

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Gordon**

A BILL ACT 1209 OF 1991
SENATE BILL 663

For An Act To Be Entitled

8 "AN ACT TO REQUIRE DISCLOSURE OF THE USE AND
9 IDENTIFICATION OF NON-ORIGINAL EQUIPMENT MANUFACTURER
10 AFTERMARKET CRASH PARTS; AND FOR OTHER PURPOSES."

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12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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14 SECTION 1. As used in this act:

15 (1) "Aftermarket crash part" means a replacement for any of the
16 nonmechanical sheet metal or plastic parts which generally constitute the
17 exterior of a motor vehicle, including inner and outer panels;

18 (2) "Installer" means an individual who performs the work of replacing
19 or repairing parts of a motor vehicle;

20 (3) "Insurer" means an insurance company and any person authorized to
21 represent the insurer with respect to a claim and who is acting within the
22 scope of the person's authority;

23 (4) "Non-original equipment manufacturer aftermarket crash part" means
24 an aftermarket crash part made by any manufacturer other than the original
25 vehicle manufacturer or his supplies;

26 (5) "Repair facility" means a motor vehicle dealer, garage, body shop,
27 or other commercial entity which undertakes the repair or replacement of those
28 parts that generally constitute the exterior of a motor vehicle.

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30 SECTION 2. Any non-original equipment manufacturer aftermarket crash
31 part manufactured or supplied for use in this state on or after January 1,
32 1992, shall have affixed thereto or inscribed thereon the logo, identification
33 number, or name of its manufacturer. Such manufacturer's logo, identification
34 number, or name shall be visible after installation whenever practicable.

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36 SECTION 3. In all instances where non-original equipment manufacturer

1 aftermarket crash parts are used in preparing an estimate for repairs, the
2 written estimate prepared by the insurer or repair facility shall clearly
3 identify such parts. A disclosure document attached to the estimate shall
4 contain the following information in no smaller than ten-point type:

5 "THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF AFTERMARKET CRASH
6 PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE.
7 THE AFTERMARKET CRASH PARTS USED IN THE PREPARATION OF THIS ESTIMATE ARE
8 WARRANTED BY THE MANUFACTURER OR DISTRIBUTOR OF SUCH PARTS INSTEAD OF THE
9 MANUFACTURER OF YOUR VEHICLE."

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11 SECTION 4. Any person who violates any provision of this act shall,
12 upon conviction, be guilty of a violation and shall be subject to the penalty
13 prescribed in Arkansas Code 5-4-201(c)(1).

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15 SECTION 5. This act is intended to apply only to parts that are
16 aftermarket crash parts as defined herein and to the documents prepared in the
17 repair estimate process. It is not intended to apply to any mechanical
18 automotive parts or used parts of any kind or to any invoice or final
19 invoicing forms.

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21 SECTION 6. All provisions of this act of a general and permanent nature
22 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
23 Revision Commission shall incorporate the same in the Code.

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25 SECTION 7. If any provision of this act or the application thereof to
26 any person or circumstance is held invalid, such invalidity shall not affect
27 other provisions or applications of the act which can be given effect without
28 the invalid provision or application, and to this end the provisions of this
29 act are declared to be severable.

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31 SECTION 8. All laws and parts of laws in conflict with this act are
32 hereby repealed.

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/s/Gordon

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APPROVED: 4-10-91