



Sen. Thomas Cullerton

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LRB100 19768 JLS 39599 a

1 AMENDMENT TO SENATE BILL 2953

2 AMENDMENT NO. _____. Amend Senate Bill 2953, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

7 (215 ILCS 5/155.29) (from Ch. 73, par. 767.29)

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

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

16 "Aftermarket crash part" means a replacement for any of the

1 nonmechanical sheet metal or plastic parts that generally
2 constitute the exterior of a motor vehicle, including inner and
3 outer panels.

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

7 "Repair facility" means any motor vehicle dealer, garage,
8 body shop, or other commercial entity that undertakes the
9 repair or replacement of those parts that generally constitute
10 the exterior of a motor vehicle.

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

13 (c) Identification. Any aftermarket crash part supplied by
14 a non-original equipment manufacturer for use in this State
15 after the effective date of this Act shall have affixed thereto
16 or inscribed thereon the logo or name of its manufacturer. The
17 manufacturer's logo or name shall be visible after installation
18 whenever practicable.

19 (d) Disclosure. No insurer shall specify the use of non-OEM
20 aftermarket crash parts in the repair of an insured's motor
21 vehicle, nor shall any repair facility or installer use non-OEM
22 aftermarket crash parts to repair a vehicle unless the customer
23 is advised of that fact in writing. In all instances where an
24 insurer intends that non-OEM aftermarket crash parts be used in
25 the repair of a motor vehicle, the insurer shall provide the
26 customer with the following information:

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

3 (2) a disclosure settlement incorporated into or
4 attached to the estimate that reads as follows: "This
5 estimate has been prepared based on the use of crash parts
6 supplied by a source other than the manufacturer of your
7 motor vehicle. Warranties applicable to these replacement
8 parts are provided by the manufacturer or distributor of
9 these parts rather than the manufacturer of your vehicle."

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

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

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

16 (815 ILCS 308/15)

17 Sec. 15. Disclosure to consumers; estimates.

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

21 (b) Every motor vehicle collision repair facility shall
22 either (i) give to each consumer a written estimated price for
23 labor and parts for a specific repair and shall not charge for
24 work done or parts supplied in an amount that exceeds the

1 estimate by more than 10% without oral or written consent from
2 the consumer; or (ii) give to each consumer a written price
3 limit for each specific repair and shall not exceed that limit
4 without oral or written consent of the consumer. The estimate
5 shall include the total costs to repair the motor vehicle.

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

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

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

21 (e) If it is necessary to disassemble or partially
22 disassemble a motor vehicle or motor vehicle component in order
23 to provide the consumer a written estimate for required
24 repairs, the estimate shall show the cost of any disassembly if
25 the consumer elects not to proceed with the repair of the motor
26 vehicle.

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

6 (g) No estimate may include the use of a non-original
7 equipment manufacturer aftermarket crash parts unless
8 authorized by the customer in writing. This subsection applies
9 only to automobiles that are less than 48 months beyond the
10 date of manufacture.

11 (h) The estimate shall include the use of repair
12 specifications by the original equipment manufacturer for
13 those parts, and no repair facility or installer may use repair
14 specifications or procedures that are not in compliance with
15 the original equipment manufacturer for those parts.

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