

*As Engrossed: 3/13/91*

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

# A Bill

**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."

11

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

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

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

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

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

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

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

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*/s/Gordon*

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