



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3406

by Rep. Stephanie A. Kifowit

#### SYNOPSIS AS INTRODUCED:

215 ILCS 5/155.29

from Ch. 73, par. 767.29

Amends provisions of the Illinois Insurance Code requiring notice to the customer of the use of a non-original equipment manufacturer aftermarket crash part in a motor vehicle repair and requiring the identification of the manufacturer of a non-original equipment manufacturer aftermarket crash part. Changes the term "aftermarket crash part" to "aftermarket part" and redefines that term to include exterior or interior (instead of only exterior) nonmechanical sheet metal or plastic parts.

LRB099 10241 JLS 30467 b

1 AN ACT concerning insurance.

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 or interior of a motor vehicle,  
18 including inner and 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 or interior 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           (Source: P.A. 86-1234; 86-1475.)