

SENATE BILL NO. 32

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATOR COWDERY

Introduced: 1/21/03

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to insurance for and work on certain motor vehicle repairs; and**
2 **providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 21.36 is amended by adding a new section to read:

5 **Sec. 21.36.295. Coverage for certain motor vehicle aftermarket crash parts.**

6 (a) An insurer that offers a personal automobile insurance policy that provides coverage
7 for repair of the automobile shall provide the insured a warranty for an aftermarket crash
8 part installed during repair work on the automobile. The warranty must guarantee that
9 the part meets or exceeds the quality of the original part. Before issuing or renewing a
10 personal automobile insurance policy, the insurer shall provide the applicant or insured
11 written notice of the warranty available under this subsection.

12 (b) An insurer may not require, directly or indirectly, that a motor vehicle repair
13 shop supply or install an aftermarket crash part unless the use of the part is allowed under
14 AS 45.45.185(a) and the part is at least equivalent in fit, finish, function, and corrosion

1 resistance to the original equipment part being replaced.

2 (c) In this section, "aftermarket crash part" has the meaning given in
3 AS 45.45.185.

4 * **Sec. 2.** AS 45.45 is amended by adding a new section to read:

5 **Sec. 45.45.185. Motor vehicle repairs.** (a) Except with the consent of the
6 motor vehicle owner, a motor vehicle repair facility may not use an aftermarket crash
7 part for repair work on a motor vehicle if the motor vehicle is being repaired during the
8 year of the vehicle's manufacture or during the three years following the year of the
9 vehicle's manufacture.

10 (b) An invoice prepared by a motor vehicle repair facility for repair work must
11 indicate if an aftermarket crash part is used in making a repair allowed under this section.

12 (c) If a crash part used in the repair work is not supplied by the original
13 equipment manufacturer, the motor vehicle repair facility shall include in the repair cost
14 estimate the following statement:

15 This estimate has been prepared based on the use of a motor
16 vehicle replacement part not made by the original equipment
17 manufacturer. A warranty applicable to these replacement parts is
18 provided by the insurer rather than the manufacturer of your
19 vehicle. The use of a motor vehicle replacement part not made by
20 the original equipment manufacturer may invalidate the remaining
21 warranty of the original equipment manufacturer on that motor
22 vehicle part. The insurer will provide a copy of the warranty for
23 parts not made by the original equipment manufacturer.

24 (d) Nothing in this section affects the right of a third-party claimant under a
25 policy of liability insurance to have the vehicle repaired using new original equipment
26 parts.

27 (e) In this section, "aftermarket crash part" means a motor vehicle replacement
28 part that is not supplied by or manufactured at the direction of the original equipment
29 manufacturer and that is generally installed as a result of a crash or collision.

30 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).