

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

SENATE BILL 1458

By: Johnson (Rob)

*Not in this session
2/28 10ish
see Senator Johnson*

AS INTRODUCED

An Act relating to notice of use of aftermarket parts; amending 15 O.S. 2011, Sections 951, 952, 953 and 955, which relate to the Aftermarket Crash Parts Regulation Act; modifying short title; conforming language; modifying definitions; modifying disclosure requirements; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 15 O.S. 2011, Section 951, is amended to read as follows:

Section 951. This act shall be known and may be cited as the Use of Aftermarket ~~Crash~~ Emissions and Safety Parts Regulation Notice and Consent Act.

SECTION 2. AMENDATORY 15 O.S. 2011, Section 952, is amended to read as follows:

Section 952. The purpose of the Use of Aftermarket ~~Crash~~ Emissions and Safety Parts Regulation Notice and Consent Act is to regulate the use of aftermarket crash parts by:

1. Requiring disclosure when any use is proposed of an aftermarket, non-original equipment manufacturer's crash part; and

1 2. Requiring that the manufacturers of such aftermarket crash
2 parts be identified.

3 SECTION 3. AMENDATORY 15 O.S. 2011, Section 953, is
4 amended to read as follows:

5 Section 953. For purposes of the Use of Aftermarket Crash
6 Emissions and Safety Parts Regulation Notice and Consent Act:

7 1. "Insurer" means an insurance company authorized to do
8 business in our state and any person authorized to represent the
9 insurer with respect to a claim;

10 2. "~~Aftermarket crash~~ Crash part" means a replacement for any
11 of the nonmechanical sheet metal or plastic parts which generally
12 constitute the exterior of a motor vehicle, including inner and
13 outer panels;

14 3. "~~Non-original equipment manufacturer aftermarket~~ Aftermarket
15 crash part" means ~~aftermarket~~ crash parts not made for or by the
16 manufacturer of the motor vehicle;

17 4. "Repair facility" means any motor vehicle dealer, garage,
18 body shop or other commercial entity which undertakes the repair or
19 replacement of those parts that generally constitute the exterior of
20 a motor vehicle; ~~and~~

21 5. "Installer" means any person who actually does the work of
22 replacing or repairing parts of a motor vehicle;

23 6. "Emissions part" means a replacement of parts or systems
24 related to the control, monitoring and release of waste gases and

1 particles created as a byproduct of combustion including, but not
2 limited to, oxygen sensors, catalytic converters, exhaust pipes,
3 exhaust manifold, fuel distributor, electronic emissions control
4 unit or computer (ECU), onboard emissions diagnostic device or
5 computer (OBD) and related parts and components;

6 7. "Aftermarket emissions part" means emissions parts not made
7 for or by the manufacturer of the motor vehicle;

8 8. "Safety part" means a replacement of parts or systems
9 essential to vehicle operation, suspension, electronic control units
10 (ECU), brake parts, safety systems, and supplemental restraint
11 system(SRS) components; and

12 9. "Aftermarket safety part" means safety parts not made for or
13 by the manufacturer of the motor vehicle.

14 SECTION 4. AMENDATORY 15 O.S. 2011, Section 955, is
15 amended to read as follows:

16 Section 955. No insurer shall specify the use of ~~non-original~~
17 ~~equipment manufacturer~~ aftermarket crash parts in the repair of an
18 insured's motor vehicle, nor shall a repair facility or installer
19 use ~~non-original equipment manufacturer~~ aftermarket crash parts,
20 aftermarket emissions parts or aftermarket safety parts to repair a
21 vehicle, unless the consumer is advised in writing. In all
22 instances where ~~non-original equipment manufacturer~~ aftermarket
23 crash parts, aftermarket emissions parts or aftermarket safety parts
24 are intended for use by an insurer:

1 1. The written estimate shall clearly identify each such part;
2 and

3 2. A disclosure document containing substantially the following
4 information in ten-point type or larger type shall appear on or be
5 attached to the insured's copy of the estimate: "This estimate has
6 been prepared based on the use of crash parts supplied by a source
7 other than the manufacturer of your motor vehicle. Warranties
8 applicable to these replacement parts are provided by the
9 manufacturer or distributor of these parts rather than the
10 manufacturer of your vehicle."

11 When aftermarket emissions or aftermarket safety parts are used
12 in preparing an estimate and the owner has been informed of the use
13 of such parts as required by this section, the motor vehicle owner
14 must consent in writing to the use of such parts before the repair
15 is made.

16 SECTION 5. This act shall become effective November 1, 2012.

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