

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999

As Engrossed: S3/29/99

# A Bill

SENATE BILL 886

4  
5 By: Senator Fitch  
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7

## For An Act To Be Entitled

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

## Subtitle

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

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27 SECTION 1. Written estimate for repair work.

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

31 (1) The estimated completion date; and

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

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

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

4       (d) An automotive repair facility must repair the car within seventy-  
5 two (72) hours of the written estimated completion date for a repair unless  
6 the delay is caused by:

7               (1) An act of God;

8               (2) Strike;

9               (3) Unexpected illness; or

10              (4) Unexpected shortage of labor or parts.

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

14       (f) For purposes of this act, a motor vehicle means any self-propelled  
15 vehicle primarily designed for the transportation of persons or property over  
16 the public streets and highways, but does not include vehicles over ten  
17 thousand pounds (10,000 lbs.).

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19       SECTION 2. Waiver.

20       (a) A customer may execute a written waiver of their right to the  
21 written statement required under Section 1 of this act, so long as the waiver  
22 discloses that repairs will not be commenced until the customer has been given  
23 an estimate of the price they will be charged for the labor and parts  
24 necessary to complete the repair work along with the estimated completion date  
25 of the repair work, and the customer has expressly authorized the making of  
26 the repairs. All other provisions of Section 1 of this act will remain  
27 applicable should the waiver provision herein be utilized.

28       (b) An automotive repair facility is not required to provide the  
29 written statement required under Section 1 of this act or have the customer  
30 execute a written waiver of their right to the written statement required  
31 under Section 1 of this act, if:

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

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

36       (c) Repairs will not be commenced on the aforementioned vehicles until

1 the customer has been given an estimate of the price they will be charged for  
 2 the labor and parts necessary to complete the repair work along with the  
 3 estimated completion date of the repair work, and the customer has expressly  
 4 authorized the making of the repairs. All other provisions of Section 1 of  
 5 this act will remain applicable to those instances delineated in this section.

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 7 SECTION 3. Remedies.

8 A violation of this section shall constitute a violation of The Arkansas  
 9 Deceptive Trade Practices Act, A.C.A. § 4-88-101, et seq. All remedies,  
 10 penalties, and authority granted to the Attorney General under the Deceptive  
 11 Trade Practices Act shall be available to the Attorney General for the  
 12 enforcement of this provision.

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 14 SECTION 4. All provisions of this Act of a general and permanent nature  
 15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
 16 Revision Commission shall incorporate the same in the Code.

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 18 SECTION 5. If any provision of this Act or the application thereof to  
 19 any person or circumstance is held invalid, such invalidity shall not affect  
 20 other provisions or applications of the Act which can be given effect without  
 21 the invalid provision or application, and to this end the provisions of this  
 22 Act are declared to be severable.

23  
 24 SECTION 6. All laws and parts of laws in conflict with this Act are  
 25 hereby repealed.

26 /s/ Fitch