

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Gwatney**

A Bill

SENATE BILL 724

For An Act To Be Entitled

8 "AN ACT TO PROVIDE THAT CONSUMERS MAY RECEIVE A WRITTEN
9 ESTIMATE OF THE COST OF REPAIRS TO A MOTOR VEHICLE; TO
10 PROVIDE FOR A DISCLOSURE OF CONSUMER RIGHTS PRIOR TO
11 AUTHORIZATION OF REPAIRS TO A MOTOR VEHICLE; TO PROVIDE
12 THAT CONSUMERS MAY RECEIVE AN ITEMIZED RECEIPT OR INVOICE
13 FOR REPAIRS TO A MOTOR VEHICLE; TO PROVIDE THAT VIOLATIONS
14 SHALL CONSTITUTE A DECEPTIVE TRADE PRACTICE; AND FOR OTHER
15 PURPOSES."

Subtitle

18 "AN ACT TO PROVIDE A RIGHT TO AN ESTIMATE; A DISCLOSURE OF
19 CONSUMER RIGHTS; AND A RIGHT TO AN ITEMIZED INVOICE FOR
20 AUTOMOTIVE REPAIRS."

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

24 SECTION 1. Written estimate for repair work.

25 (a) Before beginning any repair work on a motor vehicle for which a
26 customer is charged more than one hundred dollars (\$100), an automotive repair
27 facility shall give the customer, on his request, a written statement which
28 contains:

29 (1) The estimated completion date; and

30 (2) The estimated price for labor and parts necessary to complete
31 the work.

32 (b) If the fee is disclosed to the customer before the estimate is
33 made, the automotive repair facility may charge a reasonable fee for making
34 the estimate.

35 (c) An automotive repair facility may not charge a customer any amount

1 which exceeds the written estimate by ten percent (10%) unless the customer
2 has expressly authorized the additional charge.

3 (d) *An automotive repair facility is not liable for breach of the*
4 *written estimated completion date for a repair if the delay is caused by:*
5 (1) *an act of God;*
6 (2) *strike;*
7 (3) *unexpected illness;*
8 (4) *unexpected shortage of labor or parts; or*
9 (5) *an unanticipated difficulty in completing a repair, provided*
10 *that the delay consists only of a reasonable amount of time actually spent to*
11 *overcome the difficulty.*

12 (e) This section does not require an automotive repair facility to give
13 a written estimate if the facility does not agree to perform the requested
14 repair work.

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16 SECTION 2. Repair authorizations.

17 (a) Except as provided in subsection (c) of this section, before
18 beginning any repair work on a motor vehicle that will exceed a cost of one
19 hundred dollars (\$100), an automotive repair facility shall give the customer
20 a copy of a form used for authorization of repairs which shall inform the
21 customer of the following rights:

22 (1) That the customer may request a written estimate for repairs
23 which cost in excess of one hundred dollars (\$100);

24 (2) That the customer may not be charged any amount which exceeds
25 the written estimate by ten percent (10%) without the customer's express
26 consent;

27 (3) That the customer is entitled to the return of any replaced
28 parts except when the parts are required to be returned to the manufacturer
29 under a warranty agreement or the parts are to be returned to a vendor as a
30 core exchange; provided however that the customer must make his request for
31 return of parts prior to or at the time of completion of repairs; and

32 (4) That repairs not originally authorized by the customer may
33 not be charged to the customer without the customer's consent.

34 (b) The customer's rights provided for in this section shall be:

35 (1) Displayed immediately before the space for the signature of

1 the customer conspicuously in easily readable type;

2 (2) Physically separated from the other terms of the form used
3 for authorization of repairs; and

4 (3) Listed under a printed heading "Customer's Rights".

5 (c) An automotive repair facility may inform the customer orally of the
6 customer's rights if:

7 (1) The customer's motor vehicle is towed to the automotive
8 repair facility for repair; or

9 (2) The customer leaves the vehicle for repair at the repair
10 facility when the facility is not open.

11 (d) If any automotive repair facility informs a customer orally of the
12 customer's rights, the facility shall record in writing:

13 (1) The name of the person(s) notified;

14 (2) The date and time of the notification; and

15 (3) The signature of the person who made the notification.
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17 SECTION 3. Itemized invoice or receipt upon request.

18 When an automotive repair facility repairs a motor vehicle for which the
19 customer is charged more than one hundred dollars (\$100), the automotive
20 repair facility shall give the customer, upon his request, an itemized written
21 bill for the cost of repairs. The bill shall include the following
22 information:

23 (1) The hourly labor rate;

24 (2) The time charged for the repair;

25 (3) The itemized cost of any new parts used to complete the repair;

26 (4) The itemized cost of any used or reconditioned parts used to
27 complete the repair; and

28 (5) Any other charges.
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30 SECTION 4. Remedies.

31 A violation of this section shall constitute a violation of the Arkansas
32 Deceptive Trade Practice Act, A.C.A. § 4-88-101 et seq.. All remedies,
33 penalties, and authority granted to the Attorney General under the Deceptive
34 Trade Practices Act shall be available to the Attorney General for the
35 enforcement of this provision.

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SECTION 5. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 7. All laws and parts of laws in conflict with this act are hereby repealed.

/s/Senator Gwatney

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