

2015 Regular Session

SENATE BILL NO. 77

BY SENATOR KOSTELKA

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MOTOR VEHICLES. Requires a motor vehicle repairman to disclose to customers that parts used in an auto body repair may not be new, original equipment manufacturer parts. (8/1/15)

1 AN ACT

2 To enact R.S. 32:535.2, relative to motor vehicle repair work; to require disclosure on

3 certain parts used in a repair; to provide for penalties; to provide certain terms,

4 procedures and conditions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 32:535.2 is hereby enacted to read as follows:

7 **§535.2. Required disclosure**

8 **A. Prior to performing any work on a motor vehicle, the repairman**

9 **employed by a customer to perform auto body repair work on the motor vehicle**

10 **shall comply with the provisions of this Section.**

11 **B. The repairman shall provide the customer with a Consumer Auto**

12 **Body Repair Disclosure form. The form shall be a separate standardized**

13 **document and printed in at least ten-point type. The repairman may use his**

14 **own letterhead, but the language of the form shall read as follows:**

15 **CONSUMER AUTO BODY REPAIR DISCLOSURE**

16 **Some estimates may be written and some repairs may be made using parts that**

17 **are not new, original equipment manufacturer ("OEM") parts. This means**

1        that some parts used in the estimate, repair, or the estimate and the repair, may  
2        be manufactured by someone other than the manufacturer of your motor  
3        vehicle, or that some parts used in the estimate, repair, or the estimate and the  
4        repair may be used, recycled, or remanufactured. Any use of such parts will be  
5        reflected in your repair invoice with the appropriate designations, including but  
6        not limited to remanufactured, recycled, like kind and quality ("LKQ"), or  
7        nonoriginal equipment manufacturer ("non-OEM"). Warranties applicable to  
8        these replacement parts are provided by the manufacturer or distributor of  
9        these parts, or the person or facility completing the repairs, rather than the  
10       manufacturer of your motor vehicle. The use of such replacement parts may  
11       void certain motor vehicle manufacturer warranties. Please sign one of the  
12       following statements:

13       I understand the disclosure above and do not wish to be expressly notified prior  
14       to the use of such non-OEM or used parts.

15       Signature: \_\_\_\_\_

16       Date: \_\_\_\_\_

17       I understand the disclosure above and request to be expressly notified prior to  
18       the use of such non-OEM or used parts. I understand that this notification  
19       could result in delays to my repairs while such contact is made.

20       Signature: \_\_\_\_\_

21       Date: \_\_\_\_\_

22       Preferred contact information: \_\_\_\_\_

23       C. The Consumer Auto Body Repair Disclosure shall be dated and signed  
24       by the customer prior to any work being performed on the motor vehicle. The  
25       customer may acknowledge and respond to the disclosure in an electronic  
26       format.

27       D. The repairman shall provide the customer with a copy of the  
28       Consumer Auto Body Repair Disclosure and shall retain a completed copy for  
29       his records for a period of not less than two years.

1 **E. Whoever violates the provisions of this Section shall be fined not more**  
2 **than one thousand dollars.**

3 **F. Notwithstanding the provisions of R.S. 32:533, the provisions of this**  
4 **Section shall be effective in every city, town, village, and parish on August 1,**  
5 **2015.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ducharme.

DIGEST

SB 77 Original    2015 Regular Session    Kostelka

Proposed law provides that prior to performing any work on a motor vehicle, the repairman employed by a customer to perform auto body repair work on the motor vehicle shall comply with the provisions of law.

Proposed law provides that the repairman shall provide the customer with a Consumer Auto Body Repair Disclosure form. The form shall be a separate standardized document and printed in at least ten-point type. The repairman may use his own letterhead, but the language of the form shall read as follows:

CONSUMER AUTO BODY REPAIR DISCLOSURE

Some estimates may be written and some repairs may be made using parts that are not new, original equipment manufacturer ("OEM") parts. This means that some parts used in the estimate, repair, or the estimate and the repair, may be manufactured by someone other than the manufacturer of your motor vehicle, or that some parts used in the estimate, repair, or the estimate and the repair may be used, recycled, or remanufactured. Any use of such parts will be reflected in your repair invoice with the appropriate designation, including but not limited to remanufactured, recycled, like kind and quality ("LKQ"), or nonoriginal equipment manufacturer ("non-OEM"). Warranties applicable to these replacement parts are provided by the manufacturer or distributor of these parts, or the person or facility completing the repairs, rather than the manufacturer of your motor vehicle. The use of such replacement parts may void certain motor vehicle manufacturer warranties. Please sign one of the following statements:

I understand the disclosure above and do not wish to be expressly notified prior to the use of such non-OEM or used parts.  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

I understand the disclosure above and request to be expressly notified prior to the use of such non-OEM or used parts. I understand that this notification could result in delays to my repairs while such contact is made.  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_  
Preferred contact information: \_\_\_\_\_

Proposed law provides that the disclosure shall be dated and signed by the customer prior to any work being performed on the motor vehicle. The customer may acknowledge and respond to the disclosure in an electronic format.

Proposed law provides that the repairman shall provide the customer with a copy of the

disclosure and shall retain a completed copy for his records for a period of not less than two years.

Proposed law provides that whoever violates the provisions of proposed law shall be fined not more than \$1000.

Effective August 1, 2015.

(Adds R.S. 32:535.2)