

HOUSE No. 2764

The Commonwealth of Massachusetts

PRESENTED BY:

Peter J. Koutoujian

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 adoption of the accompanying bill:

An Act providing additional consumer choice and protections in the repair of damaged motor vehicles under auto insurance policies.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Peter J. Koutoujian</i>	<i>10th Middlesex</i>	<i>1/20/2011</i>

HOUSE No. 2764

By Mr. Koutoujian of Waltham, a petition (accompanied by bill, House, No. 2764) of Peter J. Koutoujian relative to providing additional consumer protections in the repair of damaged motor vehicles. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1041 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act providing additional consumer choice and protections in the repair of damaged motor vehicles under auto insurance policies.

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 is hereby amended by striking out section 34R and
2 inserting in place thereof the following section:-

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

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

10 For the purposes of this section, "generic crash parts" shall mean motor vehicle parts of
11 sheet metal or plastic that constitute the visible exterior of the vehicle, including inner and outer
12 panels, which are to be repaired or replaced as the result of a collision and which are not
13 manufactured by the original manufacturer of the motor vehicle.

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

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

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

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

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