of these parts."

9 Sec. 4. This act may be enforced through a civil action for
10 damages in a court of appropriate jurisdiction.

11 Sec. 5. This act shall take effect April 1, 1991.