



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2104

Introduced 2/15/2019, by Sen. Thomas Cullerton

SYNOPSIS AS INTRODUCED:

215 ILCS 5/155.29	from Ch. 73, par. 767.29
815 ILCS 308/15	
815 ILCS 505/2M	from Ch. 121 1/2, par. 262M
815 ILCS 505/2Z	from Ch. 121 1/2, par. 262Z

Amends the Illinois Insurance Code. Provides that no vehicle repair facility or installer may use repair specifications or procedures that are not in compliance with the original equipment manufacturer for those parts. Amends the Automotive Collision Repair Act. Provides that no vehicle repair estimate may include the use of non-original equipment manufacturer aftermarket crash parts unless authorized by the customer in writing. Provides specifications of what estimates should include. Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that no person engaged in the business of performing services on merchandise shall advertise such services as factory authorized services unless, among other requirements, such services are repairs performed pursuant to original equipment manufacturer specifications subject to the Illinois Automotive Collision Repair Act. Provides that a violation of a Section in the Insurance Code concerning the regulation of the use of aftermarket crash parts constitutes an unlawful practice under the Act.

LRB101 09864 RAB 54966 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Insurance Code is amended by
5 changing Section 155.29 as follows:

6 (215 ILCS 5/155.29) (from Ch. 73, par. 767.29)

7 Sec. 155.29. (a) Purpose. The purpose of this Section is to
8 regulate the use of aftermarket crash parts by requiring
9 disclosure when any use of an aftermarket non-original
10 equipment manufacturer's crash part is proposed and by
11 requiring that the manufacturers of such aftermarket crash
12 parts be identified.

13 (b) Definitions. As used in this Section the following
14 terms have the following meanings:

15 "Aftermarket crash part" means a replacement for any of the
16 nonmechanical sheet metal or plastic parts that generally
17 constitute the exterior of a motor vehicle, including inner and
18 outer panels.

19 "Non-original equipment manufacturer (Non-OEM) aftermarket
20 crash part" means an aftermarket crash part not made for or by
21 the manufacturer of the motor vehicle.

22 "Repair facility" means any motor vehicle dealer, garage,
23 body shop, or other commercial entity that undertakes the

1 repair or replacement of those parts that generally constitute
2 the exterior of a motor vehicle.

3 "Installer" means an individual who actually does the work
4 of replacing or repairing parts of a motor vehicle.

5 (c) Identification. Any aftermarket crash part supplied by
6 a non-original equipment manufacturer for use in this State
7 after the effective date of this Act shall have affixed thereto
8 or inscribed thereon the logo or name of its manufacturer. The
9 manufacturer's logo or name shall be visible after installation
10 whenever practicable.

11 (d) Disclosure. No insurer shall specify the use of non-OEM
12 aftermarket crash parts in the repair of an insured's motor
13 vehicle, nor shall any repair facility or installer use non-OEM
14 aftermarket crash parts to repair a vehicle unless the customer
15 is advised of that fact in writing. In all instances where an
16 insurer intends that non-OEM aftermarket crash parts be used in
17 the repair of a motor vehicle, the insurer shall provide the
18 customer with the following information:

19 (1) a written estimate that clearly identifies each
20 non-OEM aftermarket crash part; and

21 (2) a disclosure settlement incorporated into or
22 attached to the estimate that reads as follows: "This
23 estimate has been prepared based on the use of crash parts
24 supplied by a source other than the manufacturer of your
25 motor vehicle. Warranties applicable to these replacement
26 parts are provided by the manufacturer or distributor of

1 these parts rather than the manufacturer of your vehicle."

2 (e) Procedures. No repair facility or installer may use
3 repair specifications or procedures that are not in compliance
4 with the original equipment manufacturer for those parts.

5 (Source: P.A. 86-1234; 86-1475.)

6 Section 10. The Automotive Collision Repair Act is amended
7 by changing Section 15 as follows:

8 (815 ILCS 308/15)

9 Sec. 15. Disclosure to consumers; estimates.

10 (a) No work for compensation that exceeds \$100 shall be
11 commenced without specific authorization from the consumer
12 after the disclosure set forth in this Section.

13 (b) Every motor vehicle collision repair facility shall
14 either (i) give to each consumer a written estimated price for
15 labor and parts for a specific repair and shall not charge for
16 work done or parts supplied in an amount that exceeds the
17 estimate by more than 10% without oral or written consent from
18 the consumer; or (ii) give to each consumer a written price
19 limit for each specific repair and shall not exceed that limit
20 without oral or written consent of the consumer. The estimate
21 shall include the total costs to repair the motor vehicle.

22 Estimates shall include all charges to be paid by the
23 consumer to complete the repair, including any charges for
24 estimates, diagnostics, storage, and administrative fees.

1 (c) Motor vehicle collision repair facilities shall
2 describe in the estimate the major parts needed to effectuate
3 the repair and shall designate the parts as either new parts,
4 used parts, rebuilt or reconditioned parts, or aftermarket
5 parts as set forth in Section 10 of this Act.

6 (d) Estimates shall indicate that the collision repair
7 facility may use a combination of industry standard flat rate
8 (time) manuals, actual time, or condition of the motor vehicle
9 to determine labor costs. This disclosure mandate may also be
10 fulfilled by means of a sign that provides the same information
11 to the consumer. The sign shall be posted at a location that
12 can be easily viewed by the consumer.

13 (e) If it is necessary to disassemble or partially
14 disassemble a motor vehicle or motor vehicle component in order
15 to provide the consumer a written estimate for required
16 repairs, the estimate shall show the cost of any disassembly if
17 the consumer elects not to proceed with the repair of the motor
18 vehicle.

19 (f) The estimate shall include the date the estimate was
20 prepared or the date the motor vehicle was presented to the
21 collision repair facility for repair and the odometer reading
22 on the motor vehicle at the time the motor vehicle was left
23 with the collision repair facility.

24 (g) No estimate may include the use of a non-original
25 equipment manufacturer aftermarket crash parts unless
26 authorized by the customer in writing.

1 (h) The estimate shall include the use of repair
2 specifications by the original equipment manufacturer for
3 those parts, and no repair facility or installer may use repair
4 specifications or procedures that are not in compliance with
5 the original equipment manufacturer for those parts.

6 (Source: P.A. 93-565, eff. 1-1-04.)

7 Section 15. The Consumer Fraud and Deceptive Business
8 Practices Act is amended by changing Sections 2M and 2Z as
9 follows:

10 (815 ILCS 505/2M) (from Ch. 121 1/2, par. 262M)

11 Sec. 2M.

12 No person engaged in the business of performing services on
13 merchandise shall advertise such services as factory
14 authorized services unless such services are performed by
15 factory authorized personnel, or in the case of repairs subject
16 to the Illinois Automotive Collision Repair Act, performed
17 pursuant to original equipment manufacturer specifications.

18 Any person so advertising shall, upon request, supply proof of
19 such authorization through manufacturer certification. Any
20 person who violates this Section commits an unlawful practice
21 within the meaning of this Act, and in addition to relief
22 available under Section 7 of this Act, may be prosecuted for
23 the commission of a Class C misdemeanor.

24 (Source: P.A. 78-589.)

1 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

2 Sec. 2Z. Violations of other Acts. Any person who knowingly
3 violates the Automotive Repair Act, the Automotive Collision
4 Repair Act, Section 155.29 of the Illinois Insurance Code, the
5 Home Repair and Remodeling Act, the Dance Studio Act, the
6 Physical Fitness Services Act, the Hearing Instrument Consumer
7 Protection Act, the Illinois Union Label Act, the Installment
8 Sales Contract Act, the Job Referral and Job Listing Services
9 Consumer Protection Act, the Travel Promotion Consumer
10 Protection Act, the Credit Services Organizations Act, the
11 Automatic Telephone Dialers Act, the Pay-Per-Call Services
12 Consumer Protection Act, the Telephone Solicitations Act, the
13 Illinois Funeral or Burial Funds Act, the Cemetery Oversight
14 Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the
15 Illinois Pre-Need Cemetery Sales Act, the High Risk Home Loan
16 Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud Act,
17 subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act,
18 subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax
19 Act, the Electronic Mail Act, the Internet Caller
20 Identification Act, paragraph (6) of subsection (k) of Section
21 6-305 of the Illinois Vehicle Code, Section 11-1431, 18d-115,
22 18d-120, 18d-125, 18d-135, 18d-150, or 18d-153 of the Illinois
23 Vehicle Code, Article 3 of the Residential Real Property
24 Disclosure Act, the Automatic Contract Renewal Act, the Reverse
25 Mortgage Act, Section 25 of the Youth Mental Health Protection

1 Act, the Personal Information Protection Act, or the Student
2 Online Personal Protection Act commits an unlawful practice
3 within the meaning of this Act.

4 (Source: P.A. 99-331, eff. 1-1-16; 99-411, eff. 1-1-16; 99-642,
5 eff. 7-28-16; 100-315, eff. 8-24-17; 100-416, eff. 1-1-18;
6 100-863, eff. 8-14-18.)