

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H3/5/97

A Bill

ACT 835 OF 1997
HOUSE BILL 1812

4
5 By: Representative Dietz
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For An Act To Be Entitled

8
9 "AN ACT TO AMEND THE ARKANSAS NEW MOTOR VEHICLE QUALITY
10 ASSURANCE ACT TO PROVIDE THAT WHENEVER REPAIRS ARE BEING
11 MADE INVOLVING REPLACEMENT CRASH PARTS ONLY ORIGINAL
12 EQUIPMENT MANUFACTURER AFTERMARKET CRASH PARTS MAY BE
13 USED; AND FOR OTHER PURPOSES."
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Subtitle

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16 "AMEND THE ARKANSAS NEW MOTOR VEHICLE
17 QUALITY ASSURANCE ACT TO PROVIDE THAT
18 WHENEVER REPAIRS ARE BEING MADE
19 INVOLVING REPLACEMENT CRASH PARTS ONLY
20 ORIGINAL EQUIPMENT MANUFACTURER
21 AFTERMARKET CRASH PARTS MAY BE USED."
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Subchapter 4, Chapter 90, Title 4 of the Arkansas Code is
26 amended by inserting *two (2) additional sections* at the end thereof to read as
27 follows:

28 § 4-90-306.

29 Whenever repairs are made involving replacement crash parts, as defined
30 in this subchapter, and the vehicle is still under the manufacturers original
31 warranty, only original equipment manufacturer replacement crash parts may be
32 used by the repair facility, unless the owner gives or has given written
33 consent otherwise.

34 § 4-90-307. Every insurer that writes motor vehicle insurance and that
35 intends to require or specify the use of after-market parts must disclose to
36 its policyholders in writing, either in the policy or on an attached sticker,

1 the following information in no smaller than 10 point type:

2 'IN THE REPAIR OF YOUR COVERED MOTOR VEHICLE UNDER THE PHYSICAL DAMAGE
3 COVERAGE PROVISIONS OF THIS POLICY, WE MAY REQUIRE OR SPECIFY THE USE OF MOTOR
4 VEHICLE PARTS NOT MADE BY THE ORIGINAL MANUFACTURER. THESE PARTS ARE REQUIRED
5 TO BE AT LEAST EQUAL IN TERMS OF FIT, QUALITY, PERFORMANCE, AND WARRANTY TO
6 THE ORIGINAL MANUFACTURER PARTS THEY REPLACE.'"

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8 SECTION 2. All provisions of this act of a general and permanent nature
9 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
10 Revision Commission shall incorporate the same in the Code.

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12 SECTION 3. If any provision of this act or the application thereof to
13 any person or circumstance is held invalid, such invalidity shall not affect
14 other provisions or applications of the act which can be given effect without
15 the invalid provision or application, and to this end the provisions of this
16 act are declared to be severable.

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18 SECTION 4. All laws and parts of laws in conflict with this act are
19 hereby repealed.

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21 /s/Rep. Dietz

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23 APPROVED:3-26-97

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