

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Senator Smith

# A Bill

SENATE BILL 658

## 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

17 "TO PROVIDE A RIGHT TO AN ESTIMATE; A  
18 DISCLOSURE OF CONSUMER RIGHTS; AND A  
19 RIGHT TO AN ITEMIZED INVOICE FOR  
20 AUTOMOTIVE REPAIRS"  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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25 SECTION 1. Written estimate for repair work.

26 (a) Before beginning any repair work on a motor vehicle for which a  
27 customer is charged more than two hundred dollars (\$200), an automotive  
28 repair facility shall give the customer, on his request, a written statement  
29 which contains:

30 (1) The estimated completion date;

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

33 (3) Whether the charge for labor will be determined by a flat  
34 rate manual or by actual time expended.

35 (b) If the fee is disclosed to the customer before the estimate is

1 made, the automotive repair facility may charge a reasonable fee for making  
2 the estimate; however, nothing in this section shall be construed to require  
3 the charging of a fee or to require the production of a written estimate if  
4 not requested by the consumer.

5 (c) An automotive repair facility may not charge a customer any amount  
6 which exceeds the written estimate by ten percent (10%) unless the customer  
7 has expressly authorized the additional charge.

8 (d) An automotive repair facility is not liable for breach of the  
9 written estimated completion date for a repair if the delay is caused by:

- 10 (1) an act of God;
- 11 (2) strike;
- 12 (3) unexpected illness;
- 13 (4) unexpected shortage of labor or parts; or
- 14 (5) an unanticipated difficulty in completing a repair, provided  
15 that the delay consists only of a reasonable amount of time actually spent to  
16 overcome the difficulty.

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

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21 SECTION 2. Repair authorization.

22 (a) Except as provided in subsection (c) of this section, before  
23 beginning any repair work on a motor vehicle that will exceed a cost of two  
24 hundred dollars (\$200), an automotive repair facility shall give the customer  
25 a copy of a form used for authorization of repairs which shall inform the  
26 customer of the following rights:

27 (1) That the customer may request a written estimate for repairs  
28 which cost in excess of two hundred dollars (\$200);

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

32 (3) That the customer is entitled to the return of any replaced  
33 parts except when the parts are required to be returned to the manufacturer  
34 under a warranty agreement or the parts are to be returned to a vendor as a  
35 core exchange; provided, however, that the customer must make his request for

1 return of parts prior to or at the time of completion of repairs; and

2 (4) That repairs not originally authorized by the customer may  
3 not be charged to the customer without the customer\_s consent.

4 (b) The customer\_s rights provided for in this section shall be:

5 (1) Displayed immediately before the space for the signature of  
6 the customer and be conspicuous and in easily readable type;

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

9 (3) Listed under a printed heading "Customer\_s Rights".

10 (c) An automotive repair facility may inform the customer orally of  
11 the customer\_s rights if:

12 (1) The customer\_s motor vehicle is towed to the automotive  
13 repair facility for repair;

14 (2) The customer leaves the vehicle for repair at the repair  
15 facility when the facility is not open; or

16 (3) The automotive repair facility conspicuously displays, in an  
17 area readily and normally accessible to a customer, an easily readable sign  
18 disclosing the customer\_s rights as provided under this section.

19 (d) If any automotive repair facility informs a customer orally of the  
20 customer\_s rights, upon complaint by a customer, the repair facility shall  
21 have the burden of proving:

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

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

24 (3) The name of the person who made the notification.

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26 SECTION 3. Itemized invoice or receipt upon request.

27 When an automotive repair facility repairs a motor vehicle for which  
28 the customer is charged more than two hundred dollars (\$200), the automotive  
29 repair facility shall give the customer, upon his request, an itemized  
30 written bill for the cost of repairs. The bill shall include the following  
31 information:

32 (1) The hourly labor rate;

33 (2) The time charged for the repair;

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

35 (4) The itemized cost of any used or reconditioned parts used to

1 complete the repair; and  
2 (5) Any other charges.

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4 SECTION 4. Remedies.

5 A violation of this section shall constitute a violation of the  
6 Arkansas Deceptive Trade Practices Act, Arkansas Code Annotated § 4-88-101 et  
7 seq. All remedies, penalties, and authority granted to the Attorney General  
8 under the Deceptive Trade Practices Act shall be available to the Attorney  
9 General for the enforcement of this act.

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

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

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

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