

By Senator Horne

10-1222-99

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.

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 Prohibits insurers from requiring as a condition of claim
28 payment the use of other than new and original
29 manufacturer equipment for 3 years after sale of a new
30 car. Prohibits insurers from requiring additional payment
31 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.