

HOUSE No. 897

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to automobile repair parts. ..

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

1 SECTION 1. Section 1. Chapter 90 of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by striking out section 34R and inserting in place thereof the
3 following section:— Section 34R. (a) Definitions.

4 As used in this section, the following words shall have the following meanings:
5 “Crash part”, motor vehicle parts of sheet metal or plastic that constitute the visible exterior of
6 the vehicle, including inner and outer panels, which are to be replaced as the result of a collision.
7 “Original manufacturer part”, any part of a motor vehicle, including, but not limited to, crash
8 parts, that was designed and manufactured by or under the authority of the manufacturer of said
9 vehicle and authorized to display the trademark of said original manufacturer.

10 “Non-original manufacturer part”, any part, including, but not limited to, crash parts
11 that is not an original manufacturer part.

12 (b) Whenever the replacement of a crash part is necessary for the repair of a motor
13 vehicle, any insurer or repairer, or agent thereof, shall prepare a written estimate of the cost of

14 such repairs which shall clearly identify each major replacement crash part to be used as either
15 an original manufacturer part or a non-original manufacturer part. (c) Attached to any such
16 estimate that specifies non-original manufacturer crash parts for use as replacement parts shall be
17 the following notice and authorization form, printed in not less than 10-point type, to be signed
18 by the vehicle owner:

19 CONSUMER NOTICE & AUTHORIZATION FORM

20 This repair estimate is based in part on the use of replacement parts that are not supplied
21 by the original manufacturer of the damaged parts in your vehicle. Warranties, if any, applicable
22 to these replacement parts are provided by their manufacturer or supplier rather than the
23 manufacturer of your vehicle.

24 Insurer/Repairer Comments:

25 _____
26 _____
27 _____

28 Repairs on your vehicle will not commence unless you have completed and signed this
29 form. By signing in the space provided below, you are stating the following: 1. I have reviewed
30 and understand this notice and any comments provided herein by the insurer/repairer with regard
31 to the quality of the replacement parts specified in this estimate that were not supplied by the
32 manufacturer of my vehicle.

33 Date: _____ Signature: _____

34 (d) Failure to comply with the provisions of this section shall constitute an unfair or
35 deceptive trade act or practice pursuant to the provisions of chapter 93A.

36 SECTION 2. Chapter 90 of the General Laws, as appearing in the 2002 Official Edition,
37 is hereby amended by adding the following new section: Section 34S. Aftermarket Parts-
38 Identification. All aftermarket parts manufactured after January 1, 2010, shall carry
39 sufficient permanent identification so as to identify its manufacturer. Such identification shall be
40 accessible to the extent possible after installation.