
SUBSTITUTE HOUSE BILL 2555

State of Washington

55th Legislature

1998 Regular Session

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Zellinsky, Constantine, Sullivan, Carrell and Dickerson)

Read first time 02/02/98. Referred to Committee on .

1 AN ACT Relating to the use of aftermarket crash parts for the
2 repair of motor vehicles; adding a new section to chapter 48.30 RCW;
3 and adding a new chapter to Title 19 RCW.

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

5 NEW SECTION. **Sec. 1.** The legislature finds and declares as a
6 matter of public policy that the purpose of this chapter is to regulate
7 the use of aftermarket crash parts by requiring disclosure when any use
8 is proposed of an aftermarket, nonoriginal equipment manufacturer's
9 crash part, and by requiring that the manufacturers of such aftermarket
10 crash parts be identified.

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

13 (1) "Aftermarket crash part" means a replacement for any of the
14 nonmechanical sheet metal or plastic parts that generally constitute
15 the exterior of a motor vehicle, including inner and outer panels.

16 (2) "Nonoriginal equipment manufacturer aftermarket crash part"
17 means aftermarket crash parts not made for or by the manufacturer of
18 the motor vehicle.

1 (3) "CAPA approved nonoriginal equipment manufacturer aftermarket
2 crash part" means aftermarket crash parts not made for or by the
3 manufacturer of the motor vehicle that have been approved by the
4 certified automotive parts association.

5 (4) "Motor vehicle body shop" means a person or business
6 establishment that removes, replaces, reconditions, or repairs
7 aftermarket crash parts.

8 NEW SECTION. **Sec. 3.** Any nonoriginal equipment manufacturer
9 aftermarket crash part used in the repair of a motor vehicle in this
10 state after the effective date of this act shall have affixed thereto
11 or inscribed thereon the logo or name of its manufacturer. Such
12 manufacturer's logo or name shall be visible after installation
13 whenever practicable.

14 NEW SECTION. **Sec. 4.** No insurer shall specify directly or
15 indirectly the use of nonoriginal equipment manufacturer aftermarket
16 crash parts in the repair of an insured's motor vehicle without
17 disclosing the intended use of such parts to the insured. In all
18 instances where nonoriginal equipment manufacturer aftermarket crash
19 parts are intended for use by an insurer:

20 (1) The written estimate shall clearly identify each nonoriginal
21 equipment manufacturer aftermarket crash part to be used;

22 (2) The written estimate shall also clearly identify whether each
23 part is a CAPA approved nonoriginal equipment manufacturer aftermarket
24 crash part; and

25 (3) A disclosure document containing the following information in
26 no smaller than ten-point type shall appear on or be attached to the
27 insurer's copy of the estimate:

28 THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE
29 CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF
30 YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE REPLACEMENT
31 PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THESE
32 PARTS RATHER THAN THE MANUFACTURER OF YOUR VEHICLE.

33 NEW SECTION. **Sec. 5.** A motor vehicle body shop may not use
34 nonoriginal equipment manufacturer aftermarket crash parts unless the
35 motor vehicle body shop discloses in writing to the motor vehicle owner

1 at the time of the repair that the motor vehicle body shop will be
2 using nonoriginal equipment manufacturer aftermarket crash parts. Such
3 disclosure must include a description of each nonoriginal equipment
4 manufacturer aftermarket crash part that the motor vehicle body shop
5 intends to use including whether each such part is a CAPA approved
6 nonoriginal equipment manufacturer aftermarket crash part.

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

15 NEW SECTION. **Sec. 7.** Sections 1 through 3, 5, and 6 of this act
16 constitute a new chapter in Title 19 RCW, and section 4 of this act
17 constitutes a new section in chapter 48.30 RCW.

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