

Introduced: 3/12/76  
Referred: Commerce

1 IN THE SENATE

BY CHANCE AND CROFT

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 647 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act regulating motor vehicle repairs; and providing  
7 for an effective date."

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

9 \* Section 1. AS 45.45 is amended by adding new sections to read:

10 ARTICLE 4. REGULATION OF MOTOR VEHICLE REPAIRS.

11 Sec. 45.45.130. REPAIR ORDER. Upon request of the customer and  
12 before the commencement of repairs, the shop shall provide the customer  
13 with a copy of a dated repair order legibly describing the repairs to  
14 be performed. The shop shall record the odometer reading of the cus-  
15 tomer's motor vehicle on the repair order, and shall sign the customer's  
16 copy.

17 Sec. 45.45.140. REPAIR PRICE INFORMATION. Upon request of the  
18 customer and before the commencement of repairs, the shop shall provide  
19 the customer with either (1) a price quotation for the repairs; or  
20 (2) a choice of estimate alternatives. The repair price information  
21 shall be made in good faith by the shops and may not be exceeded except  
22 for good cause and no additional charges may be exceeded except for  
23 good cause and no additional charges may be incurred by the customer  
24 over the price estimates without approval of the customer. Nothing  
25 in this section may be construed as requiring a shop to provide a price  
26 quotation or a choice of estimated alternatives if the shop does not  
27 agree to perform the requested repairs.

28 Sec. 45.45.160. CHARGES. No shop may charge for making a repair  
29 price quotation or estimate unless, before making the price quotation

1 or estimate, the shop discloses to the customer the amount of the  
2 charge, or, if the amount cannot be determined, the basis on which the  
3 charge will be calculated. No shop may impose, or threaten to impose, a  
4 charge which is clearly excessive in relation to the work involved in  
5 making the price quotation or estimate.

6 Sec. 45.45.170. AUTHORIZATION TO PROCEED WITH REPAIRS. (a)  
7 Before undertaking repairs other than those previously authorized by the  
8 customer, the shop shall call the customer and provide him with a de-  
9 scription of the proposed additional repairs, together with a good faith  
10 estimate of the price for the repairs. The shop may not then undertake  
11 the additional repairs until it receives the customer's written or oral  
12 authorization to do so.

13 (b) If the shop has given the customer an estimate and the price  
14 for the authorized repairs will exceed the estimate, or, if the customer  
15 has signed estimate alternative (2) under sec. 140(c) of this chapter  
16 and the price for the authorized repairs will exceed the amount desig-  
17 nated, the shop shall call the customer before continuing with the  
18 repairs, and shall provide the customer with a new, good faith estimate  
19 of the repair price. The shop may not then continue with the repairs  
20 until it receives the customer's written or oral authorization to do so.

21 (c) If the shop does not receive the customer's authorization to  
22 proceed with the repairs under (a) or (b) of this section, the shop  
23 shall either agree to perform the repairs at the original estimated  
24 price or provide for the customer to retake possession of the vehicle in  
25 at least as good condition as it was delivered to the shop and notify  
26 the customer accordingly.

27 (d) A written authorization under (a) or (b) of this section shall  
28 be made on the repair order or on the invoice when a repair order is not  
29 required by sec. 130 of this chapter and shall specify newly authorized

1 repairs, as well as the newly authorized repair price estimate. If  
2 authorization under (a) or (b) of this section is received orally, the  
3 shop shall specify on the repair order or invoice newly authorized  
4 repairs, as well as the newly authorized repair price estimate. It  
5 shall also specify the date and time of authorization, and the person  
6 and telephone number called.

7 Sec. 45.45.180. RETURN OF PARTS. (a) Parts from a customer's  
8 motor vehicle which are replaced by the shop shall be returned to the  
9 customer if they are requested by the customer at the time the repair  
10 order is taken. However, parts which must be returned to the manufac-  
11 turer because of a warranty or exchange agreement need not be returned  
12 to the customer upon request but shall instead be made available for the  
13 customer's inspection when the customer retakes possession of his motor  
14 vehicle.

15 Sec. 45.45.185. The shop shall post a conspicuously located and  
16 easily readable sign which states:

17 "YOU ARE ENTITLED TO A PRICE ESTIMATED FOR THE REPAIRS YOU HAVE  
18 AUTHORIZED. THIS PRICE ESTIMATE WILL NOT BE EXCEEDED IF THE  
19 MOTOR VEHICLE IS DELIVERED TO THE SHOP WITHIN 5 DAYS. AFTER THE  
20 MOTOR VEHICLE IS DELIVERED TO THE SHOP, THE REPAIR PRICE MAY BE  
21 LESS THAN THE ESTIMATE, BUT WILL NOT EXCEED THE ESTIMATE WITHOUT  
22 YOUR PERMISSION. YOUR SIGNATURE ON THE REPAIR ORDER WILL INDICATE  
23 YOUR AUTHORIZATION. YOU ARE ENTITLED TO THE RETURN OF ANY OR  
24 ALL REPLACED PARTS, EXCEPT PARTS WHICH MUST BE RETURNED TO A  
25 MANUFACTURER BECAUSE OF OUR WARRANTY AND/OR EXCHANGE AGREEMENT, IF  
26 YOU REQUEST THE PARTS AT THE TIME YOUR ORDER IS TAKEN. THOSE PARTS  
27 WHICH MUST BE RETURNED TO THE MANUFACTURER WILL BE MADE AVAILABLE  
28 FOR INSPECTION TO YOU WHEN YOU PICK UP YOUR VEHICLE, IF YOU REQUEST  
29 THE PARTS AT THE TIME YOUR REPAIR ORDER IS TAKEN."

1           Sec. 45.45.190. INVOICE. The shop shall provide every customer,  
2 at the time the customer retakes possession of his motor vehicle, with  
3 a copy of a dated invoice detailing the costs of all parts and labor  
4 involved in the repair, and identifying all parts replacements as being  
5 either new, used, rebuilt or reconditioned.

6           Sec. 45.45.200. PROHIBITED PRACTICES. (a) No shop may misrepre-  
7 sent, directly or by implication,

8                   (1) the cost of repairs authorized by the customer;

9                   (2) the terms or conditions of a warranty or service agree-  
10 ment;

11                   (3) that repairs are necessary;

12                   (4) that repairs have been made; or

13                   (5) that the motor vehicle is in a dangerous condition, or  
14 that the customer's continued use of the motor vehicle will be hazardous  
15 to persons or harmful to the motor vehicle.

16           (b) No shop may collect or attempt to collect for

17                   (1) repairs not authorized either orally or in writing by the  
18 customer;

19                   (2) repairs which the shop knew or reasonably ought to have  
20 known to be unnecessary; or

21                   (3) repairs which have not been made.

22           (c) No shop which is also a warrantor or a party to a service  
23 agreement may refuse to repair a motor vehicle in accordance with the  
24 terms and conditions of the warranty or service agreement.

25           (d) No shop may fail to return a customer's motor vehicle because  
26 the customer has refused to pay for unauthorized repairs, or because  
27 the customer has refused to pay repair charges in excess of the price  
28 authorized under secs. 130 - 140 of this chapter, if the customer pays  
29 the authorized price for the authorized repairs.

1 (e) No shop may alter a customer's motor vehicle with intent to  
2 create a condition requiring repairs.

3 Sec. 45.45.210. DISCLOSURE OF REGULATION. The following statement  
4 shall be conspicuously printed, either on the invoice or on another form  
5 given to every customer for whom the shop performs repairs:

6 "MOTOR VEHICLE REPAIR TRADE PRACTICES ARE REGULATED BY ALASKA  
7 STATUTES 45.45.130 - 45.45.240 ADMINISTERED BY THE CONSUMER  
8 PROTECTION SECTION, ALASKA DEPARTMENT OF LAW."

9 Sec. 45.45.220. RECORDS. A shop shall maintain repair records  
10 and invoices for parts purchased by the shop. The records shall be  
11 available for reasonable inspection by the Attorney General or other  
12 law enforcement agency and shall be retained for at least two years.

13 Sec. 45.45.240. DEFINITIONS. In secs. 130 - 240 of this chapter

14 (1) "customer" includes a person authorized by the customer  
15 to act on the customer's behalf;

16 (2) "motor vehicle" or "vehicle" means a motor vehicle as  
17 defined in AS 28.10.650 which is required to be registered with the  
18 Department of Public Safety under AS 28.10.040, or with a governmental  
19 agency of another state performing a similar function;

20 (3) "motor vehicle repair shop" or "shop" means an individual,  
21 corporation, partnership, or other form of business organization engaged  
22 in the motor vehicle repair business and includes owners, officers,  
23 directors, agents, employees, and representatives but excludes the  
24 following:

25 (A) a shop engaged solely in the business of repairing  
26 the motor vehicles of a single commercial, industrial or govern-  
27 mental establishment, or of two or more of these establishments  
28 which are related by common ownership or corpotation affiliation;

29 (B) a person repairing his own or a family member's

1 motor vehicle;

2 (4) "repair" or "repairs" means the improvement, adjustment,  
3 replacement, examination, diagnosis, maintenance, servicing, removal or  
4 installation of any component or part of a motor vehicle, but does not  
5 include towing or the supply of motor fuel to a motor vehicle.

6 \* Sec. 2. AS 45.50.471 is amended by adding a new paragraph to read:

7 (23) failing to comply with AS 45.45.130 - 45.45.240.

8 \* Sec. 3. This Act takes effect on January 1, 1977.  
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