

Original sponsor: Chance and Croft

Offered: 5/20/76
For Today's Calendar

1 IN THE SENATE

BY THE RULES COMMITTEE

2 HOUSE CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 647

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 be
14 performed. The shop shall record the odometer reading of the customer's
15 motor vehicle on the repair order, and shall sign the customer's copy.

16 Sec. 45.45.140. REPAIR PRICE INFORMATION. Upon request of the
17 customer and before the commencement of repairs, the shop shall provide
18 the customer with a price estimate for the repairs. The repair price
19 estimate shall be made in good faith by the shop and may not be exceeded
20 except for good cause and no additional charges may be incurred over
21 the price estimate without approval of the customer. Nothing in this
22 section may be construed as requiring a shop to provide a price estimate
23 if the shop does not agree to perform the requested repairs.

24 Sec. 45.45.150. NOTICE TO CUSTOMER. The shop shall post a con-
25 spicuously located and easily readable sign which states:

26 "YOU ARE ENTITLED TO A PRICE ESTIMATE FOR THE REPAIRS YOU
27 AUTHORIZE IF YOU REQUEST THE ESTIMATE BEFORE THE REPAIRS ARE
28 BEGUN. THIS PRICE ESTIMATE WILL NOT BE EXCEEDED IF THE MOTOR VEHICLE
29 IS DELIVERED TO THE SHOP WITHIN FIVE DAYS. AFTER THE MOTOR VEHICLE

1 IS DELIVERED TO THE SHOP THE REPAIR PRICE MAY BE LESS THAN THE
2 ESTIMATE BUT WILL NOT EXCEED THE ESTIMATE WITHOUT YOUR PERMISSION.
3 YOUR SIGNATURE ON THE REPAIR ORDER WILL INDICATE YOUR AUTHORIZATION
4 OF REPAIRS AT THE PRICE ESTIMATED.

5 YOU ARE ENTITLED TO THE RETURN OF ANY OR ALL REPLACED
6 PARTS, EXCEPT PARTS WHICH MUST BE RETURNED TO A MANUFACTURER
7 BECAUSE OF WARRANTY AND/OR EXCHANGE AGREEMENT, IF YOU REQUEST
8 THE PARTS AT THE TIME YOUR ORDER IS TAKEN. THOSE PARTS WHICH
9 MUST BE RETURNED TO THE MANUFACTURER WILL BE MADE AVAILABLE
10 FOR INSPECTION TO YOU WHEN YOU PICK UP YOUR VEHICLE IF YOU
11 REQUEST THE PARTS AT THE TIME YOUR REPAIR ORDER IS TAKEN."

12 Sec. 45.45.160. CHARGES. No shop may charge for making a repair
13 price estimate unless, before making the estimate, the shop discloses to
14 the customer the amount of the charge, or, if the amount cannot be
15 determined, the basis on which the charge will be calculated. No shop
16 may impose, or threaten to impose, a charge which is clearly excessive
17 in relation to the work involved in making the price estimate.

18 Sec. 45.45.170. AUTHORIZATION TO PROCEED WITH REPAIRS. (a)
19 If the shop has given the customer an estimate and the price for the
20 authorized repairs will exceed the estimate, the shop shall call the
21 customer before continuing with the repairs and shall provide the
22 customer with a new, good faith estimate of the repair price. The shop
23 may not then continue with the repairs until it receives the customer's
24 written or oral authorization to do so.

25 (b) Before undertaking repairs other than those previously autho-
26 rized by the customer, the shop shall call the customer and provide him
27 with a description of the proposed additional repairs, together with a
28 good faith estimate of the price for the repairs. The shop may not then
29 undertake the additional repairs until it receives the customer's

1 written or oral authorization to do so.

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

8 (d) A written authorization under (a) or (b) of this section shall
9 be made on the repair order or on the invoice when a repair order is not
10 requested and shall specify newly authorized repairs, as well as the
11 newly authorized repair price estimate. If authorization under (a) or
12 (b) of this section is received orally, the shop shall specify on the
13 repair order or invoice newly authorized repairs, as well as the newly
14 authorized repair price estimate. It shall also specify the date and
15 time of authorization, and the person and telephone number called.

16 Sec. 45.45.180. RETURN OF PARTS. Parts from a customer's motor
17 vehicle which are replaced by the shop shall be returned to the customer
18 if they are requested by the customer at the time the repair order is
19 taken. However, parts which must be returned to the manufacturer
20 because of a warranty or exchange agreement need not be returned to the
21 customer upon request but shall instead be made available for the
22 customer's inspection when the customer retakes possession of his motor
23 vehicle.

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

29 Sec. 45.45.200. PROHIBITED PRACTICES. (a) No shop may misrepre-

1 sent, directly or by implication,

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

3 (2) the terms or conditions of a warranty or service agree-
4 ment;

5 (3) that repairs are necessary;

6 (4) that repairs have been made; or

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

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

11 (1) repairs not authorized either orally or in writing by the
12 customer;

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

15 (3) repairs which have not been made.

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

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

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

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

29 "MOTOR VEHICLE REPAIR TRADE PRACTICES ARE REGULATED BY ALASKA

1 STATUTES 45.45.130 - 45.45.240 ADMINISTERED BY THE CONSUMER
2 PROTECTION SECTION, ALASKA DEPARTMENT OF LAW."

3 Sec. 45.45.220. RECORDS. A shop shall maintain repair records and
4 Invoices for parts purchased by the shop. The records shall be avail-
5 able for reasonable inspection by the attorney general or other persons
6 acting at his request and shall be retained for at least two years.

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

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

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

14 (3) "motor vehicle repair shop" or "shop" means an individual,
15 corporation, partnership, or other form of business organization engaged
16 in the motor vehicle repair business and includes owners, officers,
17 directors, agents, employees, and representatives but excludes the
18 following:

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

23 (B) a person repairing his own or a family member's
24 motor vehicle;

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

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

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

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

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