

Original sponsor: Gardiner, M. Miller,
Wingrove and Huber

Offered: 4/4/74
Referred: Judiciary

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 CS FOR HOUSE BILL NO. 734

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to cost estimates and consumer
7 protection; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 45.50.471(a) is amended by adding a new paragraph to
10 read:

11 (14) repair an item without first providing a written
12 estimate of the cost of repair to the consumer, or charge for repair
13 more than 20 per cent of that estimate, as set forth in secs. 600 - 620
14 of this chapter.

15 * Sec. 2. AS 45.50.491 is amended to read:

16 Sec. 45.50.491. REGULATIONS. The commissioner of commerce, in
17 accordance with the Administrative Procedure Act (AS 44.62), may adopt
18 regulations interpreting and forms necessary for administering the
19 provisions of secs. 471 - 561 and secs. 600 - 620 of this chapter.

20 * Sec. 3. AS 45.50 is amended by adding a new section to read:

21 Sec. 45.50.600. ESTIMATES OF REPAIRS MADE OUTSIDE THE HOME. (a)
22 Before taking an item to be repaired or to be estimated for repair from a
23 consumer's possession, a consumer goods repairman must prepare and
24 tender a receipt containing all of the following information:

25 (1) the exact name and business address of the person who
26 will repair the item;

27 (2) the name and signature of the person who takes the item
28 into custody;

29 (3) a description including make, model, serial number or other

1 feature which will reasonably identify the item to be repaired; and

2 (4) an itemized statement of the charges for the giving of
3 an estimate, pickup and delivery, and of other charges which will be
4 made if the item is returned without being repaired.

5 (b) After taking an item to be repaired, a consumer goods repair-
6 man must

7 (1) provide the consumer, before commencing repair work, with
8 a written estimate;

9 (2) secure a signed authorization from the consumer to
10 repair at the written estimate price before commencing repair work;

11 (3) charge a total price, excluding tax, which is no more
12 than 20 per cent above the written estimate;

13 (4) provide a 90 day warranty on parts and labor; and

14 (5) tender the repaired item, together with a final bill
15 on the promised completion date, unless the consumer is notified of the
16 delay and the anticipated completion date; if complete repair is delayed
17 for an unreasonable period of time the consumer shall have the right
18 to the immediate return of the property.

19 (c) (a) and (b) of this section do not apply and the written esti-
20 mate of repair price may be verbally communicated to the consumer if:

21 (1) time or distance constraints make it impractical to
22 deliver a written estimate and obtain a signed authorization before the
23 date agreed upon for repairs to commence; and

24 (2) oral agreement to proceed is reached with the consumer
25 before the actual repair is commenced and the consumer goods repairman
26 mails a copy of the written estimate to the consumer before such repairs
27 are commenced; once oral agreement is reached and the written estimate
28 is mailed, the repairman need not wait for the consumer to receive the
29 mailed estimate or return a written consent before commencing repairs.

1 * Sec. 4. AS 45.50 is amended by adding a new section to read:

2 Sec. 45.50.605. ESTIMATES OF REPAIRS MADE INSIDE THE HOME. (a)

3 Before commencing repair of an item wholly in the home, a consumer
4 goods repairman must

5 (1) provide the consumer, before commencing repair work, with
6 an estimate which conforms in substance to the requirements of a written
7 estimate and which is in writing if requested by the consumer;

8 (2) obtain the approval of the consumer before commencing
9 repair work;

10 (3) deliver, before collecting a fee, a final bill which
11 includes the exact name and business address of the person who has
12 repaired the item and the identity of the person who has performed the
13 work; and

14 (4) charge a total price, excluding tax, which is no more
15 than 20 per cent above the estimate.

16 * Sec. 5. AS 45.50 is amended by adding a new section to read:

17 Sec. 45.50.610. EXEMPTIONS. The following shall be exempted from
18 the requirements of secs. 600 - 620 of this chapter:

19 (1) repairs, the estimated cost of which is \$100 or less,
20 including service charges and other miscellaneous items;

21 (2) repairs made under an agreement between the consumer and
22 the repairman that, for a fixed fee and for a specified time of at least
23 one year, goods will be repaired without additional charge; and

24 (3) repairs which because of parts and labor warranty or
25 other cause are performed at no cost whatsoever to the consumer.

26 * Sec. 6. AS 45.50 is amended by adding a new section to read:

27 Sec. 45.50.615. OTHER REMEDIES. Nothing in this chapter may be
28 construed to waive any right that a consumer has under the common law or
29 by statute.

1 * Sec. 7. AS 45.50 is amended by adding a new section to read:

2 Sec. 45.50.620. DEFINITIONS. In secs. 600 - 620 of this chapter,

3 (1) "consumer goods repairman" means any person or business
4 entity who undertakes to repair, service or improve consumer goods
5 including motor vehicles and boats and mechanical and electrical equip-
6 ment on them, household and personal electrical or mechanical items
7 and equipment;

8 (2) "written estimate" means signed writing containing:

9 (A) a listing of the parts to be replaced and the costs
10 of the replacements;

11 (B) a general description of the labor required for the
12 repair and its cost;

13 (C) a statement of the additional charges, if any, for
14 the estimate, any service call, or any other extra charge excluding
15 tax;

16 (D) the promised date of completion of the repair, unless
17 the repair will be completed on the day the item is first examined
18 by the consumer goods repairman; and

19 (E) a form statement that the final cost, excluding tax,
20 will not exceed the estimated cost by more than 20 per cent; this
21 statement need not be given if the final cost, excluding tax, will
22 not be more than the estimated cost;

23 (3) "final bill" means a signed writing containing:

24 (A) an itemization of each replacement part, including
25 a description by make and model or serial number or by class and
26 type or such other description as will reasonably identify each
27 part, and including the charge for each replacement part;

28 (B) a statement of the labor required for the repair and
29 the total cost for the labor; and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

(C) a statement of additional charges, if any, for the estimate, pick-up and delivery, service charge, and any other charges.

* Sec. 8. This Act takes effect on January 1, 1975.