

By: Senator(s) White (29th)

To: Insurance

SENATE BILL NO. 2730

1 AN ACT TO AMEND SECTIONS 63-27-1, 63-27-3, 63-27-5 AND
2 63-27-7, MISSISSIPPI CODE OF 1972, TO REVISE THE LAWS REGULATING
3 THE USE OF AFTERMARKET CRASH PARTS FOR AUTOMOTIVE REPAIR; TO
4 REQUIRE MOTOR VEHICLE BODY SHOPS TO USE GENUINE CRASH PARTS FOR
5 CERTAIN MOTOR VEHICLES UNLESS THE MOTOR VEHICLE OWNER CONSENTS IN
6 WRITING; TO REQUIRE MOTOR VEHICLE BODY SHOPS TO PROVIDE CERTAIN
7 NOTICES AND WRITTEN STATEMENTS TO THE VEHICLE OWNER; TO PROVIDE
8 THAT A VIOLATION OF THE ACT IS AN UNFAIR OR DECEPTIVE ACT OR
9 PRACTICE AND IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS
10 OF THE STATE CONSUMER PROTECTION LAWS; AND FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 SECTION 1. Section 63-27-1, Mississippi Code of 1972, is
13 amended as follows:

14 63-27-1. As used in this chapter, the following words and
15 phrases shall have the meanings ascribed herein unless the context
16 clearly indicates otherwise:

17 (a) "Aftermarket crash parts" means crash parts:

18 (i) Manufactured by a person other than the
19 original manufacturer of the motor vehicle to be repaired; and

20 (ii) For which the original manufacturer of the
21 motor vehicle has not authorized the use of its name or trademark
22 by the manufacturer of the crash parts.

23 (b) "Crash parts" means exterior or interior parts made
24 of sheet metal, plastic, fiberglass, or similar materials that
25 form the superstructure or body of a motor vehicle, included, but
26 not limited to, frames, frame rails, fenders, bumpers, bumper
27 covers, cowls, glass, quarter panels, door panels, hatchbacks,
28 trunk and deck lids, T-tops, sunroofs, moonroofs, astro roofs,
29 cabs, cab clips, hoods, grills, fire walls, permanent roofs,
30 floors, wheels, wheel covers, seats, seat tracks, seat belts, air

31 bags, radiators, condensers, radiator supports, and front and rear
32 lamps and lamps display panels.

33 (c) "Genuine crash parts" means crash parts:

34 (i) Manufactured by or for the original
35 manufacturer of the motor vehicle to be repaired; and

36 (ii) That are authorized to carry the name or
37 trademark of the original manufacturer of the motor vehicle.

38 (d) "Motor vehicle" shall be defined according to
39 Section 63-3-103, Mississippi Code of 1972.

40 (e) "Motor vehicle body shop" means any person or
41 business establishment that removes, replaces, reconditions or
42 repairs crash parts.

43 SECTION 2. Section 63-27-3, Mississippi Code of 1972, is
44 amended as follows:

45 63-27-3. For all motor vehicles requiring repair by motor
46 vehicle body shops in the year of their manufacture or in the two
47 (2) succeeding years thereafter, motor vehicle body shops shall
48 use genuine crash parts sufficient to maintain the manufacturer's
49 warranty for fit, finish, structural integrity, corrosion
50 resistance, dent resistance and crash performance unless the motor
51 vehicle owner consents in writing at the time of repair to the use
52 of aftermarket or imitation crash parts. No insurance company may
53 require the use of aftermarket crash parts when negotiating
54 repairs of the motor vehicle with any repairer for a period of
55 three (3) years, the year the motor vehicle was manufactured and
56 the two (2) succeeding years thereafter, unless the motor vehicle
57 owner consents in writing at the time of the repair to the use of
58 aftermarket or imitation crash parts with the repair facility.
59 The consent by the motor vehicle owner at the time of repair to
60 the use of aftermarket or imitation crash parts shall be made on
61 forms prescribed and furnished by the Office of the Attorney
62 General.

63 SECTION 3. Section 63-27-5, Mississippi Code of 1972, is
64 amended as follows:

65 63-27-5. (1) Effective after July 1, 1999, before beginning
66 repair work on crash parts, a motor vehicle body shop shall:

67 (a) Provide a list to the vehicle owner of the

68 replacement crash parts that the body shop intends to use in
69 making repairs;

70 (b) Specify whether the replacement parts are genuine
71 crash parts; and

72 (c) Identify the manufacturer of the parts if the
73 replacement parts are aftermarket crash parts.

74 (2) If the replacement parts to be used by the body shop in
75 the repair work are aftermarket crash parts, the body shop shall
76 include with its estimate the following written statement: "THIS
77 ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF AFTERMARKET CRASH
78 PARTS THAT ARE NOT MANUFACTURED BY THE ORIGINAL MANUFACTURER OF
79 THE VEHICLE OR BY A MANUFACTURER AUTHORIZED BY THE ORIGINAL
80 MANUFACTURER TO USE ITS NAME OR TRADEMARK. THE USE OF AN
81 AFTERMARKET CRASH PART MAY INVALIDATE ANY REMAINING WARRANTIES OF
82 THE ORIGINAL MANUFACTURER ON THAT CRASH PART OR PARTS ASSOCIATED
83 WITH THAT CRASH PART INCLUDING ENGINE COMPONENTS THAT FAIL DUE TO
84 THE USE OF A CRASH PART INCLUDING, BUT NOT LIMITED TO, COOLING
85 SYSTEM COMPONENTS."

86 (3) The notices and statements required under this section
87 shall be made in writing in a clear and conspicuous manner on a
88 separate piece of paper in not less than ten-point capital type.

89 SECTION 4. Section 63-27-7, Mississippi Code of 1972, is
90 amended as follows:

91 63-27-7. Sections 63-27-1 through 63-27-7 shall not:

92 (a) Prohibit a person from filing an action for damages
93 against a body shop; or

94 (b) Require a person first to exhaust any
95 administrative remedy he may have.

96 SECTION 5. A violation of Sections 63-27-1 through 63-27-7
97 is an unfair or deceptive act or practice and is subject to the
98 enforcement and penalty provisions contained under Section
99 75-24-1, et seq.

100 SECTION 6. This act shall take effect and be in force from

101 and after July 1, 1999.