



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4916

Introduced 2/18/2020, by Rep. Elizabeth Hernandez

SYNOPSIS AS INTRODUCED:

215 ILCS 5/155.29
815 ILCS 308/15

from Ch. 73, par. 767.29

Amends the Illinois Insurance Code. Provides that no insurer shall specify the use of repair procedures that are not in compliance with original equipment manufacturer directives for those parts in the repair of an insured's motor vehicle, nor shall any repair facility or installer use repair procedures that are not in compliance with original equipment manufacturer directives for those parts to repair a vehicle. Provides that the use of original equipment manufacturer repair parts or original equipment manufacturer advanced driver assistance system calibration tools that may be recommended in an original equipment manufacturer directive are not required if the repair parts or tools used are at least equal in like kind and quality and otherwise conform to original equipment manufacturer directives. Amends the Automotive Collision Repair Act. Provides that an estimate given to a consumer by a motor vehicle collision repair facility shall include the use of repair procedures and replacement parts that are in compliance with original equipment manufacturer directives for those parts. Provides that the use of original equipment manufacturer repair parts or original equipment manufacturer advanced driver assistance system calibration tools that may be recommended in an original equipment manufacturer directive are not required if the repair parts or tools used are at least equal in quality and otherwise conform to original equipment manufacturer directives.

LRB101 18283 BMS 67729 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 insurer shall specify the use of repair
3 procedures that are not in compliance with original equipment
4 manufacturer directives for those parts in the repair of an
5 insured's motor vehicle, nor shall any repair facility or
6 installer use repair procedures that are not in compliance with
7 original equipment manufacturer directives for those parts to
8 repair a vehicle. However, this subsection does not require the
9 use of original equipment manufacturer repair parts or original
10 equipment manufacturer advanced driver assistance system
11 calibration tools that may be recommended in an original
12 equipment manufacturer directive if the repair parts or
13 calibration tools used are at least equal in like kind and
14 quality and otherwise conform to original equipment
15 manufacturer directives.

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

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

19 (815 ILCS 308/15)

20 Sec. 15. Disclosure to consumers; estimates.

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

24 (b) Every motor vehicle collision repair facility shall

1 either (i) give to each consumer a written estimated price for
2 labor and parts for a specific repair and shall not charge for
3 work done or parts supplied in an amount that exceeds the
4 estimate by more than 10% without oral or written consent from
5 the consumer; or (ii) give to each consumer a written price
6 limit for each specific repair and shall not exceed that limit
7 without oral or written consent of the consumer. The estimate
8 shall include the total costs to repair the motor vehicle.

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

12 (c) Motor vehicle collision repair facilities shall
13 describe in the estimate the major parts needed to effectuate
14 the repair and shall designate the parts as either new parts,
15 used parts, rebuilt or reconditioned parts, or aftermarket
16 parts as set forth in Section 10 of this Act.

17 (d) Estimates shall indicate that the collision repair
18 facility may use a combination of industry standard flat rate
19 (time) manuals, actual time, or condition of the motor vehicle
20 to determine labor costs. This disclosure mandate may also be
21 fulfilled by means of a sign that provides the same information
22 to the consumer. The sign shall be posted at a location that
23 can be easily viewed by the consumer.

24 (e) If it is necessary to disassemble or partially
25 disassemble a motor vehicle or motor vehicle component in order
26 to provide the consumer a written estimate for required

1 repairs, the estimate shall show the cost of any disassembly if
2 the consumer elects not to proceed with the repair of the motor
3 vehicle.

4 (f) The estimate shall include the date the estimate was
5 prepared or the date the motor vehicle was presented to the
6 collision repair facility for repair and the odometer reading
7 on the motor vehicle at the time the motor vehicle was left
8 with the collision repair facility.

9 (g) The estimate shall include the use of repair procedures
10 and replacement parts that are in compliance with original
11 equipment manufacturer directives for those parts. However,
12 this subsection does not require the use of original equipment
13 manufacturer repair parts or original equipment manufacturer
14 advanced driver assistance system calibration tools that may be
15 recommended in an original equipment manufacturer directive if
16 the repair parts or calibration tools used are at least equal
17 in like kind and quality and otherwise conform to original
18 equipment manufacturer directives.

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