

By Representative Bitner

1                                   A bill to be entitled  
 2           An act relating to aftermarket crash parts;  
 3           creating s. 501.325, F.S.; providing  
 4           prohibitions against insurers relating to use  
 5           of certain replacement parts, payments for  
 6           certain parts, and use of certain repair  
 7           facilities; amending s. 501.33, F.S.; revising  
 8           a required disclosure; requiring certain  
 9           aftermarket crash parts to contain certain  
 10          information; requiring estimates of repair  
 11          costs using certain parts to provide costs of  
 12          certain required additional modifications  
 13          relating to such parts; providing an effective  
 14          date.

15  
 16 Be It Enacted by the Legislature of the State of Florida:

17  
 18           Section 1.   Section 501.325, Florida Statutes, is  
 19          created to read:

20                   501.325 Insurer prohibitions.--

21                   (1) An insurer may not require, as a condition of  
 22                   payment of a claim under a motor vehicle insurance policy, the  
 23                   use of any replacement part that is not new and original  
 24                   manufacturer equipment in repairing a motor vehicle during the  
 25                   3-year period equivalent to the initial 3-year warranty period  
 26                   for the vehicle. The insurer may not require additional  
 27                   payment for the use of the new and original manufacturer  
 28                   equipment in repairing a motor vehicle during such period.  
 29                   After such period, any choice between using a replacement part  
 30                   that is new and original manufacturer equipment and a  
 31                   replacement part that is not new and original manufacturer

1 equipment in repairing a motor vehicle shall be that of the  
2 person making the claim.

3 (2) An insurer may not require the use of any repair  
4 facility as a condition of payment of any claim under a motor  
5 vehicle insurance policy.

6 Section 2. Section 501.33, Florida Statutes, is  
7 amended to read:

8 501.33 Disclosure.--

9 (1) In all instances where nonoriginal equipment  
10 manufacturer aftermarket crash parts are used in preparing an  
11 estimate for repairs, the written estimate prepared by the  
12 insurer or the repair facility, or both, shall clearly  
13 identify each such part. A disclosure shall be attached to,  
14 or included in, the estimate and shall contain the following  
15 information in no smaller than 10-point type:

16

17 Replacement Crash Parts Notice and Authorization Form

18

19 NOTICE TO CONSUMER:

20 1. "Replacement crash parts" are the parts typically  
21 replaced during the repair of a damaged vehicle. These parts  
22 include, but are not limited to, exterior sheet metal and  
23 plastic components (such as fenders, hoods, doors, bumper  
24 systems, and related structural components).

25 2. The type(s) of replacement crash parts listed on  
26 your estimate/repair order # (copy attached) are from  
27 the categories checked below.

28 3. Warranties for the type(s) of replacement crash  
29 parts listed below are provided by the manufacturer or  
30 distributor of the replacement parts. Warranty coverage  
31 varies. Ask your insurer or collision repair professional for

1 specific, written warranty information. Additional warranties  
2 for replacement crash parts will be provided by .

3 4. Replacement Crash Parts Types (Check all that  
4 apply):

5  
6      New Original Equipment Manufacturer (OEM).

7         Parts that are made by the vehicle  
8         manufacturer or one of its licensees and  
9         distributed through the normal channels of  
10         the manufacturer. These parts maintain the  
11         OEM Vehicle Factory Warranty for the replaced  
12         part and any other adjoining or associated  
13         OEM parts or systems.

14  
15      New Aftermarket. Parts that are made by  
16         companies other than the vehicle manufacturer  
17         or its licensees. All parts in this category  
18         are warranted by the distributor and/or  
19         manufacturer of these parts.

20  
21      Recycled/Recyclable. Used parts that have  
22         been removed from another vehicle. All parts  
23         in this category are warranted by the salvage  
24         vendor.

25  
26      Remanufactured. Parts that have been returned  
27         to like-new condition by repairing,  
28         remachining, or rebuilding. All parts in this  
29         category are warranted by the remanufacturer  
30         of the part.

31

1 I understand that my vehicle will be repaired using the parts  
2 described above, and I authorize the repair facility to  
3 install those parts.

4  
5 Customer Signature:.....Date:.....

6 (2) Any aftermarket crash parts supplied by a  
7 manufacturer of equipment which is not original manufacturer  
8 equipment for use in this state after the effective date of  
9 this act shall have affixed to such part or inscribed on such  
10 part the logo or name of the manufacturer of the part.

11 (3) Any insurer's use of aftermarket crash parts for a  
12 vehicle past the 3-year period shall include in the estimate  
13 provided to the insured the cost of any modifications solely  
14 attributable to the use of any parts that are not original  
15 equipment manufacturer parts that are necessary to attain  
16 satisfactory fit, finish, and corrosion protection.~~THIS~~  
17 ~~ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF CRASH PARTS~~  
18 ~~SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR~~  
19 ~~VEHICLE. THE AFTERMARKET CRASH PARTS USED IN THE PREPARATION~~  
20 ~~OF THIS ESTIMATE ARE WARRANTED BY THE MANUFACTURER OR~~  
21 ~~DISTRIBUTOR OF SUCH PARTS RATHER THAN THE MANUFACTURER OF YOUR~~  
22 ~~VEHICLE.~~

23 Section 3. This act shall take effect July 1, 1999.

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26 LEGISLATIVE SUMMARY

27  
28 Prohibits insurers from requiring as a condition of claim  
29 payment the use of other than new and original  
30 manufacturer equipment for 3 years after sale of a new  
31 car. Prohibits insurers from requiring additional payment  
for the use of new and original manufacturer equipment  
during such period, and prohibits them from requiring the  
use of particular repair facilities as a condition of  
claim payment. Revises a required disclosure for  
replacement crash parts.