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HOUSE BILL 2555

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State of Washington

55th Legislature

1998 Regular Session

By Representatives Zellinsky, Constantine, Sullivan, Carrell and Dickerson

Read first time 01/15/98. Referred to Committee on Financial Institutions & Insurance.

1 AN ACT Relating to the use of aftermarket crash parts for the  
2 repair of motor vehicles; and adding a new chapter to Title 19 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds and declares as a  
5 matter of public policy that the purposes of this chapter are to  
6 require disclosure to motor vehicle owners of information on certain  
7 replacement crash parts for repairs to their motor vehicles and to  
8 prevent the use of aftermarket crash parts for repair unless the motor  
9 vehicle owner consents in writing at the time of the repair.

10 NEW SECTION. **Sec. 2.** The definitions in this section apply  
11 throughout this chapter unless the context clearly requires otherwise.

12 (1) "Aftermarket crash parts" means crash parts:

13 (a) Manufactured by a person other than the original manufacturer  
14 of the motor vehicle to be repaired; and

15 (b) For which the original manufacturer of the motor vehicle has  
16 not authorized the use of its name or trademark by the manufacturer of  
17 the crash parts.

1 (2) "Crash parts" means exterior or interior sheet metal or  
2 fiberglass panels and parts that form the superstructure or body of a  
3 motor vehicle, including, but not limited to, fenders, bumpers, quarter  
4 panels, door panels, hoods, grills, fire walls, permanent roofs, wheel  
5 wells, and front and rear lamp display panels.

6 (3) "Genuine crash parts" means crash parts:

7 (a) Manufactured by or for the original manufacturer of the motor  
8 vehicle to be repaired; and

9 (b) That are authorized to carry the name or trademark of the  
10 original manufacturer of the motor vehicle.

11 (4) "Motor vehicle body shop" means a person or business  
12 establishment that removes, replaces, reconditions, or repairs sheet  
13 metal or fiberglass motor vehicle crash parts.

14 NEW SECTION. **Sec. 3.** (1) For a motor vehicle requiring repair by  
15 motor vehicle body shops in the year of its manufacture or in the four  
16 succeeding years thereafter, a motor vehicle body shop shall use  
17 genuine crash parts sufficient to maintain the manufacturer's warranty  
18 for fit, finish, structural integrity, corrosion resistance, dent  
19 resistance, and crash performance unless the motor vehicle owner  
20 consents in writing at the time of the repair to the use of aftermarket  
21 crash parts. An insurance company may not require the use of  
22 aftermarket crash parts when negotiating repairs of the motor vehicle  
23 with a repairer for a period of five years, the year the motor vehicle  
24 was manufactured and the four succeeding years thereafter, unless the  
25 motor vehicle owner consents in writing at the time of the repair to  
26 the use of aftermarket crash parts.

27 (2) An insurer that writes motor vehicle insurance and that intends  
28 to require or specify the use of aftermarket crash parts on a vehicle  
29 older than five years must disclose to its policyholders in writing,  
30 either in the policy or on an attached sticker, the following  
31 information in no smaller than ten-point type:

32 IN THE REPAIR OF YOUR COVERED MOTOR VEHICLE UNDER THE PHYSICAL  
33 DAMAGE COVERAGE PROVISIONS OF THIS POLICY, WE MAY REQUIRE OR  
34 SPECIFY THE USE OF MOTOR VEHICLE PARTS NOT MADE BY THE ORIGINAL  
35 MANUFACTURER. THESE PARTS ARE REQUIRED TO BE AT LEAST EQUAL IN  
36 TERMS OF FIT, QUALITY, PERFORMANCE, AND WARRANTY TO THE  
37 ORIGINAL MANUFACTURER PARTS THEY REPLACE.

1        NEW SECTION.    **Sec. 4.**    The legislature finds that the practices  
2 covered by this chapter are matters vitally affecting the public  
3 interest for the purpose of applying the consumer protection act,  
4 chapter 19.86 RCW. A violation of this chapter is not reasonable in  
5 relation to the development and preservation of business and is an  
6 unfair or deceptive act in trade or commerce and an unfair method of  
7 competition for the purpose of applying the consumer protection act,  
8 chapter 19.86 RCW.

9        NEW SECTION.    **Sec. 5.**    Sections 1 through 4 of this act constitute  
10 a new chapter in Title 19 RCW.

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