



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4555

Introduced 5/13/2009, by Rep. JoAnn D. Osmond

SYNOPSIS AS INTRODUCED:

815 ILCS 308/15
815 ILCS 308/75

Amends the Automotive Collision Repair Act. Provides that motor vehicle collision repair facilities shall disclose in their estimates to consumers the possible use of an estimating system, in addition to other industry standards, when determining labor costs and repair procedures (rather than labor costs only). Prohibits repairers from allowing a party who is outside the contract of repair to influence or mandate the method of estimating labor costs or repair procedures. Adds language providing that a knowing violation of the Act constitutes a violation of the Consumer Fraud and Deceptive Business Practices Act. Deletes provisions providing that a persistent practice or pattern of conduct at a single location in violation of the Act constitutes a violation of the Consumer Fraud and Deceptive Business Practices Act. Provides that all remedies, penalties, and authority available to the Attorney General and the several State's Attorneys for the enforcement of the Consumer Fraud and Deceptive Business Practices Act shall be available and apply to all conduct in violation of the Automotive Collision Repair Act (rather than to conduct that is knowing, persistent, or indicates a pattern).

LRB096 12731 KTG 26433 b

1 AN ACT concerning business.

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

4 Section 5. The Automotive Collision Repair Act is amended
5 by changing Sections 15 and 75 as follows:

6 (815 ILCS 308/15)

7 Sec. 15. Disclosure to consumers; estimates.

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

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

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

23 (c) Motor vehicle collision repair facilities shall

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

5 (d) Estimates shall indicate that the collision repair
6 facility may use a combination of industry standard flat rate
7 (time) manuals, actual time, estimating system, or condition of
8 the motor vehicle to determine labor costs or repair
9 procedures. No repairer shall allow a party who is outside the
10 contract of repair to influence or mandate the method of
11 estimating to determine labor costs or repair procedures. This
12 disclosure mandate may also be fulfilled by means of a sign
13 that provides the same information to the consumer. The sign
14 shall be posted at a location that can be easily viewed by the
15 consumer.

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

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

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

2 (815 ILCS 308/75)

3 Sec. 75. Violations. Whenever an automotive collision
4 repair facility is knowingly engaged in an unlawful act or
5 practice as outlined in this Act, the unlawful act or practice
6 is ~~or has knowingly engaged in a persistent practice or pattern~~
7 ~~of conduct at a single location that violates this Act, that,~~
8 ~~knowingly, persistent practice or pattern of conduct shall be~~
9 deemed an unlawful act or practice under the Consumer Fraud and
10 Deceptive Business Practices Act. All ~~In the case of knowing,~~
11 ~~persistent practice, or pattern of conduct, all~~ remedies,
12 penalties, and authority available to the Attorney General and
13 the several State's Attorneys under the Consumer Fraud and
14 Deceptive Business Practices Act for the enforcement of that
15 Act shall be available for the enforcement of this Act.

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