



# LAWS OF ALASKA

1976

Source

Chapter No.

HCSSSB 647

146

## AN ACT

Regulating motor vehicle repairs; and providing for an effective date.

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

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

#### ARTICLE 4. REGULATION OF MOTOR VEHICLE REPAIRS.

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

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

Sec. 45.45.150. NOTICE TO CUSTOMER. The shop shall post a conspicuously located and easily readable sign which states:

"YOU ARE ENTITLED TO A PRICE ESTIMATE FOR THE REPAIRS YOU AUTHORIZE IF YOU REQUEST THE ESTIMATE BEFORE THE REPAIRS ARE BEGUN. THIS PRICE ESTIMATE WILL

NOT BE EXCEEDED IF THE MOTOR VEHICLE IS DELIVERED TO THE SHOP WITHIN FIVE DAYS. AFTER THE MOTOR VEHICLE IS DELIVERED TO THE SHOP THE REPAIR PRICE MAY BE LESS THAN THE ESTIMATE BUT WILL NOT EXCEED THE ESTIMATE WITHOUT YOUR PERMISSION. YOUR SIGNATURE ON THE REPAIR ORDER WILL INDICATE YOUR AUTHORIZATION OF REPAIRS AT THE PRICE ESTIMATED.

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

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

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

(b) Before undertaking repairs other than those previously authorized by the customer, the shop shall call the customer and provide him with a description of the proposed additional repairs, together with a good faith estimate of the price for the repairs. The shop may not then undertake the additional repairs until it receives the customer's written or oral authorization to do so.

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

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

Sec. 45.45.180. RETURN OF PARTS. Parts from a customer's motor vehicle which are replaced by the shop shall

be returned to the customer if they are requested by the customer at the time the repair order is taken. However, parts which must be returned to the manufacturer because of a warranty or exchange agreement need not be returned to the customer upon request but shall instead be made available for the customer's inspection when the customer retakes possession of his motor vehicle.

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

Sec. 45.45.200. PROHIBITED PRACTICES. (a) No shop may misrepresent, directly or by implication,

- (1) the cost of repairs authorized by the customer;
- (2) the terms or conditions of a warranty or service agreement;
- (3) that repairs are necessary;
- (4) that repairs have been made; or
- (5) that the motor vehicle is in a dangerous condition, or that the customer's continued use of the motor vehicle will be hazardous to persons or harmful to the motor vehicle.

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

- (1) repairs not authorized either orally or in writing by the customer;
- (2) repairs which the shop knew or reasonably ought to have known to be unnecessary; or
- (3) repairs which have not been made.

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

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

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

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

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

Sec. 45.45.220. RECORDS. A shop shall maintain repair records and invoices for parts purchased by the shop. The records shall be available for reasonable inspection by the attorney general or other persons acting at his request and shall be retained for at least two years.

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

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

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

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

(A) a shop engaged solely in the business of repairing the motor vehicles of a single commercial, industrial or governmental establishment, or of two or more of these establishments which are related by common ownership or corporation affiliation;

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

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

\* 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.