

By: Representative Compretta

To: Transportation

## HOUSE BILL NO. 1308

1 AN ACT TO AMEND SECTION 63-27-7, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE THE INSURER OF A MOTOR VEHICLE THAT HAS SUSTAINED PHYSICAL  
3 DAMAGE TO NOTIFY THE INSURED WHENEVER THE INSURER INTENDS TO  
4 SPECIFY THE USE OF NONORIGINAL REPLACEMENT PARTS; TO PROHIBIT A  
5 MOTOR VEHICLE REPAIR FACILITY FROM USING NONORIGINAL REPLACEMENT  
6 PARTS WITHOUT THE VEHICLE OWNER'S WRITTEN PERMISSION; TO CREATE A  
7 NEW SECTION 63-27-9, MISSISSIPPI CODE OF 1972, TO PROHIBIT AN  
8 INSURER FROM UNILATERALLY REQUIRING USE OF NONORIGIGINAL  
9 REPLACEMENT PARTS WHEN REPAIRING CERTAIN AGE VEHICLES; TO CREATE  
10 NEW SECTION 63-27-11, MISSISSIPPI CODE OF 1972, TO PROHIBIT AN  
11 INSURER WHEN MAKING A PAYMENT INCIDENT TO A MOTOR VEHICLE DAMAGE  
12 CLAIM FROM REQUIRING AS A CONDITION OF PAYMENT THAT THE REPAIRS BE  
13 MADE AT A PARTICULAR REPAIR FACILITY OR IN ACCORDANCE WITH A  
14 CERTAIN METHOD; TO CREATE NEW SECTION 63-27-13, MISSISSIPPI CODE  
15 OF 1972, TO PRESCRIBE PENALTIES FOR VIOLATIONS OF THIS ACT; TO  
16 CREATE NEW SECTION 63-27-15, MISSISSIPPI CODE OF 1972, TO PROVIDE  
17 THAT THE PROVISIONS OF CHAPTER 27, TITLE 63, MISSISSIPPI CODE OF  
18 1972, SHALL BE SEVERABLE; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** Section 63-27-7, Mississippi Code of 1972, is  
21 amended as follows:

22 63-27-7. In addition to the provision expressed in Section  
23 63-27-5, whenever an insurer, in adjusting a first party claim for  
24 motor vehicle physical damage, intends to specify the use of  
25 nonoriginal replacement parts, it shall notify the insured in  
26 writing. Any repair facility conducting business in the State of  
27 Mississippi shall not use nonoriginal replacement parts in the  
28 repair of any person's automobile without that person giving the  
29 repairer his or her express written consent.

30 **SECTION 2.** The following shall be codified as Section  
31 63-27-9, Mississippi Code of 1972:

32 63-27-9. No insurer may require the use of nonoriginal  
33 replacement parts when negotiating repairs with any repairer  
34 unless the repairer has written consent from the vehicle owner to  
35 install aftermarket parts. The provisions of this section shall

36 apply only to automobiles which are less than thirty (30) months  
37 beyond the date of manufacture.

38 **SECTION 3.** The following shall be codified as Section  
39 63-27-11, Mississippi Code of 1972:

40 63-27-11. When making a payment incident to a claim, no  
41 insurer shall require that as a condition to such payment repairs  
42 be made to a motor vehicle in a particular place or by a  
43 particular repair facility, nor shall any such insurer dictate to  
44 the repair facility or repair facility or repairer the method and  
45 manner to be used in the repair of the motor vehicle.

46 **SECTION 4.** The following shall be codified as Section  
47 63-27-13, Mississippi Code of 1972:

48 63-27-13. Failure to comply with the provisions of this  
49 chapter shall render the repairer, insurer and repair facility  
50 subject to the provisions of Chapter 24, Title 75, Mississippi  
51 Code of 1972, including all criminal and civil penalties found  
52 therein and any other applicable penal statutes.

53 **SECTION 5.** The following shall be codified as Section  
54 63-27-15, Mississippi Code of 1972:

55 63-27-15. The provisions of this chapter are severable. If  
56 any part of this chapter is declared invalid or unconstitutional,  
57 such declaration shall not affect the part which remains.

58 **SECTION 6.** This act shall take effect and be in force from  
59 and after July 1, 2006.