

1 IN THE SENATE

BY CROFT AND HUBER

2 SENATE BILL NO. 656

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicle repairs."

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

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

9 ARTICLE 4. MOTOR VEHICLE REPAIRS.

10 Sec. 45.45.130. PRICE ESTIMATES OF MOTOR VEHICLE REPAIRS REQUIRED.

11 (a) A motor vehicle repair shop shall give to the customer a written
12 estimated price for labor and parts necessary for a specific repair
13 job before commencement of the job. The price estimate shall be given
14 on a dated written repair order legibly describing the repairs to be
15 made, recording the odometer reading of the customer's vehicle, and
16 signed by the shop. The shop may not charge 10 per cent or more in
17 excess of the estimated price without the written or oral authorization
18 of the customer, which must be obtained after it is determined the esti-
19 mated price is insufficient and before the labor not estimated or the
20 parts not estimated are supplied.

21 (b) If the estimated price required under (a) of this section is
22 to be exceeded by 10 per cent or more with the customer's authorization,
23 the shop shall specify on the repair order the additional repairs and
24 new estimated price, and, if authorization was obtained orally, the
25 date and time of authorization and, if by telephone, the person and
26 number called.

27 (c) On each repair order on which an estimated price as required
28 under (a) of this section is furnished, or on a form attached to it on
29 which the repair order number has been entered, the following statement

1 shall be conspicuously disclosed to the customer:

2 THE ESTIMATED PRICE FOR THE AUTHORIZED REPAIRS WILL NOT BE
3 EXCEEDED BY 10 PER CENT OR MORE WITHOUT YOUR APPROVAL, UNLESS
4 YOU WISH TO WAIVE YOUR RIGHT TO THIS APPROVAL BY SIGNING
5 BELOW.

6 I wish to waive my right to approval of repair costs
7 which exceed the estimate on this order by 10 per cent
8 or more.

9 _____ (customer's signature)

10 MOTOR VEHICLE REPAIR PRACTICES OF THIS SHOP ARE REGULATED BY
11 ALASKA STATUTES 45.45.130 - 45.45.170, ADMINISTERED BY THE
12 CONSUMER PROTECTION SECTION, ALASKA DEPARTMENT OF LAW,
13 POUCH K, JUNEAU, ALASKA 99811.

14 (d) No shop may charge for furnishing an estimated price for
15 repairs under this section unless, before furnishing the estimate, the
16 shop discloses to the customer the amount of the charge or, if the
17 amount cannot be determined, the basis on which the charge will be
18 calculated. No shop may impose, or threaten to impose, a charge which
19 is clearly excessive in relation to the work involved in furnishing the
20 estimated price.

21 (e) Nothing in this section requires a motor vehicle repair shop
22 to provide an estimated price of repairs if the shop does not agree to
23 perform the requested repairs. However, no shop may make the perfor-
24 mance of repairs contingent upon the customer's waiver of a right under
25 this section.

26 (f) The provisions of secs. 130 - 170 of this chapter do not apply
27 if a customer's motor vehicle has been brought to a shop without face-
28 to-face contact between the customer and a representative of the shop.

29 Sec. 45.45.140. WAIVER. (a) A customer may waive his right to

1 a new price estimate under sec. 130(b) - (c) of this chapter by signing
2 the statement of waiver on the repair order.

3 (b) A shop may accept a written revocable waiver, covering at
4 least four vehicles owned or leased by the customer, under which the
5 customer waives his right to a prior estimate under sec. 130(a) of this
6 chapter for all repairs to the vehicles.

7 (c) A waiver under this section is not effective unless made by the
8 customer voluntarily and with knowledge of the meaning of the waiver.

9 Sec. 45.45.150. RETURN OF REPLACED PARTS TO CUSTOMER. Parts from
10 a customer's vehicle which are replaced by the shop shall be returned to
11 the customer at the completion of work if they are requested by the
12 customer at the time the repair order is taken. The shop shall inform
13 the customer, either orally or in writing, that the customer is entitled
14 to the return of replaced parts if he requests them at the time the
15 repair order is taken. Exempt from the requirement of this section
16 are

17 (1) parts which the state consumer protection section deter-
18 mines by regulation to be impractical for inspection because of size,
19 weight, or other similar factors;

20 (2) parts which must be returned to the manufacturer because
21 of a warranty or exchange agreement; the parts shall instead be made
22 available for the customer's inspection when the customer retakes pos-
23 session of his vehicle, unless no charge is being made for the replace-
24 ment part.

25 Sec. 45.45.160. RECORDS. A shop shall maintain repair orders and
26 attached forms, repair invoices, and other records which the state con-
27 sumer protection section by regulation may require to be maintained to
28 assure compliance with the provisions of secs. 130 - 170 of this chap-
29 ter. The records shall be available for reasonable inspection by the

1 consumer protection section and shall be retained for at least two
2 years.

3 Sec. 45.45.170. DEFINITIONS. In secs. 130 - 170 of this chapter

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

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

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

15 (A) a shop engaged solely in the business of repairing
16 the motor vehicles of a single commercial, industrial or govern-
17 mental establishment, or of two or more of these establishments
18 which are related by common ownership or corporate affiliation;

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

21 (4) "repairs" means maintenance of and repairs to motor
22 vehicles performed by a motor vehicle repair shop but excluding

23 (A) repairing or changing tires;

24 (B) lubricating vehicles;

25 (C) installing light bulbs, batteries, windshield
26 wiper blades, and other minor accessories;

27 (D) cleaning, adjusting and replacing spark plugs;

28 (E) replacing fan belts, oil and air filters;

29 (F) other minor services which the state consumer pro-

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tection section by regulation determines are customarily performed
by motor vehicle repair shops and do not

- (i) require mechanical expertise,
- (ii) give rise to a high incidence of fraud or
deceptive practices, or
- (iii) involve a part of the vehicle essential to its
safe operation.

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

(23) failing to comply with AS 45.45.130 - 45.45.170.

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